

Washington State Register

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IN THIS ISSUE

Agriculture, Department of
Attorney General's Office
Bellingham Technical College
Clark College
Clemency and Pardons Board
Community and Technical Colleges,
State Board for
Community, Trade and Economic
Development, Department of
Conservation Commission
Ecology, Department of
Education, State Board of
Financial Management, Office of
Fish and Wildlife, Department of
Forest Practices Board
General Administration, Department of
Governor, Office of the
Health, Department of
Housing Finance Commission

Insurance Commissioner's Office
Labor and Industries, Department of
Licensing, Department of
Marine Safety, Office of
Personnel Resources Board
Pilotage Commissioners, Board of
Public Disclosure Commission
Real Estate Commission
Revenue, Department of
Seattle Community Colleges
Skagit Valley College
Social and Health Services, Department of
University of Washington
Washington State Library
Washington State Patrol
Washington State University
Yakima Valley Community College

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than May 7, 1997

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) 753-7470.

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of May 1997 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

WASHINGTON STATE REGISTER

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Olympia, WA 98504-0552

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

Mary F. Gallagher Dilley
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Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six 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) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **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.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **INDEX**-includes a combined subject matter and agency index.

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. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

1996 - 1997

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
96-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
96-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
96-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
96-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18, 1996	Jan 7, 1997
97-01	Nov 21	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 22
97-02	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 15	Feb 4
97-03	Dec 26, 1996	Jan 8, 1997	Jan 22	Feb 5	Feb 25
97-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
97-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
97-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
97-07	Feb 19	Mar 5	Mar 19	Apr 2	Apr 22
97-08	Mar 5	Mar 19	Apr 2	Apr 16	May 6
97-09	Mar 26	Apr 9	Apr 23	May 7	May 27
97-10	Apr 9	Apr 23	May 7	May 21	Jun 10
97-11	Apr 23	May 7	May 21	Jun 4	Jun 24
97-12	May 7	May 21	Jun 4	Jun 18	Jul 8
97-13	May 21	Jun 4	Jun 18	Jul 2	Jul 22
97-14	Jun 4	Jun 18	Jul 2	Jul 16	Aug 5
97-15	Jun 25	Jul 9	Jul 23	Aug 6	Aug 26
97-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9
97-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23
97-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7
97-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998

¹All 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.

²A 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.

³At 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.

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;

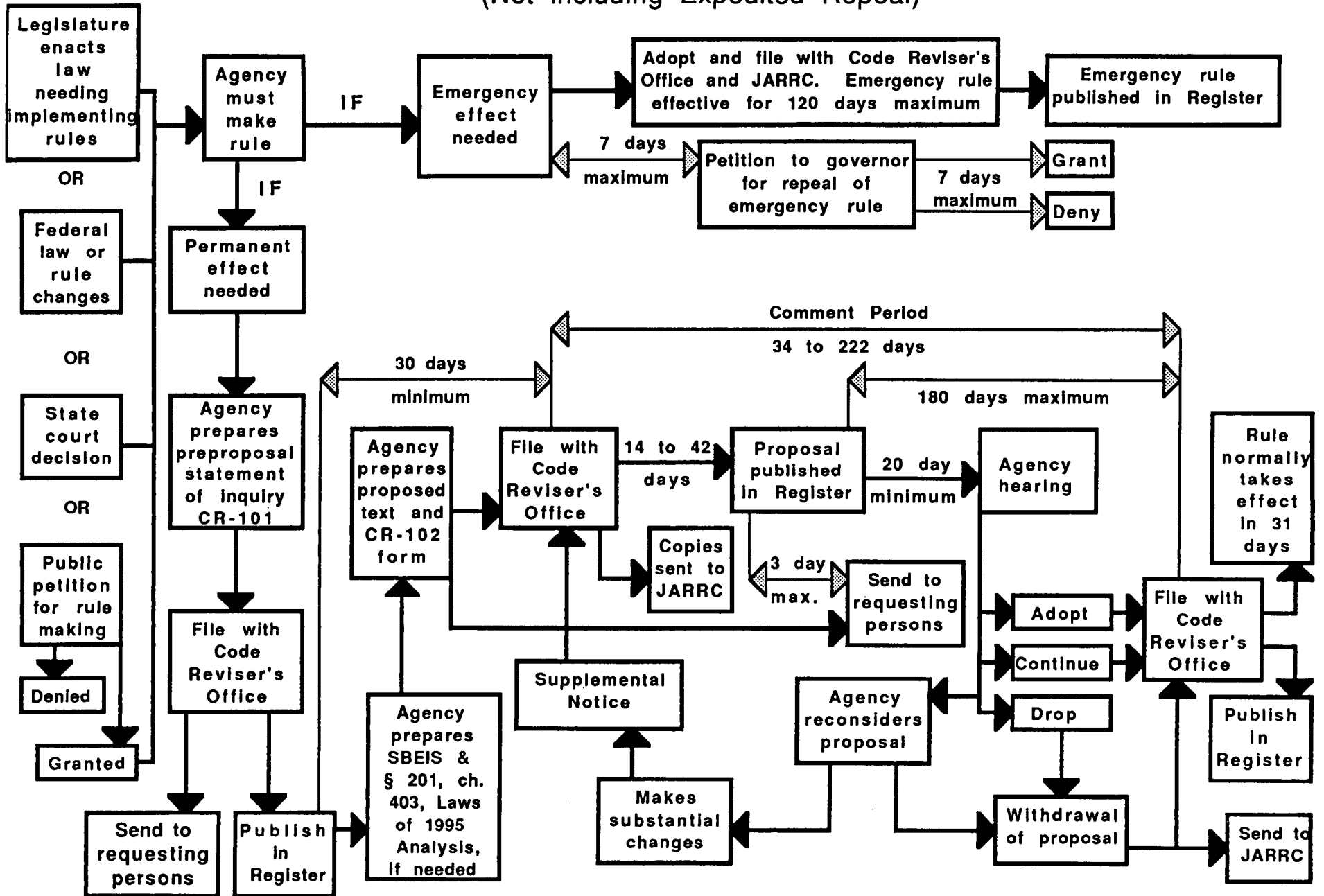
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

(Not including Expedited Repeal)



WSR 97-10-006**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed April 25, 1997, 3:53 p.m.]

Subject of Possible Rule Making: Amendment to WAC 180-78A-010 Definition of terms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010 and 28A.305.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The definition of "impact on student learning" will be clarified as it applies to private schools.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

April 25, 1997
Larry Davis
Executive Director

WSR 97-10-007**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed April 25, 1997, 3:54 p.m.]

Subject of Possible Rule Making: Proposed new section to chapter 180-78A WAC which would set forth conditions for the internship for school psychologists.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010 and 28A.305.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The internship required for approval of a school psychologist preparation program will be updated and brought into alignment with the standards of the National Association of School Psychologists.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

April 25, 1997

Larry Davis
Executive Director**WSR 97-10-008****PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed April 25, 1997, 3:55 p.m.]

Subject of Possible Rule Making: Amendment to WAC 180-16-236 Assignment of educational staff associates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(4) and 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment would provide a process for exceptions in assignments of educational staff associates.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

April 25, 1997
Larry Davis
Executive Director

WSR 97-10-009**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed April 25, 1997, 3:56 p.m.]

Subject of Possible Rule Making: Amendments to WAC 180-79A-230 Limited certificates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment would allow an individual who qualifies for certification in Washington under reciprocity based on certification and experience to also qualify for a substitute certificate.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before

publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

April 25, 1997
Larry Davis
Executive Director

WSR 97-10-010
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 25, 1997, 3:57 p.m.]

Subject of Possible Rule Making: Amendment to chapter 180-97 WAC, Excellence in teacher preparation award.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.625.360.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment would alter the process for selecting the recipients of the award.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

April 25, 1997
Larry Davis
Executive Director

WSR 97-10-011
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 25, 1997, 3:58 p.m.]

Subject of Possible Rule Making: Chapter 180-85 WAC, Professional certification—Continuing education requirement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed amendments would change the process for maintaining a continuing certificate.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

April 25, 1997
Larry Davis
Executive Director

WSR 97-10-012
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 25, 1997, 3:59 p.m.]

Subject of Possible Rule Making: Amendments would be made to rules governing the advisory councils for professional standards for educators.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The duties and deadline dates need to be amended.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

April 25, 1997
Larry Davis
Executive Director

WSR 97-10-013
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 25, 1997, 4:00 p.m.]

Subject of Possible Rule Making: Various sections of chapter 180-78A WAC, Approval standards for performance-based preparation programs for teachers, administrators, and educational staff associates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010 and 28A.305.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Editorial changes are needed to this chapter for greater accuracy and clarity.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

April 25, 1997
Larry Davis
Executive Director

WSR 97-10-014
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 25, 1997, 4:01 p.m.]

Subject of Possible Rule Making: Various sections of chapter 180-16 WAC, State support of public schools.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(4) and 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Editorial changes are needed to this chapter for greater accuracy and clarity.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

April 25, 1997
Larry Davis
Executive Director

WSR 97-10-015
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 25, 1997, 4:02 p.m.]

Subject of Possible Rule Making: Various sections of chapter 180-79A WAC, Standards for teacher, administrator, and educational staff associate certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Editorial changes are needed to this chapter for accuracy and clarity.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

April 25, 1997
Larry Davis
Executive Director

WSR 97-10-016
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 25, 1997, 4:03 p.m.]

Subject of Possible Rule Making: Various sections of chapter 180-77 WAC, Standards for vocational certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Editorial changes are needed to this chapter for greater accuracy and clarity.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

April 25, 1997
Larry Davis
Executive Director

WSR 97-10-025
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 30, 1997, 10:40 a.m.]

Subject of Possible Rule Making: Revision of WAC 180-87-070.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Change need for superintendents to self report instances where certificated employees have allowed certificates to lapse.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

April 29, 1997
Larry Davis
Executive Director

WSR 97-10-028
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 30, 1997, 3:02 p.m.]

Subject of Possible Rule Making: Migratory game birds and trapping seasons; hunting regulations and boundaries; private lands wildlife management areas; hunting auctions and raffles; permit hunts; game reserves; hunting hours; big game tagging; landowner damage; and nontoxic shot pertaining to migratory game birds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.020, 77.12.030, 77.12.040, and 77.32.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recreational opportunity.

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 Dave Britnell, Assistant Director, Wildlife Management, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by June 15, 1997, rule proposal filing expected to be July 1997.

April 30, 1997
Evan Jacoby
Rules Coordinator

WSR 97-10-033
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed April 30, 1997, 3:52 p.m.]

Subject of Possible Rule Making: Sales requiring prescriptions—Ephedrine restrictions. This rule identifies ephedrine as a legend drug. The rule also provides a listing of ephedrine-combination products that have obtained an exemption to be sold over-the-counter. Manufacturers of legitimate ephedrine-combination products can obtain an exemption from prescription only status by submitting a request and supporting documentation to the board. The proposed amendment updates the listing by removing products that are no longer distributed in Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule is necessary to curtail the illicit sale of ephedrine products in the state of Washington. In addition to the abuse of ephedrine, ephedrine is being used in the illicit production of methamphetamines. The proposed changes will update the listing of products that have received an exemption from the prescription only status and can be sold over-the-counter. Several of the products contained within the listing are no longer manufactured. Distributors of over-the-counter medications and law enforcement agencies rely on the listing of products to determine the prescription status of a product.

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, the board will send written notification of the board's intent to amend rule to all manufacturers of ephedrine-combination products sold in Washington state. In addition, the proposed rule amendment will be discussed at public meetings and with law enforcement agencies.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Salmi, P.O. Box 47863, Olympia, WA 98504, (360) 753-6834, FAX (360) 586-4359. The board will hold public meetings to receive comment on proposed rule amendment.

April 21, 1997
Donald H. Williams
Executive Director

WSR 97-10-034
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed April 30, 1997, 4:23 p.m.]

Subject of Possible Rule Making: Amending WAC 388-507-0740 Special situations, to add situations when a client is eligible for Medicaid and is not eligible for temporary assistance to needy families (TANF).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.08.090, 74.09.500, 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Public Law 104-193 provides block grants to states to administer a program called TANF. Medicaid is not part of the block grant. Medicaid continues to be an entitlement program under Title XIX. Rules are needed to assure clients continue to be eligible under certain situations that differ from the block grant program.

Process for Developing New Rule: Rules will be drafted and circulated. Comments received will be reviewed and incorporated as appropriate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bobbe J. Andersen, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-0529, FAX (360) 753-7315, TDD 1-800-848-5429.

April 30, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-10-071
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 6, 1997, 10:40 a.m.]

Subject of Possible Rule Making: Chapter 296-54 WAC, Safety standards for logging operations.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: At the request of the logging industry, the department will be developing proposed amendments to the logging standard. The amendments will reflect current industry needs, new technology, and information specific to logging in the state of Washington not addressed by existing federal or state standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Other regulating agencies are OSHA, United States Forest Service, United States Department of Agriculture, Washington State Department of Agriculture, and Washington State Department of Natural Resources. Prior to adopting any proposed amendments, OSHA will have item-by-item input and evaluation and the other listed agencies will be participating members of the industry advisory committee.

Process for Developing New Rule: The department has formed an industry advisory committee representing a broad spectrum of affected stakeholders. Current membership includes three labor organizations, the State Labor Council, large and small employers, trade associations, equipment manufacturers, and other government agencies. Other industry experts will be invited to make presentations to the advisory council. Interested parties may submit comments concerning specific issues or the development process being used by contacting the project manager, Merle Larson, at the address listed below. The public may also participate by

giving written and oral testimony on the developed proposal at a public hearing which will be announced at a future date.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Merle Larson, Project Manager, Department of Labor and Industries, Consultation and Compliance Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5519, FAX (360) 902-5529.

May 6, 1997

Gary Moore
Director

WSR 97-10-076
PREPROPOSAL STATEMENT OF INTENT
YAKIMA VALLEY
COMMUNITY COLLEGE

[Filed May 6, 1997, 11:37 a.m.]

Specific Statutory Authority for New Rule: RCW 28B.50.140.

Reasons Why the New Rule is Needed: Chapter 132P-116 WAC is outdated and needs to be updated.

Goals of New Rule: To clarify current rules.

Process for Developing New Rule: Agency study.

Interested parties can participate in formulation of the new rule by contacting Ms. Karen Judge, Vice-President for Administrative Services, Yakima Valley Community College, P.O. Box 1647, Yakima, WA 98907-1647, (509) 574-4667, e-mail kjudge@ctc.edu. A public meeting will be held.

May 5, 1997

Suzanne West
Assistant to the President

WSR 97-10-077
PREPROPOSAL STATEMENT OF INQUIRY
UNIVERSITY OF WASHINGTON

[Filed May 6, 1997, 11:38 a.m.]

Subject of Possible Rule Making: Chapter 478-136 WAC, Use of University of Washington facilities.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These proposed rule changes are to the existing rules governing the use of University of Washington facilities. Rules exist to ensure that all facilities operated by the University of Washington are reserved primarily for educational use or recreational activities related to it. University of Washington facilities may be used for other activities, as long as the primary function the facility was intended to serve is protected. These rules establish policies that regulate the use of facilities by non-University of Washington individuals and organizations and by university units when members of the general public are invited to use facilities.

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 sending written comments or inquiries to Rebecca Goodwin Deardorff, Administrative Procedures Officer, via United States mail to University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203; via e-mail to adminpro@u.washington.edu; or via FAX to (206) 543-0786.

May 5, 1997
Rebecca Goodwin Deardorff
Administrative Procedures Officer

WSR 97-10-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
GENERAL ADMINISTRATION
[Filed May 7, 1997, 10:06 a.m.]

Subject of Possible Rule Making: Establishing a process to guide the design and approval of proposals for monuments and memorials on state land in the capitol region.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.34 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The process is being proposed to reduce stress and confusion experienced by organizations wanting to place a memorial or monument on state land in the capitol region, by offering a structure that can provide advice, guidance, and feedback to any individual, entity, or agency proposing a commemorative work. The process will assist proposers in understanding the history of the capitol campus and identifying functional and aesthetic issues, and provide insight to how characteristics of a proposal might be received and evaluated by the state entities responsible for the state capitol campus.

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 rule amendment will be formulated and adopted after a period of public participation including opportunities for both oral and written comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate in the decision to adopt this amendment and formulation of the proposed amendments before publication. Comments and letters of interest may be sent by mail or facsimile to Fred W. King, P.O. Box 41012, Olympia, WA 98504-1012, e-mail to fwking@ga.wa.gov, FAX to (360) 753-2848.

May 7, 1997
Marygrace Jennings
Rules Coordinator

WSR 97-10-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Order 97-09—Filed May 7, 1997, 10:49 a.m.]

Subject of Possible Rule Making: Model Toxics Control Act; the cleanup of hazardous waste sites.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.105D RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A rule revision is needed to carry out the recommendations of the Policy Advisory Committee. The 1995 legislature adopted ESHB 1810 which directed ecology to establish the committee and required the committee to provide advice to the legislature and ecology regarding improvements to existing rules. The changes recommended by the Policy Advisory Committee will create a more effective rule that is protective of human health and the environment.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal law (Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9601 et. seq., as amended by the Superfund Amendments and Reauthorization Act of 1986) regulates the cleanup standards for sites in the Superfund program. Chapter 70.105D RCW provides ecology with the authority to establish cleanup standards at least as stringent as the federal cleanup standards, laws and health-based standards.

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. The process by which interested persons can participate in the rule-making procedures includes:

(1) Submitting written comments on the subject of rule making and potential environmental impacts to Trish Akana, Department of Ecology, Toxics Cleanup Program, P.O. Box 47600, Olympia, WA 98504-7600. The cutoff date for written comments is June 4, 1997; (2) contacting Trish Akana, Department of Ecology, with inquiries on the negotiated rule process at (360) 407-7230 or by electronic mail taka461@ecy.wa.gov or by FAX (360) 407-7154; or (3) attending external advisory workshop meeting set for June 10 and September 10 at locations to be announced.

May 5, 1997
Dan Silver
Deputy Director

WSR 97-10-093
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Filed May 7, 1997, 10:53 a.m.]

Subject of Possible Rule Making: Revise chapter 173-160 WAC, Minimum standards for construction and maintenance of wells and chapter 173-162 WAC, Rules and regulations governing the regulation and licensing of well contractors and operators.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.104 RCW, Water Well Construction Act (1971).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology has been directed by the legislature to revise the existing well construction and licensing rules. The revisions will integrate changes to chapter 18.104 RCW into the rules, improve organization, address driller's concerns, and enhance public health and safety.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Department of Health, through their wellhead protection program, does regulate well siting. The Department of Health's wellhead protection program manager is a member of the Technical Advisory Group. This group will assist ecology in the revision of these rules.

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. Interested parties can participate through a series of workshops and hearings to be held this spring and fall, through written inquiries to the department, and by attending the Technical Advisory Group meeting. The contact person for ecology is Richard Szymarek, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6648, FAX (360) 407-7162.

April 23, 1997
Linda G. Crerar
Assistant Director
Water and Shorelands

WSR 97-10-094
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Order 97-11—Filed May 7, 1997, 10:55 a.m.]

Subject of Possible Rule Making: Water right administration. Establishing criteria to determine the order to process certain water right or change of water right applications. Establish watershed assessments as a tool for information gathering and water right decision making, and establish the criteria and process to determine the order or sequence of watershed assessments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.21A.064(8) and 43.27A.090(11).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule will replace the emergency rule filed on May 7, 1997, on this subject, and extend the prioritization concept to all pending applications. The department will be able to organize and conduct its work in the most efficient manner. The rule will also bring the agency into compliance with the Washington State Supreme Court decision in *Hillis v. Ecology*.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate the allocation and appropriation of water. The department will be coordinating the development of this rule with the state Departments of Health, Fish and Wildlife, and Community, Trade and Economic Development.

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 Stephen Hirschey, Department of Ecology, P.O. Box 4700 [47600], Lacey, WA 98504-7600, phone (360) 407-6450, e-mail shir461@ecy.wa.gov or request Focus Sheet 97-1801-SHWR entitled *Hillis Decision and Water Rights Permitting from ecology* for additional information.

May 2, 1997
Tom Fitzsimmons
Director

WSR 97-10-095
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed May 7, 1997, 10:56 a.m.]

Subject of Possible Rule Making: Scaffolds in construction (chapter 296-155 WAC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, and [49.17].050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Scaffolds in construction expose workers to fall hazards with potential for serious injury or death due to improper construction, erection and use. Amendments to chapter 296-155 WAC will be proposed to address recent changes to the federal standard as published in Federal Register Volume 61, Number 170, dated August 30, 1996, and Federal Register Volume 61, Number 228, dated November 25, 1996. The standard may be reorganized for better organization of information which could include moving information to more appropriate parts of the chapter.

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

Process for Developing New Rule: The department must adopt rules identical or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement. A management-labor-government subcommittee to the Construction Advisory Committee has been reviewing the new federal standard and recommending proposed amendments on the state standard.

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

May 7, 1997
Gary Moore
Director
by Mike Watson

WSR 97-10-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed May 7, 1997, 11:39 a.m.]

Subject of Possible Rule Making: Chapter 16-580 WAC, consider the petition from the industry to reduce the assessment rate on farmed salmon and reduce board membership from six to five.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Washington State Agricultural Enabling Act of 1961 Commodity Boards, chapter 15.65 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule change is necessary because of changes in the economics and structure of the farmed salmon industry in the 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: The amendment of a marketing order shall be accomplished according to the procedures set forth in chapter 15.65 RCW, Washington Enabling Act of 1961, which includes conducting a referendum vote of the affected producers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Walter Swenson, Agricultural Programs Administrator, Washington State Department of Agriculture, 1111 Washington Street, 2nd Floor, Olympia, WA 98504-2560, phone (360) 902-1928, FAX (360) 902-2089. A publication will be set to give interested parties an opportunity to participate and comment on the proposed rule change.

May 7, 1997
William E. Brookreson
Assistant Director
Agency Operations

WSR 97-09-020
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed April 8, 1997, 10:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-16-010.

Title of Rule: Revisions to chapter 388-14 WAC.

Purpose: In general, to make chapter 388-14 WAC clearer and easier to understand; to clarify the rules regarding distribution of support; to conform with amendments to RCW 26.19.080(3); to establish rules and procedures under the Uniform Interstate Family Support Act; to provide for full party status for physical custodians who receive public assistance; and to provide for the ability to make a verbal request for hearing.

Statutory Authority for Adoption: RCW 34.05.220(1), 74.08.090, 74.20A.310, and 26.23.035.

Statute Being Implemented: RCW 26.19.080(3), 26.23.110, 26.21.205, 26.18.170, 26.18.180, 26.23.035, 34.05.220, and 74.20A.040.

Summary: DCS seeks to make chapter 388-14 WAC easier to understand and use. The procedures for the notice of support owed and the notice of support debt are redrafted. WAC 388-14-270, regarding distribution of support moneys, is redrafted and broken into several new sections for the purpose of clarity. New section WAC 388-14-375 sets forth the procedures for recovery of excess amounts of special child rearing expenses, as provided by a 1996 amendment to RCW 26.19.080(3). Provisions of chapter 388-14 WAC are redrafted to provide full party status rights to physical custodians who receive public assistance, not just for nonassistance cases. New section WAC 388-14-500 allows DCS to accept verbal requests for hearing instead of requiring written objections.

Reasons Supporting Proposal: (1) Customer service; (2) clarity of procedures for all persons involved in DCS proceedings.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507, (360) 586-3077.

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: Amendments and new sections in chapter 388-14 WAC to provide clarity, to conform with amendments to RCW 26.19.080(3), to clarify procedures under UIFSA, to provide for verbal hearing requests.

Proposal Changes the Following Existing Rules: Amendments to WAC 388-14-020, 388-14-030, 388-14-260, 388-14-270, 388-14-300, 388-14-385, 388-14-390, 388-14-415, 388-14-420, 388-14-435, 388-14-440, 388-14-445, 388-14-450 and 388-14-460; and additions of new sections WAC 388-14-271, 388-14-272, 388-14-274, 388-14-276, 388-14-375, 388-14-495, 388-14-496, and 388-14-500.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not

meet the requirements for a small business economic impact statement.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Does not apply to this rule adoption under RCW 34.05.328.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104-A, Lacey, WA 98503, on June 10, 1997, at 10:00.

Assistance for persons with disabilities: Contact Leslie Baldwin by May 27, 1997, (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by June 10, 1997.

Date of Intended Adoption: No sooner than June 11, 1997.

April 8, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3403, filed 6/9/92, effective 7/10/92)

WAC 388-14-020 Definitions. The definitions contained in WAC 388-11-011 are incorporated into and made a part of this chapter.

~~((+))~~ Unless context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~"Absent parent"~~ means ~~((that person who:~~

~~(a) Is not the physical custodian of the child; and~~

~~(b) Is a natural parent, an adoptive parent, or a stepparent owing a legal duty to support said child or children on whose behalf an application has been made for payment of public assistance, or for whom the office is providing nonassistance support enforcement services))~~ "responsible parent" as defined in this section.

~~((2))~~ "Aid" or "public assistance" means aid to families with dependent children (AFDC) or AFDC foster care, temporary assistance for needy families (TANF), federally-funded or state-funded foster care, and includes ~~((family independence program services;))~~ day care benefits, and medical benefits to families as an alternative or supplement to AFDC or TANF.

~~((3))~~ "Applicant/custodian" means the person who is the physical custodian of any dependent child or children on whose behalf nonassistance support enforcement services are being provided by the ~~((office of support enforcement))~~ IV-D agency under RCW 74.20.040, chapter 26.23 RCW, and 42 USC Sec. 654(6) or 657(C).

~~((4))~~ "Applicant/recipient," "applicant," and "recipient" include the caretaker relative, the children, and any other person whose needs are considered in determining the amount of public assistance. See also WAC 388-22-030.

~~((5))~~ "Disposable earnings" means that part of earnings of a person remaining after the deduction of amounts required by law to be withheld.

~~((6))~~ "Earnings" means compensation paid or payable for personal services.

~~((a))~~ (1) Earnings include:

~~((i))~~ (a) Wages or salary;

~~((ii))~~ (b) Commissions and bonuses;

~~((iii))~~ (c) Periodic payments under pension plans, retirement programs, and insurance policies of any type;

~~((iv))~~ (d) Disability payments under Title 51 RCW;

~~((v))~~ (e) Unemployment compensation as provided for under RCW 50.40.020 and 50.40.050, and Title 74 RCW;

~~((vi))~~ (f) Gains from capital, labor, or from both combined; and

~~((vii))~~ (g) The fair value of nonmonetary compensation received in exchange for personal services.

~~((b))~~ (2) Earnings do not include profit gained through the sale or conversion of capital assets.

~~((7))~~ "Employee" means a person in employment to whom an employer is paying, owes, or anticipates paying earnings as the result of services performed.

~~((8))~~ "Employer" means any person or organization having any person in employment. It includes:

~~((a))~~ (1) Partnerships and associations;

~~((b))~~ (2) Trusts and estates;

~~((c))~~ (3) Joint stock companies and insurance companies;

~~((d))~~ (4) Domestic and foreign corporations;

~~((e))~~ (5) The receiver or trustee in bankruptcy;

~~((f))~~ (6) The trustee or the legal representative of a deceased person.

~~((9))~~ "Employment" means personal services of whatever nature, including service in interstate commerce, performed for earnings or under any contract for personal services. The contract may be written or oral, express or implied.

~~((10))~~ "Family" means the person or persons on behalf of whom support is sought, which unit may include a custodial parent or other person and one or more children or a child or children in foster care placement.

~~((11))~~ "Foster care case" means a case referred to the IV-D agency by the Title IV-E agency or the state division of child and family services.

"Head of household" means the responsible parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

~~((12))~~ "Income" includes:

~~((a))~~ (1) All appreciable gains in real or personal property;

~~((b))~~ (2) Net proceeds from the sale or exchange of real and personal property; ~~(and)~~

~~((c))~~ (3) Earnings;

(4) Interest and dividends;

(5) Proceeds of insurance policies;

(6) Other periodic entitlements to money from any source; and

(7) Any other property subject to withholding for support under the law of this state.

~~((13))~~ "Income withholding action" includes all withholding action the ~~(office)~~ IV-D agency is authorized to take. The term includes, but is not limited to actions to:

~~((a))~~ (1) Assert liens under RCW 74.20A.060;

~~((b))~~ (2) Serve and enforce liens under chapter 74.20A RCW;

(3) Issue orders to withhold and deliver under chapter 74.20A RCW ~~((74.20A.080))~~, and notices of payroll deduction under chapter 26.23 RCW;

~~((c))~~ (4) Obtain wage assignment orders under RCW 26.18.080.

~~((14)) "Office" means the office of support enforcement.~~

~~((15)) "Payment services only" or "PSO" means a case on which the IV-D agency's activities are limited to recording and distributing child support payments, and maintaining case records. A PSO case is not a IV-D case.~~

"Physical custodian" means the natural or adoptive parent, or other person, with whom a dependent child resides a majority of the time. The physical custodian may be either an applicant/recipient or applicant/custodian.

~~((16)) "Payment services only" or "PSO" means a case on which the department's activities are limited to recording and distributing child support payments, and maintaining case records. A PSO case is not an IV-D case.~~

(17)) "Putative father" includes all men who may possibly be the father of the child or children on whose behalf the application for assistance or support enforcement services may be made. ~~((See also WAC 388-14-200 (2)(e).))~~

~~((18))~~ The "required support obligation for the current month" means the amount of a superior court order, tribal court order, or administrative order for support or the periodic future support amount that is or will be owing for the current month ~~((determined under chapter 388-11 WAC)).~~

~~((19))~~ "Resident" means a person physically present in the state of Washington who intends to make their home in this state. Temporary absence from the state does not destroy residency once established.

~~((20))~~ "Residential care" means foster care as defined under WAC 388-70-012.

~~((21))~~ "Responsible parent" means the natural parent, adoptive parent, responsible stepparent, or a person having signed an affidavit acknowledging paternity which has been filed with the state center for health statistics, from whom the IV-D agency seeks support for a dependent child.

"Responsible stepparent" means a stepparent having established an in loco parentis relationship with the child or children.

(1) The status shall continue until the relationship is terminated by death, dissolution of marriage, or by superior court order as provided under RCW 26.16.205.

(2) A rebuttable presumption of an in loco parentis relationship is created when the stepparent:

(a) Lives with the child and the parent; or

(b) Provides care, support or guidance for the child.

"Secretary" means the secretary of the department of social and health services, the secretary's designee, or authorized representative. For all purposes in chapter 74.20A RCW, secretary shall mean the designee of the secretary, the director of the IV-D agency, or the director's designee, except as is provided for under the definition of "secretary" in WAC 388-11-011 or where for the purposes of RCW 74.20A.055 "secretary" has another meaning.

"Support enforcement services" for the purposes of chapters 388-11 and 388-14 WAC, means all action the ~~(office)~~ IV-D agency is required to perform under Title IV-D of the Social Security Act and state law. This includes, but is not limited to, action to establish, enforce, and collect child ~~(, spousal,)~~ and medical support obligations, action to enforce and collect spousal support obligations, action to establish paternity, action to modify support order, and distribution of support moneys.

~~((22)) "Secretary" means the secretary of the department of social and health services, the secretary's designee, or authorized representative. For all purposes in chapter 74.20A RCW, secretary shall mean the designee of the secretary, the director of the revenue division, or the director's designee, except as is provided for under WAC 388-11-011(22) or where for the purposes of RCW 74.20A.055 "secretary" has another meaning.~~

~~((23))~~ **"Title IV-D"** means Title IV-D of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC ((Sec. 602)).

~~((24))~~ **"Title IV-D agency" or "IV-D agency"** means the agency currently known as the division of child support or the Washington state support registry, formerly known as the support enforcement division or the office of support enforcement, which is the agency responsible for carrying out the Title IV-D plan in the state of Washington.

"Title IV-D plan" means the plan established under the conditions of Title IV-D and approved by the secretary, Department of Health and Human Services.

"Title IV-E" means Title IV-E of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC.

"Title IV-E case" means a **"foster care case"** as defined in this section.

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 3512, filed 2/10/93, effective 3/13/93)

WAC 388-14-030 Confidentiality. (1) Under RCW 26.23.120, all information and records, concerning persons who owe a support obligation or for whom the ~~((office))~~ **IV-D agency** provides support enforcement services, are private and confidential. The ~~((office))~~ **IV-D agency** shall disclose information and records only as follows:

(a) The ~~((office))~~ **IV-D agency** shall disclose information and records only to:

(i) A person or entity listed and for the specific purpose or purposes stated in federal law;

(ii) The person who is the subject of the information or records, unless the information or records are exempt under RCW 42.17.310;

(iii) Local, state, and federal government agencies for support enforcement and related purposes;

(iv) A party to a judicial proceeding or a hearing under chapter 34.05 RCW, if the presiding officer enters an order to disclose. The presiding officer shall base the order on a written finding that the need for the information outweighs any reason for maintaining privacy and confidentiality;

(v) A party under contract, including a federally recognized Indian tribe, if disclosure will allow the party to assist in the program's management or operation;

(vi) A person or entity, including a federally recognized Indian tribe, when necessary to the administration of the program or the performance of functions and duties in state and federal law. The office may publish information about a responsible parent for locate and enforcement purposes;

(vii) A person, representative, or entity if the person who is the subject of the information and records consents, in writing, to disclosure;

(viii) The office of administrative hearings or the office of appeals for administration of the hearing process under chapter 34.05 RCW. The presiding officer or review judge shall not include the address of the physical custodian in an administrative order, or disclose the physical custodian's address to the responsible parent. The review judge and the presiding officer shall:

(A) State in support orders that the address is known by the Washington state support registry; and

(B) Inform the parties they may obtain the address by submitting a request for disclosure to the ~~((office of support enforcement (OSE)))~~ **IV-D agency** under this section.

(b) The **IV-D agency** may disclose the last known address of, or employment information about, a party to a court or administrative order for, or a proceeding involving, child support ~~((may be given))~~ to another party to the order. The party receiving the information may only use the information to establish, enforce, or modify a support order. Disclosure of this information is subject to the limitations listed under subsections (4), (5), and (6) of this section;

(c) The **IV-D agency** may disclose the last known address of natural or adoptive children ~~((may be given))~~ to a parent having a court order granting that parent visitation rights with, legal custody of or residential time with the parent's natural or adoptive children. The parent may ~~((only))~~ use this information only to enforce the terms of the court order;

(d) The ~~((department))~~ **IV-D agency** may disclose the Social Security Number of a dependent child to the absent parent to enable the parent to claim the dependency exemption as authorized by the Internal Revenue Service.

(2) Except as provided under subsections (4) through (8) of this section, chapter 388-320 WAC governs the process of requesting and disclosing information and records.

(3) The ~~((office))~~ **IV-D agency** shall take timely action on requests for disclosure. The ~~((office))~~ **IV-D agency** shall respond in writing within five working days of receipt of the request, unless the request is for disclosure of the address of the physical custodian or the dependent children. The ~~((office))~~ **IV-D agency** shall inform the requestor of the thirty-day notice period provided for under subsection (5) of this section. The ~~((office))~~ **IV-D agency** shall respond to a request for an address within five working days of the date the thirty-day notice period, provided for in subsection (5) of this section, expires, unless the physical custodian requests an adjudicative proceeding to contest the address release.

(4) The following provisions apply to a request for disclosure of the physical custodian's or a dependent child's address under subsection (1)(b) and (c) of this section:

(a) The ~~((office))~~ **IV-D agency** shall not release the address if:

(i) The department has determined, under WAC ~~((388-24-111))~~ 388-215-1440, that the physical custodian has good cause for refusing to cooperate;

(ii) The order, on which the request is based, restricts or limits the address requesting party's right to contact or visit the other party or the child by imposing conditions to protect the physical custodian or the child from harm.

PROPOSED

(b) A person shall submit a request for disclosure (~~(in writing and in person, with satisfactory evidence of identity, at any OSE;))~~ of the custodian's or dependent child's address to any IV-D agency office, said request to be either:

(i) Submitted in person with satisfactory evidence of identity; or

(ii) Submitted as a notarized request by mail.

(c) If the request is made by the person's attorney, the ~~((office))~~ IV-D agency shall waive the ~~((provisions regarding submission in person with satisfactory evidence of identity))~~ requirement of the notary;

~~(d) ((If the person resides outside the state of Washington, the office shall waive the provision requiring submission in person if the person:~~

~~(i) Submits a notarized request for disclosure; and~~

~~(ii) Complies with the requirements of subsection (4)(e) of this section.~~

~~(e))~~ The requester shall attach the following to a request for disclosure of an address:

(i) A copy of the superior court order on which the request is based. The ~~((office))~~ IV-D agency shall waive this provision if the ~~((office))~~ IV-D agency has a true copy of the order on file;

(ii) A sworn statement by the individual that the order has not been modified;

(iii) A statement explaining the purpose of the request and how the information will be used.

(5) Prior to disclosing the physical custodian's or a child's address, the ~~((office))~~ IV-D agency shall mail a notice to the last known address of the physical custodian, except as provided under subsection (8) of this section. The notice shall advise the physical custodian that:

(a) A request for disclosure has been made;

(b) The ~~((office))~~ IV-D agency will disclose the address, to a person under subsections (1)(b) and (c) of this section, after thirty days from the date of the notice, unless:

(i) The ~~((office))~~ IV-D agency receives a copy of a court order which:

(A) Enjoins disclosure of the address; or

(B) Restricts the address requesting party's right to contact or visit the other party or a child by imposing conditions to protect the physical custodian or the child from harm, including, but not limited to, temporary orders for protection under chapter 26.50 RCW; or

(ii) The physical custodian requests ~~((an adjudicative proceeding))~~ a hearing which ultimately results in a decision that release of the address is reasonably anticipated to result in harm to the physical custodian or a dependent child. The effective date of a hearing request is the date the IV-D agency receives the request.

(c) If the physical custodian requests ~~((an adjudicative proceeding))~~ a hearing to contest the address release, the physical custodian may participate in the ~~((proceeding))~~ hearing by telephone, from any pre-arranged location. The location and phone number shall not be disclosed by the presiding officer.

(6) In any ~~((adjudicative proceeding))~~ hearing requested under subsection (5)(b)(ii) of this section:

(a) The parent requesting address disclosure and the physical custodian are independent parties in the ~~((adjudicative proceeding))~~ hearing;

(b) The physical custodian may participate by telephone, provided the physical custodian:

(i) States in the request for the ~~((adjudicative proceeding))~~ hearing that participation will be by telephone; and

(ii) Provides the office of appeals or the office of administrative hearings with a telephone number where the physical custodian can be reached for the hearing, at least five calendar days before the scheduled hearing.

(c) The presiding officer shall not disclose the location or phone number from which the physical custodian is appearing;

(d) The initial burden of proof is on the party requesting address disclosure, to show that the address request is for a purpose for which disclosure is specifically permitted under this section.

(e) If the party requesting address disclosure:

(i) Fails to meet this burden, the presiding officer shall enter an order denying the address request;

(ii) Establishes that the address was requested for a purpose for which disclosure is permitted, the physical custodian must then show that it is reasonable to anticipate that physical or emotional harm to the physical custodian or a child will result from release of the address. The physical custodian:

(A) May demonstrate reasonable anticipation of harm by any form of evidence admissible under chapter 34.05 RCW; and

(B) Is not required to provide corroborative evidence required by WAC ~~((388-24-111(7)))~~ 388-215-1450, to establish a reasonable anticipation of harm.

(f) If either party fails to appear, the presiding officer may enter an order on default:

(i) If the physical custodian fails to appear, the order shall require ~~((OSE))~~ the IV-D agency to release the physical custodian's address;

(ii) If the address requesting party fails to appear, the default order shall deny the request for address information.

(g) The office of administrative hearings shall arrange the attendance of the parties by telephone or other procedure showing due regard for the safety of the physical custodian and the children;

(h) If the physical custodian requests ~~((an adjudicative proceeding))~~ a hearing the ~~((office))~~ IV-D agency shall respond to the disclosure request within five working days of the exhaustion of administrative remedies.

(7) If the physical custodian requests a hearing under subsection (6) of this section in response to ~~((a department))~~ a IV-D agency-initiated review of the support order for modification, both parties to the support order shall be independent parties in the address disclosure hearing.

(8) The ~~((office))~~ IV-D agency shall not mail a notice prior to disclosure:

(a) If the address requesting party can show the other party will likely flee and that:

(i) A court of competent jurisdiction of this state or another state has entered an order giving legal and physical custody of a child whose address is requested to the requesting party; and

(ii) The custody order has not been altered, changed, modified, superseded, or dismissed; and

(iii) A child was taken or enticed from the address requesting party's physical custody without that party's consent; and

(iv) The address requesting party has not subsequently assented to being deprived of physical custody of the children; and

(v) The address requesting party is making reasonable efforts to regain physical custody of the child; or

(b) When a child whose address is requested is receiving foster care services under chapter 74.13 RCW.

(9) If a child is receiving foster care services, the party shall contact the party's local community services office for disclosure of that child's address information.

(10) The rules of confidentiality and penalties for misuse of information and reports that apply to a department employee, shall also apply to a person who receives information under this section.

(11) Nothing in these rules:

(a) Prevents the ~~((office))~~ IV-D agency from disclosing information and records when such disclosure is necessary to the performance of its duties and functions as provided by state and federal law;

(b) Requires the ~~((office))~~ IV-D agency to disclose information and records obtained from a confidential source.

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

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

AMENDATORY SECTION (Amending Order 3005, filed 2/5/90, effective 3/1/90)

WAC 388-14-260 (~~((Distribution—Referrals from other states))~~ Interstate cases). (1) When a child support enforcement agency in another state, operating a child support program under Title IV-D of the Social Security Act, submits a request for support enforcement services under RCW 74.20.040(3) or chapter 26.21 RCW, the ~~((office of support enforcement))~~ IV-D agency shall initiate appropriate action to establish, enforce, and collect the support obligation, including any medical support obligation. The request shall be signed by an authorized official of the state agency and shall contain appropriate information and be accompanied by appropriate documentation to support the action to establish, enforce, and/or collect the support obligation. In addition, the request may be forwarded by use of electronic referral systems such as the child support enforcement network (CSENET). The following is a list of some of the information/documentation that may be submitted with the request for support enforcement services:

(a) The responsible parent's name, address, Social Security number, date of birth, present or last known employer, earnings or ability to earn, employment history, property and resources, and physical description;

(b) The custodian's name, address, and Social Security number;

(c) The names, address, Social Security numbers, and dates of birth of the dependent children;

(d) A certification that the request is being submitted under Title IV-D of the Social Security Act and identification of the case as a public assistance or nonassistance case;

(e) A copy of any superior court order or administrative order establishing the support obligation and any order, tribal court order modifying the court or administrative order;

(f) A copy of any official record of support payments made by the responsible parent or, if no such record exists, an affidavit setting forth the amount of support due under the superior court order, tribal court order or administrative order, the period during which support was due and payable, and the amounts and dates of support payments;

(g) If there is no superior court order, tribal court order or administrative order for support, an affidavit setting forth the following:

(i) A statement of facts establishing or tending to establish the existence of a legally enforceable support obligation;

(ii) A statement of the dates and amounts of any public assistance payments or a statement reflecting the needs of the children for food, clothing, shelter, medical support, or other necessities if no such assistance has been provided.

(2) If a superior court order or tribal court order has been entered establishing the responsible parent's support obligation, the ~~((office of support enforcement))~~ IV-D agency may proceed under chapters 26.18, 26.21, 26.23, 74.20, and 74.20A RCW (~~((74.20A.040))~~) to enforce the support obligation and initiate further enforcement and collection action as authorized by law.

(3) If an administrative order has been entered by an agency in another state establishing the responsible parent's support obligation, the ~~((office of support enforcement))~~ IV-D agency may issue a notice of support debt (~~((accrued and/or accruing created by the administrative order. Said notice shall be served upon the debtor in the manner prescribed for service of a summons in a civil action or be served on the debtor by certified mail, return receipt requested, demanding payment within twenty days of the date of receipt. The notice of debt shall include a statement of the support debt accrued, computable on the amount required to be paid under the administrative order; a statement that the property is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver; and a statement that the net proceeds will be applied to the satisfaction of the support debt. The notice shall also include a statement of the amount of the monthly payment for future/current support the responsible parent is required to make under the administrative order.~~)).

~~((a) Any debtor objecting to all or any part of the notice of debt shall have a right to an adjudicative proceeding. The application for a proceeding shall be in writing and shall include a statement of the grounds and defenses upon which relief from the administrative order is sought and/or the basis for modification of the amount for future/current support.~~))

The application shall be filed at the office of support enforcement by registered or certified mail or personally. If an application is filed within twenty days of the date of service of the notice, collection action shall be stayed pending the final adjudicative order. If no application is filed within this twenty-day period, the support debt and/or the amount of the future/current support payments shall

become final subject to the provisions of WAC 388-14-260 (3)(e) and shall be subject to collection action.

(b) ~~The scope of the hearing shall be limited to the grounds and defenses enumerated in superior court Civil Rule 60 which may entitle the debtor to relief from the administrative order and/or a determination whether or not the amount of the monthly payment for future/current support should be modified in accordance with the provisions of WAC 388-11-140. The burden of proof to establish such grounds and defenses and/or a material change in circumstances shall be on the debtor.~~

(e) ~~If the debtor presents evidence which would constitute a full or partial defense and/or grounds for modification, upon request, the administrative law judge may continue the hearing to permit the parties to submit further evidence. Pending further hearing and the entry of an initial decision, the debtor may be ordered to pay or make reasonable payments on any undisputed portion of the support debt and to pay current support if owed.~~

(d)(i) ~~The provisions of the following sections of chapter 388-11 WAC are incorporated by reference and made applicable to the hearing process provided for in this section to the extent they are consistent and relevant: WAC 388-11-015, 388-11-065, 388-11-070, 388-11-100, 388-11-115, 388-11-120, 388-11-130, 388-11-135, 388-11-140, 388-11-145, 388-11-150, 388-11-155, 388-11-170, and 388-11-190.~~

(ii) ~~Hearings held under chapter 388-14 WAC shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), the provisions in this chapter, and chapter 388-08 WAC. If any provision in this chapter or in a rule incorporated by subsection (3)(d)(i) of this section conflicts with a provision in chapter 388-08 WAC, the provision in this chapter or in a rule incorporated by subsection (3)(d)(i) of this section shall govern.~~

(e) ~~If a written application for an adjudicative proceeding is filed at the office of support enforcement after the twenty day period, the debtor's right to relief from the administrative order shall be determined pursuant to the provisions of Civil Rule 60. The filing of the application after the twenty day period shall not affect any collection action previously taken under chapter 74.20A RCW. The granting of a late application shall operate as a stay on any future collection action, pending the final adjudicative order. Moneys withheld as a result of collection action in effect at the time of the granting of the late application shall be delivered to the department and shall be held in trust by the department pending the final adjudicative order or during the pendency of any appeal to the courts made under chapter 34.05 RCW. The department may petition the administrative law judge to require the responsible parent to pay future/current support. If an order for future/current support is entered and the responsible parent fails to comply with the order, the office of support enforcement may take appropriate collection action)) under RCW 26.21.460.~~

(4) ~~If there is no superior court order, tribal court order or administrative order, the ((office of support enforcement)) IV-D agency may issue a support establishment notice ((and finding of financial responsibility and proceed in accordance with the provisions of RCW 74.20A.055 which are incorporated by reference herein, to establish the support obligation,~~

~~and initiate further enforcement and collection action as authorized by law)).~~

(5) ~~If the ((office of support enforcement)) IV-D agency is unable to establish, enforce, and/or collect the support obligation in response to the request or otherwise deems it appropriate under the circumstances, the case may be referred to the county prosecuting attorney ((or), attorney general's office, or Indian tribe for collection action.~~

(6) ~~((A petition that has been or may be transmitted from another state for enforcement under the Uniform Reciprocal Enforcement of Support Act, chapter 26.21 RCW, may be deemed to be a request for support enforcement services sufficient to authorize the office of support enforcement to initiate action to establish, enforce, and collect the support obligation in accordance with this section.~~

(7)) ~~If the ((office of support enforcement)) IV-D agency is unable to locate the responsible parent after reasonable and diligent efforts, the requesting agency fails to provide sufficient information to locate the responsible parent and/or establish and enforce the support obligation, or the case does not appear to have collection potential for the foreseeable future, the ((office of support enforcement)) agency may discontinue support enforcement services and return the request and accompanying documentation to the requesting agency.~~

((8)) (7) ~~If the ((office of support enforcement)) IV-D agency is notified by the requesting agency that the custodian of the dependent child or children is moving to another state, support enforcement services on behalf of the custodian may be continued for a period not to exceed five months.~~

((9)) (8) ~~When the responsible parent is residing and/or employed in another state and support enforcement services are being provided under RCW 74.20.040 (1) or (2), the ((office of support enforcement)) IV-D agency may execute and submit a request or an electronic referral for support enforcement services similar to the request described in this section to the IV-D agency of that state, or may refer the case to the county prosecuting attorney or the attorney general's office for appropriate action.~~

((10)) (9) ~~Upon request from another state, the ((office of support enforcement)) IV-D agency shall provide available information/documentation from case files, including but not limited to copies of superior court orders, administrative orders, pay records, and statements/affidavits of support debts, employment, and public assistance records.~~

AMENDATORY SECTION (Amending Order 3403, filed 6/9/92, effective 7/10/92)

WAC 388-14-270 Distribution of support payments.

(1) ~~The ((office of support enforcement (OSE))) IV-D agency shall distribute support money ((OSE)) it collects or ((OSE)) receives, in accordance with state and federal law and the provisions of this section, to the:~~

(a) ~~Department when the department provides or has provided public assistance payments ((or cash benefits under the family independence program)) for the support of the family unit, household, or a member of the family unit or household;~~

(b) ~~Payee under the order, or to the physical custodian of the child according to WAC 388-14-271;~~

(c) Child support enforcement agency in another state or foreign country which submitted a request for support enforcement services; ~~((and/or))~~

(d) Indian tribe which has a TANF program and/or a cooperative agreement regarding the delivery of child support services; or

(e) Person or entity making the payment when ~~((OSE))~~ the IV-D agency is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.

~~(2) ((OSE may distribute support money to a person, other than the payee under a support order, when that person has physical custody of and provides care for the child.~~

~~(3) Before OSE begins distributing support money to a physical custodian who is not the payee under the support order, OSE shall:~~

~~(a) Obtain a sworn statement from the physical custodian attesting to the fact the physical custodian:~~

~~(i) Has physical custody of and is caring for the child; and~~

~~(ii) Is not wrongfully depriving the payee of physical custody.~~

~~(b) Mail a notice to the last known address of the payee and the responsible parent of OSE's intent to distribute support money to the physical custodian.~~

~~(i) The notice of intent to distribute a support payment shall contain the following information:~~

~~(A) A statement that OSE will distribute support money collected under the support order to the physical custodian;~~

~~(B) The name of the physical custodian;~~

~~(C) A statement that the payee has twenty days from the date of the notice to contest distribution of money to the physical custodian by filing an application for an adjudicative proceeding as specified under subsection (12) of this section, or serving notice on OSE of the filing of an appropriate motion with a court; and~~

~~(D) A statement that the payee must give OSE and the physical custodian notice of any judicial proceeding contesting the notice of distribution.~~

~~(ii) A copy of the sworn statement of the physical custodian shall be attached to the notice.~~

~~(e) File a copy of the notice or the final administrative order entered as a result of the notice with the clerk of the court where the support order was entered.~~

~~(4) The payee may request an adjudicative proceeding as specified under subsection (12) of this section or file a court action beyond the twenty day period provided for under subsection (3) of this section. When the department or the court determines the payee is entitled to receive the support money, OSE shall send support money OSE receives in the future to the payee, but shall not reimburse the payee for amounts OSE sent to the physical custodian as provided under subsections (2) and (3) of this section.~~

~~(5) When OSE) If the IV-D agency is unable to distribute support money because the location of the family or person is unknown, ((OSE)) it shall exercise reasonable efforts to locate the family or person. When ((OSE)) the IV-D agency does not locate the family or person, ((OSE)) it shall handle the money in accordance with ((an agreement with the department of revenue and as required by state law.~~

~~(6) OSE)) chapter 458-65 WAC, the uniform unclaimed property act rules.~~

(3) The IV-D agency shall apply the following rules when distributing support money:

(a) Record payments in exact amounts without rounding;

(b) Distribute support money within eight days of the date ~~((OSE))~~ the IV-D agency receives the money, unless ~~((OSE))~~ it is unable to distribute the payment for one or more of the following reasons:

(i) The location of the payee is unknown;

(ii) ~~((OSE))~~ The IV-D agency does not have sufficient information to identify the accounts against which or to which ~~((OSE))~~ it should apply the money;

(iii) An action is pending before a court or agency which has jurisdiction over the issue to determine ~~((=~~ ~~(A))~~ whether ~~((or not))~~ support money is owed ~~((;))~~ or ~~((B))~~ how ~~((OSE))~~ the IV-D agency should distribute the money.

(iv) ~~((OSE))~~ The IV-D agency receives prepaid support money which ~~((OSE))~~ it is holding for distribution in future months under subsection ~~((=7))~~ (4) of this section;

(v) ~~((OSE))~~ The IV-D agency mails a notice of intent to distribute ~~((the))~~ support money to the physical custodian under ~~((subsection (3) of this section))~~ WAC 388-14-271; or

(vi) Other circumstances exist which make a proper and timely distribution of the money impossible through no fault or lack of diligence of ~~((OSE))~~ the IV D agency.

(c) Distribute support money based on the date of collection, except as provided under subsection ~~((=6(j)))~~ (3)(f) of this section and WAC 388-14-275. The date of collection is the earliest of the following dates:

(i) The date ~~((OSE))~~ the IV-D agency or a political subdivision actually making the collection receives the money;

(ii) The date the support enforcement agency or other legal entity of another state or political subdivision, actually making the collection, receives the money; or

(iii) The date income, earnings, wages, labor and industries benefits, or employment security benefits were withheld.

(d) Except as provided in subsection (3)(f) of this section, when the responsible parent has more than one case under Title IV-D or Title IV-E, the IV-D agency shall distribute support money:

(i) First, to the current support obligation on each Title IV-D or foster care case, in proportion to the amount of the current support order on each case; and

(ii) Second, to the total of the support debts whether owed to the family or to the department for the reimbursement of public assistance on each Title IV-D or foster care case, in proportion to the amount of support debt owed by the responsible parent on each case; and

(iii) Third, after distribution under subsection (3)(d)(ii) of this section, within each Title IV-D or foster care case according to subsection (3)(e) of this section.

(e) Apply support money within each Title IV-D case:

(i) First, to satisfy the current support obligation for the month ~~((OSE))~~ the IV-D agency, or the support enforcement agency or other legal entity of another state or political subdivision, collected the money;

(ii) Second, to the responsible parent's support debts owed to the family; ~~((and))~~

(iii) Third, to the responsible parent's support debts assigned to the department to reimburse public assistance payments;

(iv) Fourth, to prepaid support as provided for under subsection ((7)) (4) of this section.

~~((e) Distribute current support based on the proportionate share of the obligation owed to each family unit or household when the responsible parent owes a current support obligation to two or more families or households;~~

~~(f) Distribute amounts collected during a month to the responsible parent's support debts owed for each family unit or household based on the proportionate size of the debts, except as provided under subsection (6)(g) and (h) of this section, when:~~

~~(i) OSE, or the support enforcement agency or legal entity of a state or political subdivision, collects support in excess of the amount required to satisfy the responsible parent's current support obligations for that month; and~~

~~(ii) The responsible parent owes a support debt for two or more families or households.~~

(g)) (f) Apply intercepted federal income tax refunds in accordance with 45 CFR 303.72(h), as follows:

(i) First, under federal law to the responsible parent's support debts assigned to the department to reimburse public assistance payments; and

(ii) Second, to support debts that are not assigned to the department; and

(iii) To support debts only, not to current and future support obligations. The IV-D agency shall refund any excess to the responsible parent.

(g) Apply amounts to a support debt owed for one family or household and distribute the amounts accordingly, rather than make a proportionate distribution between support debts owed to different families, when:

(i) Proportionate distribution is administratively inefficient; or

(ii) The collection resulted from the sale or disposition of a specific piece of property against which a court awarded the ((applicant/recipient or applicant/custodian)) physical custodian a judgment lien for child support; or

(iii) The collection resulted from a contempt order in a particular case.

~~(h) ((When a portion of the responsible parent's support debt for a family unit is owed to both the family and the department, distribute amounts applied to the support debt for the family unit:~~

~~(i) First, to the family to satisfy the portion of the debt owed to the family; and~~

~~(ii) Second, to the department to satisfy the portion of the debt assigned to the department to reimburse public assistance payments.~~

~~(i)) Report amounts distributed to a family, receiving public assistance, to the community services office. This requirement shall not relieve the recipient of the duty to report receipt of support money; and~~

~~((j)) (i) Pay a family, receiving cash assistance under the aid to families with dependent children program ((or the family independence program)), up to the first fifty dollars of each child support payment as provided under WAC 388-14-275.~~

~~((7) When OSE)) (4) If the IV-D agency receives or collects support money representing payment on the required support obligation for future months, ((OSE)) it shall:~~

~~(a) Apply the support money to future months when the support debt is paid in full;~~

~~(b) Distribute the support money on a monthly basis when payments become due in the future; and~~

~~(c) Mail a notice to the last known address of the person entitled to receive support money. The notice shall inform the person that:~~

~~(i) ((OSE)) The IV-D agency received prepaid support money;~~

~~(ii) ((OSE)) The IV-D agency will distribute the prepaid money as support payments become due in the future; and~~

~~(iii) If the support order is a court order, the person may petition the court that entered the support order for an order requiring the immediate distribution of the prepaid support money(-~~

~~(8) OSE may recover support money distributed to a person or to the family when OSE:~~

~~(a) Distributed the money in error;~~

~~(b) Distributed the money based on a check which is later dishonored; or~~

~~(c) Is required to refund or return the money to the person or entity making the payment.~~

~~(9) OSE may retain amounts collected on a support debt and ten percent of amounts collected as current support to recover support money as provided under subsection (8) of this section in nonassistance cases.~~

~~(a) OSE shall send a notice to the last known address of the person or family before taking action to recover the support money. The notice shall:~~

~~(i) Explain the reason why OSE is authorized to recover the support money;~~

~~(ii) Identify the money OSE will recover;~~

~~(iii) Inform the person or family of amounts OSE will deduct from future collections;~~

~~(iv) Inform the person or family that if they receive support enforcement services, they have twenty days from the date of the notice to file an application for an adjudicative proceeding as specified under subsection (12) of this section to object to the notice; and~~

~~(v) Inform the person or family that when a debt established under this section remains unpaid after the person or family stops receiving support enforcement services, the department may take collection action under chapter 74.20A RCW without further notice.~~

~~(b) At the hearing, the person may contest OSE's findings regarding the existence and amount of the debt OSE is seeking to recover as provided under subsection (8) of this section.~~

~~(c) When the person or family is no longer receiving support enforcement services, OSE may take action to recover the support money due under subsection (8) of this section, under chapter 74.20A RCW.~~

~~(10) When the family is receiving public assistance and the applicant/recipient fails to remit support money to OSE as required, OSE shall recover the support payments using the process set forth in WAC 388-14-200.~~

~~(11) OSE shall mail a notice, once each quarter or more often, to the last known address of the person for whom~~

~~OSE received support during the quarter, except as provided under subsection (11)(d) of this section.~~

~~(a) The person for whom OSE receives support has ninety days from the date of the notice to file an application for an adjudicative proceeding as specified under subsection (12) of this section to object to the notice.~~

~~(b) The person may only contest how OSE distributed the support money including the amounts stated in the notice.~~

~~(e) The notice shall contain the following information:~~

~~(i) The current support amount and the amount of the support debt owed under the order;~~

~~(ii) The amount of support money OSE received and the date of collection;~~

~~(iii) A description of how OSE allocated the support money between current support and the support debt;~~

~~(iv) The amount the department claims as reimbursement for public assistance paid, if applicable; and~~

~~(v) A statement of the right to request an adjudicative proceeding.~~

~~(d) OSE is not required to send a notice under this subsection when OSE mails another notice to the family or person to whom support is owed as provided under WAC 388-14-275 or this section.~~

~~(12) A person shall file an application for an adjudicative proceeding with OSE, within the time period specified in the notice, by a method showing proof of receipt.~~

~~(a) The person shall include in or with the application for an adjudicative proceeding:~~

~~(i) A specific statement of the objections to the notice; and~~

~~(ii) A copy of the notice the person is contesting.~~

~~(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC. Untimely requests for adjudicative proceedings are governed by WAC 388-11-055. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section shall govern); or~~

~~(iv) If the support order is an administrative order, the person may request a conference board under WAC 388-14-385 to determine if the prepaid support money should be immediately distributed.~~

~~(d) The IV-D agency shall not mail the notice referred to in (4)(c) of this section if the prepaid support is equal to or less than one month's support obligation.~~

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

NEW SECTION

WAC 388-14-271 Notice of intent to distribute support money. (1) The IV-D agency may distribute support money to a physical custodian other than the payee under the support order if the physical custodian signs a sworn statement that:

(a) The physical custodian has physical custody of and is caring for the child; and

(b) Is not wrongfully depriving the payee of physical custody.

(2) Before the IV-D agency begins distributing support money to a physical custodian who is not the payee under

the support order, it shall send the payee under the support order and the responsible parent a notice of intent to distribute support money and a copy of the sworn statement of the physical custodian to their last known addresses by first class mail. The notice shall state:

(a) The IV-D agency will distribute support money collected under the support order to the physical custodian; and

(b) The name of the physical custodian.

(3) The IV-D agency shall distribute support money to the physical custodian when the notice of intent to distribute support money becomes final.

(a) A notice served in the state of Washington becomes final unless the payee under the support order, within twenty days of the date of mailing of the notice of intent to distribute support money, files a request with the IV-D agency for a hearing under subsection (4) of this section. The effective date of a hearing request is the date the IV-D agency receives the request.

(b) A notice of intent to distribute support money served in another state becomes final according to WAC 388-14-496.

(4) A hearing on a notice of intent to distribute support money is for the limited purpose of resolving who is entitled to receive the support money.

(5) A copy of the notice of any hearing scheduled under this section shall be mailed to the alleged physical custodian at the physical custodian's last known address. The notice shall advise the physical custodian of the right to participate in the proceeding as a witness or observer.

(6) The payee under the support order may file a late hearing request on a notice of intent to distribute support money.

(a) The payee under the support order does not need to show good cause for filing a late hearing request under WAC 388-11-310.

(b) The IV-D agency may not reimburse the payee under the support order for amounts the IV-D agency sent to the physical custodian before the administrative order on a late hearing request becomes final.

(7) The payee under the support order must give the IV-D agency and the physical custodian notice of any judicial proceeding to contest a notice of intent to distribute support money.

(8) If the support order is a court order, the IV-D agency shall file a copy of the notice of intent to distribute support money or the final administrative order entered on a notice of intent to distribute support money with the clerk of the court where the support order was entered.

NEW SECTION

WAC 388-14-272 Notice to recover a support payment. (1) The IV-D agency may serve a notice to recover a support payment on the person who received the payment when the IV-D agency:

(a) Distributed the money in error;

(b) Distributed the money based on a check that is later dishonored;

(c) Is required to refund or return the money to the person or entity that made the payment; or

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(d) Distributed money under a support order that was later modified so as to create an overpayment.

(2) The IV-D agency shall serve a notice to recover a support payment like a summons in a civil action or by certified mail, return receipt requested.

(3) In the notice, the IV-D agency shall identify the support payment the IV-D agency seeks to recover.

(4) The IV-D agency may take action to enforce the notice to recover a support payment without further notice once the notice becomes final.

(a) A notice to recover a support payment becomes final unless the person who received the payment requests a hearing under subsection (5) of this section within twenty days of service of the notice to recover a support payment in Washington. The effective date of a hearing request is the date the IV-D agency receives the request.

(b) A notice to recover a support payment may be served in another state to recover a payment disbursed by the IV-D agency under RCW 26.21.385. A notice to recover a support payment served in another state becomes final according to WAC 388-14-305.

(5) A hearing on the merits of a notice to recover a support payment is for the limited purpose of resolving the existence and amount of the debt the IV-D agency is entitled to recover.

(6) A person who files a late request for a hearing on a notice to recover a support payment must show good cause under WAC 388-11-310.

(7) In nonassistance cases and payment services only cases, the IV-D agency may recover a support payment under a final administrative order on a notice to recover a support payment by retaining ten percent of current support and one hundred percent of amounts collected on arrears in addition to any other remedy authorized by law.

(8) If a public assistance recipient receives a support payment directly from a responsible parent and fails to remit it to the IV-D agency as required, the IV-D agency shall recover the money as retained support under WAC 388-14-200.

(9) The IV-D agency may enforce the notice to recover a support payment as provided in subsection (7), or may act according to RCW 74.20A.270 as deemed appropriate.

NEW SECTION

WAC 388-14-274 Distribution notice. (1) The IV-D agency shall mail a distribution notice once each month, or more often, to the last known address of a person for whom it received support during the month, except as provided under subsection (6) of this section.

(2) The IV-D agency shall include the following information in the notice:

(a) The current support and support debt owed under the order;

(b) The amount of support money the IV-D agency received and the date of collection;

(c) A description of how the IV-D agency allocated the support money between current support and the support debt; and

(d) The amount the IV-D agency claims as reimbursement for public assistance paid, if applicable.

(3) The person to whom a distribution notice is sent may file a request for a hearing under subsection (4) of this section within ninety days of the date of the notice to contest how the IV-D agency distributed the support money. A requestor shall state specific objections to the distribution notice. The effective date of a hearing request is the date the IV-D agency receives the request.

(4) A hearing under this section is for the limited purpose of determining if the IV-D agency correctly distributed the support moneys in the contested notice.

(5) A person who requests a late hearing under WAC 388-11-310 must show good cause.

(6) This section does not require the IV-D agency to send a notice to a recipient of payment services only under WAC 388-14-300(1) and 388-14-310 (2)(a).

NEW SECTION

WAC 388-14-276 Total versus total notice. (1) The IV-D agency shall identify cases needing a "total versus total" calculation, which will compare amounts of public assistance paid to the assistance unit with amounts of support collected and uncollected support debt. The IV-D agency shall perform a total versus total calculation upon the request of the physical custodian or a IV-D agency field office.

(a) The total versus total calculation will allocate the uncollected support debt between the state and the physical custodian, based on the amounts of public assistance paid to the family.

(b) The total versus total calculation will indicate the amounts of support paid by each responsible parent and how the support was distributed.

(c) The IV-D agency may at any time review a case to determine if a total versus total calculation is appropriate.

(2) When a total versus total calculation is completed at the request of the physical custodian, the IV-D agency shall mail a total versus total notice to the last known address of the former assistance recipient.

(3) The person to whom a total versus total notice is sent may within ninety days of the date of the notice file a request for a conference board under WAC 388-14-385 to contest the distribution of support money and the allocation of uncollected support debt. The requestor shall state specific objections to the total versus total notice. The effective date of a hearing request is the date the IV-D agency receives the request.

AMENDATORY SECTION (Amending Order 3754, filed 7/15/94, effective 8/15/94)

WAC 388-14-300 Nonassistance support enforcement services—Persons eligible for services. (1) As authorized by RCW 26.23.045 and 74.20.040, the ~~((office))~~ IV-D agency shall provide payment processing and records maintenance services under RCW 26.23.050(8) to parties to a court order who are not receiving a public assistance grant when:

(a) A Washington superior court order, tribal court order administrative order, or wage assignment order under chapter 26.18 RCW directs payments through the ~~((office))~~ IV-D agency or the Washington state support registry (WSSR);

(b) The physical custodian of a dependent child or a responsible parent requests payment services only, provided that:

(i) A responsible parent's request for payment services only shall not cause a reduction of service from the level of service provided under subsection (2) of this section, or WAC 388-14-200, 388-14-203, or 388-14-205; and

(ii) The support obligation is set by a Washington superior court, tribal court, administrative, or wage assignment order, directing payment to the ((office)) IV-D agency or WSSR.

(2) The ((office)) IV-D agency shall provide full IV-D support enforcement services to physical custodians or responsible parents who are not receiving a public assistance grant when:

(a) The physical custodian or former physical custodian of a child requests support enforcement services;

(b) A responsible parent submits a support order for inclusion in or support payment to the Washington state support registry, together with an application for support enforcement services;

(c) A public assistance recipient stops receiving a cash grant under the aid to families with dependent children or under temporary assistance to needy families;

(d) The department provides Medicaid-only benefits to the physical custodian on behalf of a dependent child, unless the recipient of Medicaid-only benefits declines support enforcement services not related to paternity establishment, medical support establishment or medical support enforcement; or

(e) A man requests paternity establishment services alleging he is the dependent child's father.

(3) The ((office)) IV-D agency shall provide payment processing, records maintenance, paternity establishment, medical support establishment, and medical support enforcement services when a recipient of Medicaid-only benefits declines support enforcement services.

NEW SECTION

WAC 388-14-375 Recovery of excess daycare and special child rearing expense payments. (1) A responsible parent who has paid child support under a court or administrative order and believes that daycare or special child rearing expenses were not actually incurred in the amount of the order may file an application for an administrative hearing to determine if an overpayment of at least twenty per cent has occurred and how the overpayment should be reimbursed.

(a) A petition for reimbursement shall cover a twelve-month period; and

(b) The twelve-month period may be:

(i) A calendar year; or

(ii) The twelve-month period following the anniversary date of the support order; or

(iii) The twelve-month period following an adjudication under this section.

(c) Twelve-month periods under this section may not overlap.

(2) The application shall be in writing and shall at a minimum state:

(a) The twelve-month time period to be considered;

(b) The date of the order requiring the payment of daycare or special child rearing expenses;

(c) The amounts required by the court or administrative order for day care or special child rearing expenses for that time period;

(d) The amounts actually paid by the responsible parent for that time period;

(e) The total amount of day care or special child rearing expenses which the responsible parent claims the physical custodian actually incurred for that time period;

(f) The responsible parent's proportionate share of the expenses actually incurred; and

(g) The amount of reimbursement for overpayment to which the responsible parent claims to be entitled for that time period.

(3) An application for hearing under this section shall be considered an application for full support enforcement services if there is not already an open enforcement case.

(4) The effective date of a hearing request is the date the IV-D agency receives the written request.

(5) The IV-D agency shall send notice of a hearing under this subsection to the responsible parent and the physical custodian. The responsible parent and the physical custodian shall participate in the hearing as independent parties with the same procedural rights.

(6) The responsible parent has the burden of proving the amounts actually paid by the responsible parent under the order.

(7) The physical custodian has the burden of proving the amounts actually incurred for day care and special child rearing expenses.

(8) The physical custodian is not required to provide the address of the day care provider unless the presiding officer finds that such information may be disclosed under the standards set forth in WAC 388-14-030(6) for the disclosure of the address of the physical custodian.

(9) If the responsible parent fails to appear for the hearing, upon proof of service of the notice of hearing the presiding officer shall issue an order of default against the responsible parent and dismiss the petition for reimbursement.

(10) If the physical custodian fails to appear for the hearing, upon proof of service of the notice of hearing the presiding officer shall issue an order of default against the physical custodian and hold a hearing on the merits of the petition for reimbursement.

(11) A hearing under this subsection is for the limited purpose of determining whether the amount paid by the responsible parent exceeds the responsible parent's proportionate share of the amount actually incurred for day care and special child rearing expenses.

(a) If the presiding officer determines that the overpayment amounts to twenty percent or more of the responsible parent's share of annual day care and special child rearing expenses, the presiding officer shall enter an order stating:

(i) The twelve-month time period in question;

(ii) The amount of the overpayment; and

(iii) The method by which the overpayment shall be reimbursed by the obligated party.

(b) If the presiding officer determines that the overpayment amounts to less than twenty percent of the responsible

parent's share of annual day care and child rearing expenses, the presiding officer shall enter an order stating:

- (i) Whether the responsible parent has overpaid or underpaid the day care and special child rearing expenses;
- (ii) If an overpayment has occurred, by what percentage of the annual proportionate share; and
- (iii) That reimbursement under this section is denied for that twelve-month period.

(12) Any ordered overpayment reimbursement shall be applied as an offset to any nonassistance child support arrearages owed by the responsible parent on that case only. If there are no nonassistance arrearages owed on that case, the reimbursement shall be:

(a) In the form of a credit against the responsible parent's future child support obligation:

(i) Spread equally over a twelve-month period commencing the month after the administrative order becomes final; or

(ii) When the future support obligation will terminate under the terms of the order in less than twelve months, spread equally over the life of the order; or

(b) With the consent of the obligated party, in the form of a direct reimbursement by the obligated party to the responsible parent.

(13) The responsible parent may not pay more than his or her proportionate share of day care or other special child rearing expenses in advance and then deduct the overpayment from future support transfer payments unless:

- (a) Specifically agreed to by the physical custodian; and
- (b) Specifically agreed to in writing by the IV-D agency for periods when the physical custodian or the dependent child receives public assistance.

(14) This section applies only to amounts paid during the twelve-month period ending May 31, 1996 or later.

AMENDATORY SECTION (Amending Order 3753, filed 7/15/94, effective 8/15/94)

WAC 388-14-385 Conference board. (1) A conference board may inquire into, determine facts of, and attempt to resolve matters in which a responsible parent, (~~residential parent~~) physical custodian, payee under a court order, or other person feels aggrieved by an action taken by the office under:

- (a) Chapters 26.23, 74.20, 74.20A RCW; or
- (b) Title IV-D of the Social Security Act (Title 42 U.S.C.).

(2) The intent and purpose of the conference board is to facilitate the informal speedy resolution of grievances.

(3)(~~(a)~~) The director, or director's designee may assemble a conference board on application of an aggrieved person or on the director's own motion. The conference board shall dissolve upon issuance of a decision on the matter for which it was appointed.

(~~(b)~~) (4) An applicant for a conference board shall have made a reasonable attempt and have failed to resolve the grievance before a conference board may act to attempt to resolve the issue.

(~~(4)~~) (5) The conference board's jurisdiction shall include, but shall not be limited to, the following areas:

(a) A complaint as to the conduct of an individual staff member while acting within the scope of the staff member's duties. The board shall send a copy of the decision to the staff member's first line supervisor for action as appropriate;

(b) Review of a denial of an application for or termination of nonassistance support enforcement services;

(c) Review of an allegation of error as to the distribution of support moneys;

(d) Review of a denial to collect support arrears in nonassistance cases under RCW 74.20.040;

(e) Resolution of the amount of arrears claimed due and rate of repayment;

(f) A request to release or refund money taken under RCW 26.23.060 or 74.20A.080 to provide for the reasonable necessities of a responsible parent and minor children in the responsible parent's home;

(g) A request for deferral of support enforcement action;

(h) A request for partial or total charge-off of support arrears under RCW 74.20A.220;

(i) A request to waive interest;

(j) A request to waive or defer the nonassistance support enforcement fee under RCW 74.20.040;

(k) Review of a determination that a support obligation has been satisfied or is no longer legally enforceable;

(l) A specific request for administrative review of cases submitted to the IRS for offset of a tax refund in accordance with federal statutes and regulations;

(m) Any other matter requiring explanation of or application of policy or law to an issue in a specific case or clarification of facts in said case; (~~and~~)

(n) The (~~office's~~) IV-D agency's action in reporting a support debt to a consumer reporting agency;

(o) Review of a total versus total calculation under WAC 388-14-276; and

(p) A request to release a payroll deduction notice on a claim that:

(i) The support obligation was not due at the time the payroll deduction notice was issued and the support order did not authorize immediate wage withholding; or

(ii) The payroll deduction causes extreme hardship or substantial injustice.

(~~(5)~~) (6) When a person states a grievance or requests a conference board, (~~office staff~~) the IV-D agency shall provide a copy of the conference board information form.

(~~(6)~~) (7) The effective date of a conference board request is the date the IV-D agency receives the request.

(8) When a person requests a conference board, the director or the director's designee may take such action, as deemed appropriate, and may exercise any of the authority provided for in this regulation, when the:

(i) Grievance does not involve a factual dispute; or

(ii) Disputed fact or facts even if resolved in favor of the person would not provide a basis upon which relief could be granted to the person by a conference board.

(~~(7)~~) (9) When a person requests a conference board and the grievance involves an apparent factual dispute:

(a) The director or director's designee shall assemble a conference board composed of the director or director's designee, who shall serve as chair and two staff members, if deemed necessary;

(b) The chair shall mail a notice of conference board to the applicant, the applicant's representative, and any other

person or agency who is a party in interest to the proceeding. The notice of conference board shall state that a conference board has been scheduled and inform the parties of the time and place of the conference board;

(c) Where the department is not providing public assistance to the payee under a court order, and the responsible parent timely requests a conference board to contest the debt stated in a notice of support debt, the conference board shall be scheduled for a date at least thirty days after the notice of conference board is issued, and the notice shall include statements that:

(i) The payee has twenty days (or sixty days under the circumstances described in WAC 388-14-440(4)) from the date the notice of conference board was given to request that the grievance be addressed in ((an adjudicative proceeding)) a hearing under WAC 388-14-435;

(ii) If the payee does not timely request ((an adjudicative proceeding)) a hearing, the department will deem that the payee has elected to have the grievance heard in a conference board and the:

(A) Conference board decision will become the final agency position on the debt claimed under the notice of support debt; and

(B) A payee's late application for ((an adjudicative proceeding)) a hearing shall be denied unless the payee shows good cause for the late application;

(iii) If the payee does not appear at either a conference board or ((an adjudicative proceeding)) a hearing, the presiding officer's or the board's decision may be adverse to the payee's interest including, but not limited to, a reduction in the support debt stated in the notice of support debt.

(d) If the payee requests ((an adjudicative proceeding)) a hearing under WAC 388-14-435, the office shall inform the:

(i) Responsible parent that the parent's request for conference board is declined, and the responsible parent must appear at the ((adjudicative proceeding)) hearing requested by the payee to raise objections to the notice of support debt; and

(ii) Payee that the conference board previously scheduled has been declined due to the payee's application for ((an adjudicative proceeding)) a hearing.

((8)) (10) The conference board chair may issue subpoenas under RCW 74.04.290 and administer oaths, take testimony, and compel the production of such papers, books, records, and documents deemed relevant to the resolution of the grievance under consideration. The conference board chair may take additional evidence by affidavit or other written submission when necessary or practicable together with written or oral argument. The chair may designate persons having specific familiarity with the matter at issue or technical expertise with the subject to advise the board.

((9)) (11) The conference board chair shall make a written decision stating the facts found, policies applied, and the board's decision.

(a) The board's decision, including a decision to deny a request for a conference board, shall be in accordance with applicable statutes, case law, department rules and regulations, published office manuals, support enforcement policy bulletins, and the exercise of reasonable administrative discretion.

(b) The board shall base a decision under RCW 74.20A.220 to grant partial or total charge-off of arrears owed to the department under RCW 74.20A.030, 74.20A.250, 74.20.320, 74.20.330, or 42 U.S.C. 602 (a)(26)(A) on the following considerations:

(i) Error in law or bona fide legal defects that materially diminish chances of collection; or

(ii) Substantial hardship to minor children in the household of the responsible parent or other minor children for whom the responsible parent actually provides support; or

(iii) Costs of collection action in the future that are greater than the amount to be charged off; ~~((or))~~

(iv) Settlement from lump-sum cash payment that is beneficial to the state considering future costs of collection and likelihood of collection; or

(v) Excessive debt arising from a default administrative order to the extent that an assignment of child support rights covers the arrears period, upon a finding of substantial hardship under subsection (12) or (13) of this section.

(c) If the decision is the result of a conference board, that decision shall represent the decision of a majority of the board. The director shall vacate decisions inconsistent with the standards in this section and remand the application for issuance of a new decision in compliance with the standards.

~~((10)) (12)~~ In making a determination of substantial hardship under subsection ~~((9)) (11)~~ of this section, the board shall measure the net income and all available assets and resources of the responsible parent against the need~~((s))~~ standard for public assistance for the appropriate family size, as stated in WAC 388-250-1250. The board shall consider the necessity to apportion the responsible parent's income and resources on an equitable basis with the child for whom the arrears accrued. When reviewing a claim of substantial hardship, the board may consider the following information including, but not limited to:

(a) The child on whose behalf support is owed is reunited with the responsible parent because the:

(i) Formerly separated parents have reconciled; or

(ii) Child has returned to the responsible parent from foster care, the care of a relative, or the care of a nonrelative custodian.

(b) The responsible parent is aged, blind, or disabled and receiving Supplemental Security Income, Social Security, or other similar benefits;

(c) The mother of the child is seeking charge off of debt accrued on behalf of a child who was conceived as a result of incest or rape, and presents evidence of rape or incest, acceptable under 45 CFR 232.43(c);

(d) Payment on the arrears obligation interferes with the responsible parent's payment of current support to a child living outside the home;

(e) The responsible parent has limited earning potential due to:

(i) Dependence on seasonal employment that is not considered in the child support order;

(ii) Illiteracy;

(iii) Limited English proficiency; or

(iv) Other similar factors limiting employability or earning capacity~~((-))~~ ;

(f) The responsible parent's past efforts to pay support and the extent of the parent's participation in the child's parenting; ~~((and))~~

(g) The size of the responsible parent's debt and the prospects for increased income and resources; and

(h) The debt arises from a default administrative order and an assignment of child support rights covers the arrears period.

~~((11))~~ (13) The board may find that substantial hardship exists for a responsible parent, without finding hardship to a dependent child.

(a) In making a determination of substantial hardship to an individual without a dependent child, the board shall measure the applicant's income, assets, and resources against the need~~((s))~~ standard. In combination with the income test, the board may consider the following factors when reviewing a claim of substantial hardship:

(i) The responsible parent is aged, blind, or disabled and receiving Supplemental Security Income, Social Security, or other similar benefits;

(ii) The mother of a child is seeking relief from debt accrued on behalf of a child who was conceived as a result of incest or rape, and presents evidence of rape or incest, acceptable under 45 CFR 232.43(c); ~~((e))~~

(iii) The responsible parent has limited earning potential due to:

(A) Dependence on seasonal employment that is not considered in the child support order;

(B) Illiteracy;

(C) Limited English proficiency; or

(D) Other similar factors limiting employability or earning capacity.

(iv) The debt arises from a default administrative order and an assignment of child support rights covers the arrears period.

(b) The board may agree to a reduced payment on the support debt, or a conditional reduced payment on the support debt, when there is substantial hardship to the responsible parent but not a hardship to a dependent child. The other remedies for substantial hardship under this section are not available when there is no showing of hardship to a dependent child.

~~((12))~~ (14) The board may:

(a) Reduce collection on the responsible parent's support debt to an amount that alleviates the hardship without altering the amount of the support to address situations in which substantial hardship exists, but the circumstances creating the hardship are temporary. Temporary hardship situations may include the factors listed under subsection ~~((10))~~ (12) or (13) of this section and the applicant's receipt of public assistance on:

(i) Applicant's behalf; or

(ii) Behalf of a child in the applicant's home.

(b) Create incentives to promote payment or family unity by agreeing to a conditional:

(i) Total or partial charge off, if charge off is available under subsection ~~((9))~~ (11) of this section; or

(ii) Reduced payment on the support debt.

(c) Condition reduced payment, or total or partial charge off on:

(i) Continued payment according to a payment schedule imposed by the board; or

(ii) Continued reconciliation; or

(iii) A family remaining off of ~~((AFDC))~~ cash assistance.

~~((13))~~ (15) When creating incentives or providing conditional relief under subsection ~~((12))~~ (14) of this section, the board shall:

(a) Not create a conditional charge off without specifying a period of performance after which the charge off is irrevocable;

(b) Not create a charge off conditioned on the parties remaining reconciled unless the parties have been reconciled for at least six months at the time of the conference board;

(c) Consider whether the conditions would create:

(i) Incentives for abuse or intimidation of the other party to the order;

(ii) Incentives for fraud; or

(iii) Unreasonable reluctance to obtain financial or medical assistance necessary for the health and best interests of the children.

~~((14))~~ (16) When the responsible parent violates the terms of the conditional charge off or reduced repayment rate imposed by a conference board decision under subsection ~~((12))~~ (14) of this section:

(a) Any amount charged off by the board under the decision prior to the violation shall remain uncollectible;

(b) The ~~((office))~~ IV-D agency may collect any further amount that would have been charged off under the decision after the date of violation with no further notice to the responsible parent; and

(c) The responsible parent may not reinstate terms of the decision by renewed compliance with the terms of the decision, unless the ~~((department))~~ IV-D agency agrees in writing to reinstate the conditional charge off or repayment rate.

~~((15))~~ (17) The board shall distribute a copy of the decision to the applicant, the applicant's representative, other parties in interest, the appropriate field office for action consistent with the decision of the board, and the director.

~~((16))~~ (18) A conference board is not an adjudicative proceeding subject to review by the superior court and is not a substitute for any constitutionally or statutorily required hearing. An aggrieved party may be represented before the board by a person of the party's choice. The department shall not pay any costs incurred by the aggrieved person in connection with the conference board.

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 3754, filed 7/15/94, effective 8/15/94)

WAC 388-14-390 ((Adjudicative proceeding)) Hearing when collection action is initiated against a bank account—Exemptions—Burden of proof. (1) If the ~~((department))~~ IV-D agency initiates collection action against a bank account, safe~~((ty))~~ deposit box, or other property held by a bank, credit union or savings and loan, the responsible parent or the joint owner of record of the bank account, safe~~((ty))~~ deposit box or other property may contest the action in ~~((an adjudicative proceeding))~~ a hearing. The effective date of a hearing request is the date the IV-D agency receives the request.

(2) The responsible parent or the joint owner shall file the ~~((application at the office by registered or certified mail~~

or personally)) hearing request within twenty days of the date the ((office)) IV-D agency mailed a copy of the order to withhold and deliver to the:

- (a) Responsible parent; or
- (b) Last known address of the joint owner of record of the account, by certified mail.

(3) The responsible parent or joint owner of record shall state in the application the facts supporting the allegation by the responsible parent or the joint owner that the funds or property, or a portion of the funds or property, are exempt from satisfaction of the child support obligation of the responsible parent.

(4) On the application of the responsible parent, the joint owner of record, or the ((office)) IV-D agency, the ((department)) IV-D agency shall schedule ((an adjudicative proceeding)) a hearing solely for the purpose of determining whether or not one of the following exemptions applies to the funds in the bank account, or to the other property attached by the order to withhold and deliver:

(a) Pursuant to RCW 26.16.200 and 74.20A.120, the property or funds in the community bank account, joint bank account, or safe((ty)) deposit box, or a portion of the property or funds which can be identified as the earnings of the spouse not owing a support obligation to the child or children of the responsible parent, are exempt from satisfaction of the child support obligation of the responsible parent.

(b) The funds in a bank account, or a portion of those funds which can be identified as AFDC funds, TANF funds, SSI monies, or other kinds of funds having been legally exempted from collection action, are exempt from satisfaction of the child support obligation of the responsible parent; or

(c) The funds or property attached by the order to withhold and deliver which can be identified as being solely owned by the joint owner of record of the bank account or safe((ty)) deposit box not owing a child support obligation to the child or children of the responsible parent, are exempt from satisfaction of the child support obligation of the responsible parent.

(5) The responsible parent or joint owner of record shall have the burden of tracing the funds and proving the property or funds in the bank account, or property in a safe deposit box, are exempt from satisfaction of the child support obligation of the responsible parent.

(6) The ((office)) IV-D agency shall hold moneys or property withheld as a result of collection action initiated against a bank account or safety deposit box and delivered to the ((office)) IV-D agency at the time of the granting of an application pending the final ((adjudicative)) administrative order or during the pendency of any appeal to the courts.

(7) If the final decision of the department or courts on appeal is that the ((department)) IV-D agency has caused money or property that is exempt from satisfaction of the child support obligation of the responsible parent to be withheld by the bank or delivered to the department, the ((office)) IV-D agency shall:

- (a) Promptly release the order to withhold and deliver; or
- (b) Refund the proportionate share of the funds having been identified as being so exempt. The department shall

not be liable for any interest accrued on any moneys withheld pursuant to RCW 74.20A.080.

AMENDATORY SECTION (Amending Order 3403, filed 6/9/92, effective 7/10/92)

WAC 388-14-415 Notice of support owed. (1) The IV-D agency may serve a notice of support owed ((issued)) on a responsible parent under RCW 26.23.110 ((shall state that:

(a) ~~The office of support enforcement (OSE) is providing support enforcement services on behalf of the responsible parent's dependent children;~~

(b) ~~Twenty one days after service of the notice on the responsible parent, OSE may take action to collect the responsible parent's support obligation without further notice when the support obligation becomes due under the terms of the court order, unless the responsible parent or the payee under the order has filed a timely request to contest the notice as provided under this section. Collection action includes issuing orders to withhold and deliver and notices of payroll deduction, or taking other income withholding action;~~

(c) ~~After service of the notice the responsible parent shall make all support payments through the Washington state support registry;~~

(d) ~~The responsible parent shall not receive credit for payments made to a person or agency other than the support registry under RCW 26.23.050(9) and 74.20.101;~~

(e) ~~The current monthly amount for support including medical and day care costs, due under a court or administrative order and an initial finding of the current support amount due if there is no fixed dollar amount in the order, and the basis, rationale, or formula used to make the initial finding;~~

(f) ~~The amount of any support debt, including medical support and day care costs, owed by the responsible parent;~~

(g) ~~The responsible parent shall have twenty days after service of the notice to contest the current support or support debt claimed by filing:~~

(i) ~~A written application for an adjudicative proceeding under chapter 34.05 RCW; or~~

(ii) ~~An action in superior court.~~

(h) ~~The payee under the order shall have twenty days from the date notice was given to contest:~~

(i) ~~The support debt or current support amount stated in the notice of support owed; or~~

(ii) ~~A proposed agreement between OSE and the responsible parent regarding the amount of the support debt or current support.~~

(i) ~~The payee may contest the support debt, current support, or proposed agreement by filing:~~

(i) ~~A written application for an adjudicative proceeding under chapter 34.05 RCW; or~~

(ii) ~~A [an] action in superior court.~~

(j) ~~If either party files an application for an adjudicative proceeding both parties shall be notified and allowed to participate in the proceeding as independent parties.~~

(2) ~~The notice of support owed shall be served on the responsible parent like a summons in a civil action or by any form of mail requiring a return receipt.~~

(3) Following service upon the responsible parent, the office shall mail a copy of the notice of support owed to the payee under the order by regular mail at the payee's last known address. The office shall also mail a notice to the payee regarding the payee's rights to contest the notice of support owed as provided under WAC 388-14-440.

(4) OSE may make the initial finding based upon:

(a) The factors stated in the order; and

(b) Any other information not contained in the order that is needed to determine the amount of the accrued debt or the current support obligation.

(5) When either the responsible parent or the payee under the order files an application for an adjudicative proceeding under this section, the department shall issue a notice of hearing.

The notice shall direct both parties to appear and show why the current support amount and the support debt amount is incorrect.

(6) When the responsible parent requests the hearing, the parent shall:

(a) List defenses to liability and/or state the reasons why support should not be set as stated in the notice of support owed in the request for a hearing; and

(b) Attach an office approved financial affidavit;

(7) A payee's application for an adjudicative proceeding shall be governed by WAC 388-14-440.

(8)(a) If any party appears for the adjudicative proceeding and elects to proceed, absent the granting of a continuance the presiding officer shall hear the matter and enter an initial decision and order based upon the evidence presented. The presiding officer shall include a party's failure to appear in the initial decision and order. The appeal rights of the party who failed to appear shall be limited to an appeal on the record made at the adjudicative proceeding.

(b) If neither party appears or elects to proceed, the presiding officer shall enter a decision and order declaring the amounts stated in the notice of support owed subject to collection action.

(c) When a party has advised the presiding officer that they will participate in an adjudicative proceeding by telephone, the presiding officer shall attempt to contact that party, on the record, [to] before beginning the proceeding or ruling on a motion.

(d) This rule does not authorize or require the presiding officer to disclose either party's telephone number.

(9) If either parent files a timely application for an adjudicative proceeding, OSE shall stay collection action pending the final adjudicative order, except as provided under subsection (10) of this section.

(10) OSE may take action to collect:

(a) Any part of the support debt that neither party alleges is incorrect;

(b) A fixed or minimum dollar amount for current support stated in the court order; and

(c) Any part of a support debt that has been reduced to a sum certain judgment by a proper court or agency.

(11) OSE shall collect the amounts stated in the notice without further notice to either party if neither the responsible parent nor the payee under the order:

(a) Files an application for an adjudicative proceeding under chapter 34.05 RCW; or

(b) Starts an action in superior court.

(12)(a) The following sections are incorporated by reference and made applicable to a proceeding provided for in this section: WAC 388-11-011, 388-11-015, 388-11-055, 388-11-060, 388-11-065, 388-11-100, 388-11-115, 388-11-135, 388-11-145, and 388-11-180.

(b) Hearings held under this section shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), and chapters 10-08, 388-08, and 388-14 WAC. If any provision in this chapter or in a rule incorporated by reference by (12)(a) of this section conflicts with or is inconsistent with chapters 10-08 or 388-08 WAC, the provision in this chapter or a rule incorporated by reference shall govern.

(c) For the purposes of this section, when a rule incorporated by this section grants a procedural right to a responsible parent, that rule shall be interpreted to confer the same right to the payee under the court order.

(13) After the parties have presented evidence at a hearing, the presiding officer shall within twenty days:

(a) Find the amount of current support payable under the order;

(b) Find the amount of the support debt, including medical support and day care costs, accrued before to the date of service of the notice; and

(c) Issue findings of fact, conclusions of law, and an initial decision and order.

(14) The party contesting the amounts stated in the notice shall prove that the amounts stated in the notice of support owed are incorrect.

(15) The presiding officer in the initial decision, and the secretary or designee in review of the proposed decision, shall be limited to:

(a) Interpretation of the court order for support only. The presiding officer shall not have the authority to change or defer the support amount owed except to find:

(i) The amount of monthly support as a fixed dollar amount; and

(ii) Any arrears accrued before to service of the notice of support owed.

(b) Correct the mathematical computation of the stated debt;

(c) Review and consider superior court orders which have modified the superior court order in issue. Contempt orders and orders entered under chapter 26.18 or 26.23 RCW shall not be construed as modifications.

(16) In adjudicative orders entered under this section the presiding officer shall inform the parties of the right to request a yearly review of the order.

(17) The presiding officer shall file the original initial decision and order with the secretary or the secretary's designee.

(18) The presiding officer shall mail copies of the decision and order to:

(a) The office of support enforcement;

(b) The last known address of the responsible parent by certified mail; and

(c) The last known address of the person to whom support is payable under the support order.

(19) Any party may appeal the initial decision or review decision as provided under WAC 388-08-440 or 388-08-464.

(20) Informal disposition of any hearing is favored where possible and not precluded by law. OSE may dispose

of cases by an agreed settlement or a consent order. The presiding officer shall approve any consent order unless:

- (a) It is contrary to law; or
- (b) The payee under the order filed a timely objection to the:

- (i) Notice of support owed; or
- (ii) Notice of proposed settlement.

(21) A support order issued under this section shall contain the notice and information listed under RCW 26.23-050(5).

(22) The provisions of this section regarding the payee's right to an adjudicative proceeding shall not apply if the department is providing public assistance to the payee or the child for whom support is being sought)) to establish a fixed dollar amount of monthly support and accrued support debt if a support obligation under a court order is not a fixed dollar amount, or to implement an adjustment or escalation provision of the court order.

(a) The notice of support owed shall include day care costs and medical support if the court order provides for such costs.

(b) The IV-D agency shall serve a notice of support owed on a responsible parent like a summons in a civil action or by certified mail, return receipt requested.

(c) Following service on the responsible parent, the IV-D agency shall mail a notice to payee under WAC 388-14-440.

(2) In a notice of support owed, the IV-D agency shall include the information required by WAC 388-11-210 and RCW 26.23.110 and:

(a) The factors stated in the order to calculate monthly support;

(b) Any other information not contained in the order that was used to calculate monthly support and the support debt; and

(c) Notice of the right to request a review of the order once yearly or on the date, if any, given in the order for an annual review.

(3) The responsible parent must make all support payments after service of a notice of support owed to the Washington state support registry. The IV-D agency shall not credit payments made to any other party after service of a notice of support owed except as provided in WAC 388-11-015 and 388-11-280.

(4) A notice of support owed becomes final as defined in this subsection.

(a) A notice of support owed becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the responsible parent, within twenty days of service of the notice in Washington:

(i) Contacts the IV-D agency, and signs an agreed settlement;

(ii) Files a request with the IV-D agency for a hearing under subsection (5) of this section. The effective date of a hearing request is the date the IV-D agency receives the request; or

(iii) Obtains a stay from the superior court.

(b) A notice of support owed served in another state becomes final according to WAC 388-14-496.

(5) The IV-D agency may enforce at any time:

(i) A fixed or minimum dollar amount for monthly support stated in the court order or by prior administrative order entered under this section;

(ii) Any part of a support debt that has been reduced to a fixed dollar amount by a court or administrative order; and

(iii) Any part of a support debt that neither party alleges is incorrect.

(6) A hearing on the merits of a notice of support owed is for the limited purpose of interpreting the court order for support and any modifying orders and not to change or defer the support provisions of the order. The hearing is only to determine:

(i) The amount of monthly support as a fixed dollar amount;

(ii) Any accrued arrears through the date of hearing; and

(iii) If a condition precedent in the court order to begin or modify the support obligation was met.

(7) If the responsible parent requested the hearing, he or she has the burden of proving any applicable defenses to liability under WAC 388-11-065 or that the amounts stated in the notice of support owed are incorrect.

If the payee under the order requested the hearing, see WAC 388-14-440.

(8) The IV-D agency shall send notice of a hearing under this subsection to the responsible parent and payee. The payee may participate in the hearing as an independent party with the same procedural rights as the responsible parent.

(9) If only one party appears and wishes to proceed with the hearing, the presiding officer shall either continue the hearing or hold a hearing and issue an initial decision based on the evidence presented.

(i) The presiding officer shall include an order of default against the nonappearing party in the initial decision, and the appeal rights of the nonappearing party are limited to the record made at the hearing.

(ii) If neither party appears or wishes to proceed with the hearing, the presiding officer shall issue an order of default against both parties.

(10) A notice of support owed or an initial or review decision issued under subsection (6) of this section shall inform the parties of the right to request a review of the order once yearly or on the date, if any, given in the order for an annual review.

(11) If a responsible parent requests a late hearing under WAC 388-11-310, the responsible parent must show good cause for filing the late hearing request if it is filed more than one year after service of the notice of support owed.

(12) A notice of support owed shall fully and fairly apprise the responsible parent of the rights and responsibilities in this section.

(13) For the purposes of this section, "payee" shall include "physical custodian."

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 Order 3512, filed 2/10/93, effective 3/13/93)

WAC 388-14-420 Termination of support enforcement services. (1) After the ~~((office of support enforcement (OSE)))~~ IV-D agency begins providing services under chapter 74.20 RCW and RCW 26.23.045 (1)(a), (b), (c), (e), or (f), ~~((OSE))~~ the IV-D agency may terminate services when:

(a) There is no current support order and the support debt is less than five hundred dollars or cannot be enforced under the laws of the state of Washington;

(b) ~~((OSE))~~ The IV-D agency determines that the responsible parent or putative father is dead and has no available assets, income, or estate subject to collection action;

(c) ~~((OSE))~~ The IV-D agency determines that the responsible parent does not have any available assets, income, or estate subject to collection action, and is and will be unable to pay support because the parent is:

- (i) Institutionalized in a psychiatric facility;
- (ii) Incarcerated without possibility of parole; or
- (iii) Medically verified as totally and permanently disabled with no evidence of support potential.

(d) The applicant, agency, or person receiving nonassistance services submits a written request to terminate services, and no

~~((+))~~ current assignment to the state of medical support rights exists~~((+ and~~

~~((ii) Debt accrued under a support order that is assigned to the state exists)).~~ If there is accrued debt under a support order that is assigned to the state:

- (i) That portion of the case shall remain open; and
- (ii) The IV-D agency may close the nonassistance portion of the case.

(e) ~~((OSE))~~ The IV-D agency makes reasonable efforts to identify or locate the responsible parent, using local, state, and federal locate sources over a three-year period and does not find new locate information;

(f) ~~((OSE))~~ The IV-D agency is unable to contact a nonassistance physical custodian within a thirty-day period using both a telephone call and one or more registered letters;

(g) ~~((OSE))~~ The IV-D agency documents:

(i) Instances of the physical custodian's failure or refusal to cooperate with ~~((OSE))~~ the IV-D agency; and

(ii) That the physical custodian's cooperation is essential for the next step in providing support enforcement services;

(h) ~~((OSE))~~ The IV-D agency cannot obtain a paternity order because:

- (i) The putative father is dead;
- (ii) A genetic test has excluded all known putative fathers and no other putative father can be identified;
- (iii) The child is eighteen years of age or older; or
- (iv) The department, a court of competent jurisdiction, or an adjudicative proceeding determines that paternity establishment would not be in the best interest of the child in a case involving:

- (A) Incest;
- (B) Rape; or
- (C) Pending adoption.

(i) The department or a court of competent jurisdiction finds the person receiving services has wrongfully deprived the responsible parent of physical custody of a dependent child under WAC 388-11-065~~((10))~~ (3);

(j) The department or a court of competent jurisdiction finds that action establishing or enforcing a support obligation cannot proceed without risk of harm to the child or the child's custodian;

(k) ~~((OSE))~~ The IV-D agency has provided locate-only services in response to a request for state parent locator services; ~~((or))~~

(l) The responsible parent is a citizen of, and lives in, a foreign country and:

(i) Does not have any assets which can be reached by ~~((OSE))~~ the IV-D agency; and

(ii) Washington state has been unable to establish reciprocity in child support matters with that country; or

(m) The dependent child is confined to a juvenile rehabilitation facility for a period of ninety day or more; or

(n) Any other circumstances exist which would allow closure under 45 CFR 303.11 or any other federal statute or regulation.

(2) After ~~((OSE))~~ the IV-D agency provides services under RCW 26.23.045 (1)(d), ~~((OSE))~~ the IV-D agency shall:

(a) Terminate support enforcement services;

(i) If a court of competent jurisdiction orders ~~((OSE))~~ the IV-D agency to terminate services based on:

(A) An approved alternate payment plan under RCW 26.23.050; or

(B) A finding that it is not in the child's best interest for ~~((OSE))~~ the IV-D agency to continue providing services.

(ii) After filing a satisfaction of judgment with the court as provided under WAC 388-14-205; or

(iii) If the responsible parent is dead and ~~((OSE))~~ the IV-D agency receives proof there is no available estate.

(b) Terminate services, except records maintenance and payment processing:

(i) For the reasons stated under subsections (1)(c), (d), (e), (f), (g), (j), (k), ~~((or))~~ (l), or (m) of this section; or

(ii) If the payee under the order fails to submit an application for support enforcement services.

(3) Sixty days before terminating services, ~~((OSE))~~ the IV-D agency shall mail a notice to the physical custodian.

~~((OSE))~~ The IV-D agency shall:

(a) Send the notice by regular mail to the last known address of the physical custodian;

(b) Include in the notice the reasons for terminating services; and

(c) State in the notice that the physical custodian may ask for ~~((an adjudicative proceeding))~~ a hearing to contest the decision terminating services.

(4) After terminating support enforcement services, ~~((OSE))~~ the IV-D agency shall return support money ~~((OSE))~~ the IV-D agency receives to the payor except as provided under subsection (2)(b) of this section.

AMENDATORY SECTION (Amending Order 3512, filed 2/10/93, effective 3/13/93)

WAC 388-14-435 Notice of support debt. (1) The IV-D agency may serve a notice of support debt ((issued)) on a responsible parent under RCW 74.20A.040 ((shall state:

~~(a) The office of support enforcement (OSE) provides support enforcement services on behalf of the responsible parent's dependent children.~~

~~(b) The amount of any support debt, including medical support and day care costs, owed by the responsible parent.~~

~~(c) The current monthly amount for support under a court or administrative order.~~

~~(d) Twenty one days after service of the notice of support debt OSE may take action to collect the responsible parent's support obligation without further notice, when the support obligation becomes due under the terms of the court order, unless the responsible parent or the payee under the order has filed a timely request to contest the notice of support debt as provided under this section. Collection action includes issuing orders to withhold and deliver, notices of payroll deduction, and/or taking other income withholding action.~~

~~(e) After service of the notice of support debt the responsible parent shall make all support payments through the Washington state support registry.~~

~~(f) The responsible parent shall not receive credit for payments made to a person or agency other than the support registry under RCW 26.23.050(9) and 74.20.101.~~

~~(g) The responsible parent has twenty days after service of the notice to contest the support debt amount by either:~~

~~(i) Making a written request for a conference board to be held under WAC 388-14-385; or~~

~~(ii) Filing an action in superior court.~~

~~(h) If the payee under the order objects to the support debt stated in the notice of support debt, or to a proposed settlement agreement between OSE and the responsible parent resulting in a reduction of the support debt, the payee may contest the action by filing:~~

~~(i) A written application for an adjudicative proceeding under chapter 34.05 RCW; or~~

~~(ii) An action in superior court.~~

~~(i) Both parties shall be notified of any adjudicative proceeding requested by the payee, or conference board requested by the responsible parent, and both parties shall be allowed to participate as independent parties.~~

~~(2) The department shall serve the notice of support debt on the responsible parent:~~

~~(a) Like a summons in a civil action; or~~

~~(b) By any form of mail requiring a return receipt.~~

~~(3) Following service upon the responsible parent, the office shall mail a copy of the notice of support debt to the payee under the order, by regular mail at the payee's last known address. The office shall also mail a notice to the payee regarding the payee's rights to contest the notice of support debt as provided under WAC 388-14-440.~~

~~(4) OSE shall collect the amounts stated in the notice of support debt without notice to either party if the:~~

~~(a) Responsible parent does not request a conference board or start an action in superior court; and~~

~~(b) Payee under the order does not file a timely application for an adjudicative proceeding or start an action in superior court.~~

~~(5)(a) If the responsible parent requests a conference board the department shall issue a notice of conference board. The notice shall direct the responsible parent to appear and show why the support debt is incorrect. If the conference board request was timely, action to collect the support debt stated in the notice of support debt shall be stayed, except as provided under subsection (5)(e) of this section, pending the outcome of the conference board.~~

~~(b) A copy of the notice of conference board shall be mailed to the payee under the court order informing the payee of the payee's right to participate in the conference board.~~

~~(i) The payee shall have twenty days from the date the notice of conference board is given to request that the issues be addressed in an adjudicative proceeding under subsection (1)(h) of this section.~~

~~(A) If the payee does not file an application for an adjudicative proceeding within twenty days, the payee will be deemed to have made an election of remedies and the:~~

~~(I) Conference board decision shall become the final agency position; and~~

~~(II) Payee's late application for an adjudicative proceeding shall be denied unless the payee shows good cause for the late application.~~

~~(B) If the payee files an application for an adjudicative proceeding within twenty days the department shall stay any action to collect the support debt stated in the notice of support debt, except as provided under subsection (5)(e) of this section, pending the outcome of the adjudicative proceeding.~~

~~(ii) OSE shall notify the responsible parent of the payee's application for an adjudicative proceeding as required under subsection (1)(i) of this section.~~

~~(e) OSE may take action to collect:~~

~~(i) The current monthly amount of support stated in the court order;~~

~~(ii) Any portion of the support debt that both parties fail to allege is not owed; or~~

~~(iii) Any portion of the support debt that has been reduced to a sum certain judgment by a proper court or agency.~~

~~(6)(a) This section incorporates the following sections by reference, into any adjudicative proceeding scheduled to contest a notice issued under this section:~~

~~(i) WAC 388-11-011;~~

~~(ii) 388-11-015;~~

~~(iii) 388-11-060;~~

~~(iv) 388-11-065;~~

~~(v) 388-11-100;~~

~~(vi) 388-11-115;~~

~~(vii) 388-11-135;~~

~~(viii) 388-11-145;~~

~~(ix) 388-11-180; and~~

~~(x) Chapters 10-08 and 388-08 WAC.~~

~~(b) If any provision in this rule or in a rule incorporated by reference in this section conflicts with, or is inconsistent with a provision in chapters 10-08 or 388-08 WAC, the provision in this section or a rule incorporated by reference in this section shall govern.~~

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~~(e) For the purposes of this section, if a rule incorporated by this section grants a procedural right to a responsible parent, that rule shall be interpreted to confer the same right to the payee under the court order.~~

~~(7) After evidence has been presented at a hearing, the presiding officer shall, within twenty days:~~

~~(a) Find the amount of the support debt, including medical support and day care costs, accrued before the date of service of the notice;~~

~~(b) Correct the mathematical computation of the stated debt;~~

~~(c) Review and consider superior court orders which have modified the superior court order in issue. Contempt orders and orders entered under chapters 26.21 or 26.20 RCW shall not be construed as modifications; and~~

~~(d) Issue findings of fact, conclusions of law, and an initial decision and order.~~

~~(8)(a) If any party appears for the adjudicative proceeding, absent the granting of a continuance, the presiding officer shall hear the matter and enter an initial decision and order based on the evidence presented.~~

~~(b) If neither party appears or elects to proceed, the presiding officer shall enter a decision and order declaring the amounts stated in the notice of support debt subject to collection.~~

~~(c) When a party has advised the presiding officer that the party will participate in an adjudicative proceeding by telephone, the presiding officer shall attempt to contact that party, on the record, prior to beginning the proceeding or ruling on a motion.~~

~~This rule does not authorize or require the presiding officer to disclose either party's telephone number.~~

~~(9) Informal disposition of any hearing is favored where possible and not precluded by law. OSE may dispose of cases by an agreed settlement, or consent order. The presiding officer shall approve any consent order unless the:~~

~~(a) Order is contrary to law; or~~

~~(b) Payee under the order files a timely objection to the notice of:~~

~~(i) Support debt; or~~

~~(ii) Proposed settlement.~~

~~(10) The presiding officer, review judge, and OSE shall include the notice and information listed under RCW 26.23.050(5) in support orders issued under this section.~~

~~(11) This section does not require OSE to serve a notice of support debt on the responsible parent before taking collection action if the order contains the requirements under RCW 74.20A.040(5).~~

~~(12) The provisions of this section regarding the payee's right to an adjudicative proceeding under chapter 34.05 RCW shall not apply if the department is providing public assistance to the payee or the child for whom support is being enforced)) to provide notice that the IV-D agency is enforcing a court order or foreign administrative order for support.~~

~~(2) The IV-D agency shall serve a notice of support debt like a summons in a civil action or by certified mail, return receipt requested.~~

~~(3) In a notice of support debt, the IV-D agency shall include the information required by WAC 388-11-210, the amount of current and future support, accrued support debt,~~

any health insurance coverage obligation, and any day care costs under the court or administrative order.

(4) The responsible parent must make all support payments after service of a notice of support debt to the Washington state support registry. The IV-D agency shall not credit payments made to any other party after service of a notice of support debt except as provided in WAC 388-11-015 or 388-11-280.

(5) A notice of support debt becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW, subject to the terms of the order, unless, within twenty days of service of the notice in Washington, the responsible parent:

(a) Files a request with the IV-D agency for a conference board under WAC 388-14-285. The effective date of a conference board request is the date the IV-D agency receives the request;

(b) Obtains a stay from the superior court; or

(c) A notice of support debt served in another state becomes final according to WAC 388-14-496.

(6) Enforcement of the following are not stayed by a request for a conference board or hearing under this section or WAC 388-14-440:

(a) Current and future support stated in the order; and

(b) Any portion of the support debt that the responsible parent or payee under the order fail to allege is not owed.

(7) Following service of the notice of support debt on the responsible parent, the IV-D agency shall mail to the last known address of the payee under the order:

(a) A copy of the notice of support debt; and

(b) A notice to payee under WAC 388-14-440 regarding the payee's rights to contest the notice of support debt.

(8) If the responsible parent requests a conference board under subsection (5)(a) of this section, the IV-D agency shall mail a copy of the notice of conference board to the payee under the order informing the payee of the payee's right to:

(a) Participate in the conference board; or

(b) Request a hearing under WAC 388-14-440(3) within twenty days of the date of a notice of conference board that was mailed to a Washington address. If the notice of conference board was mailed to an out-of-state address, the payee may request a hearing within sixty days of the date of the notice of conference board. The effective date of a hearing request is the date the IV-D agency receives the request.

(9) If the payee requests a hearing under subsection (8) of this section, the IV-D agency shall:

(a) Stay enforcement of the notice of support debt except as required under subsection (6) of this section; and

(b) Notify the responsible parent of the hearing.

(10) If a payee requests a late hearing under subsection (8) of this section, the payee must show good cause for filing the late request.

(11) A notice of support debt shall fully and fairly apprise the responsible parent of the rights and responsibilities in this section.

AMENDATORY SECTION (Amending Order 3133, filed 4/9/91, effective 5/10/91)

~~WAC 388-14-440 Notice to payee. (1) The ((office of support enforcement (OSE))) IV-D agency shall ((mail)) send a notice to ((the)) a payee under a court order or foreign administrative order for ((child)) support ((by first class mail to the payee's last known address)) when the ((department serves a)) IV-D agency receives proof of service on the responsible parent of:~~

~~(a) A notice of support ((debt on the responsible parent)) owed under ((RCW 74.20A.040)) WAC 388-14-415; or~~

~~(b) A notice of support ((owed on the responsible parent)) debt under ((RCW 26.23.110)) WAC 388-14-435.~~

~~(2) The IV-D agency shall send the notice to ((the)) payee ((shall state:~~

~~(a) OSE has served a notice of support debt or notice of support owed on the responsible parent;~~

~~(b) The amount of support OSE calculated is due at the time the notice is issued and the time period during which the support debt accrued; and~~

~~(c) In cases where the department is not providing public assistance to the payee or the child for whom support is being enforced, the notice to the payee shall also state:~~

~~(i) The payee under the court order has the right to contest the claimed support debt and/or current support by filing a written application for an adjudicative proceeding under chapter 34.05 RCW within twenty days of the date the notice to the payee was given;~~

~~(ii) The payee under the court order may upon request review the information used to calculate the support debt and/or current support claimed in the notice of support debt or the notice of support owed;~~

~~(iii) The responsible parent has the right to attend and participate as an independent party in any adjudicative proceeding requested by the payee;~~

~~(iv) If the responsible parent files a timely request for a conference board to contest a notice of support debt, the payee will be required to elect between resolving the amount of the debt in the conference board or in an adjudicative proceeding; and~~

~~(v) If the payee does not appear for either a conference board or an adjudicative proceeding, the resulting decision may be adverse to the payee's interest, including but not limited to a reduction:~~

~~(A) In the amount of the support debt below the amount stated in a notice of support debt; or~~

~~(B) Of the support debt and/or the current support below the amount stated in the notice of support owed.~~

~~(3) If the payee under the court order does not timely file an application for an adjudicative proceeding, OSE shall collect the amounts stated in the notice of support debt or notice of support owed without further notice to either party unless the responsible parent timely:~~

~~(a) Requests a conference board to contest the notice of support debt; or~~

~~(b) Files an application for an adjudicative proceeding to contest the notice of support owed)) by first class mail to the last known address of the payee and enclose a copy of the notice served on the responsible parent.~~

(3) In a notice to payee, the IV-D agency shall inform the payee of the right to file a request with the IV-D agency for a hearing on a notice of support owed under WAC 388-14-415 or a notice of support debt under WAC 388-14-435 within twenty days of the date of a notice to payee that was mailed to a Washington address.

(4) If the notice to payee was mailed to an out-of-state address, the payee may request a hearing within sixty days of the date of the notice to payee.

(5) The effective date of a hearing request is the date the IV-D agency receives the request.

(6) A hearing on a notice of support debt is for the limited purpose of determining the amount of accrued support debt through the date of the hearing under the order.

(7) The IV-D agency shall send a notice of hearing on a notice of support debt to the responsible parent and payee. The responsible parent may participate in the hearing as an independent party.

(8) If only one party appears and wishes to proceed with the hearing, the presiding officer shall hold a hearing and issue an initial decision based on the evidence presented or continue the hearing.

(a) An initial decision issued under this subsection shall include an order of default against the nonappearing party and limit the appeal rights of the nonappearing party to the record made at the hearing.

(b) If neither the responsible parent nor the payee appears or wishes to proceed with the hearing, the presiding officer shall issue an order of default against both parties.

(9) If the payee requests a late hearing under WAC 388-11-310 on a notice of support owed or a notice of support debt, the payee must show good cause for filing the late hearing request.

AMENDATORY SECTION (Amending Order 3133, filed 4/9/91, effective 5/10/91)

WAC 388-14-445 Notice of proposed settlement. (1) The IV-D agency shall send a notice of proposed settlement to a payee when the IV-D agency and the responsible parent sign an agreed settlement((s and)) or consent order((s entered between the department and the responsible parent to adjust amounts claimed under a notice of support debt or a notice of support owed shall not be final unless:

(a) Approved by the payee under the order; or

(b) The payee is given notice of and does not make a timely written objection to the proposed settlement.

(2) Agreed settlements and consent orders shall contain a statement informing the responsible parent of the conditional nature of the agreement.

(3) When the department and the responsible parent sign an agreed settlement or consent order under this section, the department shall mail a copy of the proposed agreement to the payee and inform the payee of the payee's right to object to the proposed agreement. The department shall inform the payee that:

(a) The payee may object to the agreement by filing a written application for an adjudicative proceeding under chapter 34.05 RCW with the department within twenty days of the date notice of the proposed agreement was given; and

(b) If the payee does not timely file an application for an adjudicative proceeding, the proposed agreement will

~~become effective and shall not be subject to further administrative appeal and if the responsible parent has previously filed a timely request for a conference board or an adjudicative proceeding, the:~~

- ~~(i) Proposed agreement will become final; and~~
- ~~(ii) Scheduled hearing or conference board will be dismissed.~~

~~(c) The payee may, at any time, approve a proposed settlement by written notice to the department.~~

~~(4) The department or the office of administrative hearings shall give notice to the responsible parent of any adjudicative proceeding requested by the payee to contest a proposed agreement. The responsible parent shall be allowed to appear and participate as an independent party in the proceeding.~~

~~(5) The provisions of this section shall not apply if the department is providing public assistance to the children for whom the department enforces support) in cases where the support obligation is being set under a court order which does not specify a fixed dollar amount.~~

The IV-D agency shall send the notice of proposed settlement by first class mail to the last known address of the payee and enclose a copy of the agreed settlement or consent order.

(2) A proposed settlement becomes final according to this subsection.

(a) A proposed settlement under this section becomes final and subject to enforcement unless the payee, within twenty days of the date of a notice of proposed settlement that was mailed to a Washington address:

- (i) Approves the proposed settlement; or
- (ii) Files a request with the agency IV-D for a hearing on a notice of support owed under WAC 388-14-415 or a notice of support debt under WAC 388-14-435. The effective date of a hearing request is the date the IV-D agency receives the request.

(b) If the notice of proposed settlement was mailed to an out-of-state address, the payee may request a hearing within sixty days of the date of the notice of proposed settlement.

(3) The payee may not request a late hearing under WAC 388-11-310 on a notice of proposed settlement.

AMENDATORY SECTION (Amending Order 3133, filed 4/9/91, effective 5/10/91)

WAC 388-14-450 Debt adjustment notice. (1) The ~~((office of support enforcement (OSE)))~~ IV-D agency shall mail a debt adjustment notice to ~~((a))~~ the payee under a court order within thirty days of the date ~~((OSE))~~ the IV-D agency reduces the amount of the court-ordered support debt ~~((the department))~~ it intends to collect if that reduction was due to:

- (a) A mathematical error in the debt calculation;
- (b) A clerical error in the stated debt;
- (c) Proof the support obligation should have been suspended for all or part of the time period involved in the calculation; or
- (d) Proof the responsible parent made payments that had not previously been credited against the support debt.

(2) The debt adjustment notice shall state:

- (a) The amount of the reduction;

(b) The reason ~~((OSE))~~ the IV-D agency reduced the support debt, as provided under subsection (1) of this section;

~~((The payee has the right to contest the proposed adjustment by filing a written application for an adjudicative proceeding under chapter 34.05 RCW within twenty days of the date notice to the payee was given;~~

~~((d))~~ The name of the responsible parent and a statement that the responsible parent may attend and participate as an independent party in ((an adjudicative proceeding)) any hearing requested by the payee under this section; and

~~((e) OSE))~~ (d) The IV-D agency will continue to provide support enforcement services whether or not the payee objects to the debt adjustment notice.

~~(3)((a) The payee has the right to contest a reduction under subsection (1) of this section by filing a request for an adjudicative proceeding within twenty days of the date the notice to the payee was given.~~

~~(b) If the application for an adjudicative proceeding is untimely filed but is filed within one year of the date notice was given, the payee shall be entitled to an adjudicative proceeding without showing good cause for the untimely request~~

~~(c) If the application for an adjudicative proceeding is filed beyond one year from the date notice was given, the payee must show good cause for the delay in filing the request in order to receive an adjudicative proceeding to contest the reduction.~~

~~(4) The provisions of this section shall not apply if the department is providing public assistance to the payee or the child for whom the department enforces support)) A debt adjustment notice becomes final under this subsection.~~

(a) A debt adjustment notice becomes final unless the payee, within twenty days of service of the notice in Washington, files a request with the IV-D agency for a hearing under subsection (4) of this section. The effective date of a hearing request is the date the IV-D agency receives the request.

(b) A debt adjustment notice served in another state becomes final according to WAC 388-14-496.

(4) A hearing under this section is for the limited purpose of determining if the IV-D agency correctly reduced the support debt as stated in the notice of debt adjustment.

(5) A payee who requests a late hearing under WAC 388-11-310 must show good cause for filing a late hearing request if it is filed more than one year after the date of the notice of debt adjustment.

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 Order 3403, filed 6/9/92, effective 7/10/92)

WAC 388-14-460 Notice of intent to enforce—Health insurance coverage. (1) The ~~((office of support enforcement (OSE)))~~ IV-D agency may issue a notice of intent to enforce a responsible parent's obligation to provide health insurance coverage under a court or administrative order if the order:

(a) Requires the responsible parent to provide health insurance coverage or prove that coverage is not available; and

(b) Does not inform the parent that failure to provide coverage or prove that coverage is not available may result in direct enforcement of the order.

(2) ~~((OSE))~~ The IV-D agency shall serve the notice on the responsible parent by certified mail, return receipt requested or by personal service.

(3) ~~The ((department))~~ IV-D agency shall state on the notice of intent to enforce that the responsible parent must submit proof of coverage, proof that coverage is not available, or proof that the parent has applied for coverage to ~~((OSE))~~ the IV-D agency within twenty days of the date:

(a) Of service of the notice; or

(b) Health insurance coverage becomes available through the parent's employer or union.

NEW SECTION

WAC 388-14-495 Registering an order from another state for enforcement or modification. (1) A support enforcement agency, or a party to a child support order or an income-withholding order for support issued by a tribunal of another state, may register the order in this state for enforcement pursuant to chapter 26.21 RCW.

(a) The order may be registered with the superior court pursuant to RCW 26.21.490 or it may be registered with the administrative tribunal according to subsection (2) of this section, at the option of the IV-D agency. Either method of registration shall be considered valid registration.

(b) A support order or income-withholding order issued in another state is registered when the order is filed with the registering tribunal of this state.

(c) A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

(2) The IV-D agency shall give notice to the nonregistering party when it administratively registers a support order or income-withholding order issued in another state.

(a) The notice must inform the nonregistering party:

(i) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(ii) That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of receipt by certified or registered mail or personal service of the notice given to a nonregistering party within the state and within sixty days after the date of receipt by certified or registered mail or personal service of the notice on a nonregistering party outside of the state;

(iii) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(iv) Of the amount of any alleged arrearages.

(b) The notice must be:

(i) Served by certified or registered mail or by any means of personal service authorized by the laws of the state of Washington; and

(ii) Accompanied by a copy of the registered order and any documents and relevant information accompanying the order submitted by the registering party.

(c) The effective date of a request for hearing to contest the validity or enforcement of the registered order is the date the IV-D agency receives the request.

(3) A hearing under this section is for the limited purpose of determining if the nonregistering party can meet the burden of proving one or more of the defenses enumerated in RCW 26.21.540(1).

(i) If the contesting party presents evidence establishing a full or partial defense under RCW 26.21.540(1), the presiding officer may:

(A) Stay enforcement of the registered order;

(B) Continue the proceeding to permit production of additional relevant evidence; or

(C) Issue other appropriate orders.

(ii) An uncontested portion of the registered order may be enforced by all remedies available under the law of this state.

(iii) If the contesting party does not establish a defense under RCW 26.21.540(1) to the validity or enforcement of the order, the presiding officer shall issue an order confirming the registered order.

(4) Confirmation of a registered order shall preclude further contest of the order with respect to any matter that could have been asserted at the time of registration. Confirmation may occur:

(i) By operation of law upon failure to contest registration; or

(ii) By order of the presiding officer.

(5) A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state may register the order in this state according to RCW 26.21.560 through 26.21.580.

(a) The order shall be registered in the same manner provided in subsection (1)(a) if the order has not yet been registered.

(b) A petition for modification may be filed at the same time as a request for registration, or later. The petition must specify the grounds for modification.

(c) The IV-D agency may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if the requirements of RCW 26.21.580 have been met.

(6) Interpretation of the registered order shall be governed by RCW 26.21.510.

NEW SECTION

WAC 388-14-496 Uniform Interstate Family Support Act—Notices served in another state. (1) The agency may serve the following legal actions in another state by certified mail, return receipt requested, under chapter 26.21 RCW:

(a) A notice of intent to distribute support money under WAC 388-14-271;

PROPOSED

- (b) A notice to recover a support payment under WAC 388-14-272;
- (c) A notice of support owed under WAC 388-14-415;
- (d) A notice of support debt under WAC 388-14-435;
- (e) A notice to payee under WAC 388-14-440;
- (f) A notice of proposed settlement under WAC 388-14-445.

(2) The agency may serve a distribution notice under WAC 388-14-274, a debt adjustment notice under WAC 388-14-450 or a total versus total notice under WAC 388-14-276 in another state by first class mail.

(3) A notice becomes final and, if applicable, subject to immediate wage withholding and enforcement without further notice if applicable under chapters 26.18, 26.23, and 74.20A RCW unless the recipient of the notice, within sixty days of service in another state:

(a) Contacts the IV-D agency and signs an agreed settlement; or

(b) Files a request for a hearing under the applicable section in subsection (1) of this section. The effective date of a hearing request is the date the IV-D agency receives the request.

(4) Administrative hearings on notices served in another state under this section may be conducted under the special rules of evidence and procedure in chapter 26.21 RCW.

NEW SECTION

WAC 388-14-500 Oral requests for hearing. (1) Notwithstanding the requirement for a written request for hearing found in other sections of chapters 388-11 and 388-14 WAC, the IV-D agency shall accept an oral request for hearing from a person who wishes to contest any action taken by the IV-D agency for which a hearing right exists. If a person wishes to petition for modification of an existing administrative support order, or to petition for relief under WAC 388-14-375, the request for hearing must be in writing.

(2) The effective date of an oral hearing request is the date that a complete oral hearing request is communicated to any IV-D agency representative. An oral hearing request is deemed "complete" if it advises the IV-D agency of the following:

- (a) Requestor's name;
- (b) Identifying information such as requestor's social security number, case number, or names of the children and of the physical custodian;
- (c) Requestor's mailing address;
- (d) Requestor's daytime phone number, if available;
- (e) Agency action to which the requestor is objecting;

or

(f) Other pertinent information that would assist the IV-D agency in identifying the specific case or cases involved in the hearing request.

(3) An oral request for hearing may be left on the hearing request voice mail box of the automated phone system of each IV-D agency field office.

(4) The IV-D agency will process incomplete requests when the appellant provides adequate information to identify the appellant's case.

(5) The IV-D agency will process an oral hearing request in the same manner as a written hearing request. If

the IV-D agency determines that an oral hearing request deals with matters that are properly before the conference board under WAC 388-14-385, the agency shall process that request as a request for conference board, absent a specific request for administrative hearing under chapter 34.05 RCW.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-14-400	Order to withhold and deliver—Issuance and termination.
WAC 388-14-405	Order to withhold and deliver—Responsibilities of employer.
WAC 388-14-425	Payroll deduction—Notice and order—Issuance and termination.
WAC 388-14-430	Income withholding action.

WSR 97-09-076
PROPOSED RULES
GAMBLING COMMISSION
[Filed April 22, 1997, 11:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-11-125.

Title of Rule: Bingo net income variance procedures, WAC 230-04-190, 230-04-260, 230-20-060, 230-20-062, 230-50-010, 230-50-012, and 230-20-242. WSR 96-11-125 (CR-101).

Purpose: These rules establish bingo net income variance procedures.

Statutory Authority for Adoption: RCW 9.46.070 (1), (2), (10), (16), chapter 34.05 RCW.

Statute Being Implemented: See above.

Summary: Bingo net income variance rules.

Amendatory section WAC 230-04-190 Issuance of license—Expiration—Restrictions. Purpose: This amendment clarifies that a license is valid for either one year or for the level of gross gambling receipts applicable to that license class.

Amendatory section WAC 230-04-260 Effect of exceeding license class income limit. Purpose: This amendment clarifies the procedures that apply when a license will exceed the gross gambling receipts allowed for their class of license. The amendment further states that bingo licensees whose licenses have previously been limited must prove they are capable of meeting the net return requirements for the higher license class before they will be upgraded to that class of license. It also provides that certain licensees who fail to apply for an upgrade and who exceed their license class will have their license summarily suspended.

Amendatory section WAC 230-20-060 Petitioning the director for a variance from net return requirements. Purpose: This amendment clarifies the process for petitioning the director a variance from net return requirements. All petitions will be heard in a brief adjudicative proceeding to ensure due process requirements are met. The rule also

allows the director to grant a general variance applicable to all bingo licensees affected by certain conditions (e.g. weather).

Amendatory section WAC 230-20-062 Minimum net return from bingo games—Sanctions. Purpose: This amendment clarifies that when a bingo licensee's license has been limited, the licensee may petition for review to the commission and the commission will conduct its review consistent with the procedures set forth in the Administrative Procedure Act.

Amendatory section WAC 230-50-010 Adjudicated proceedings—Hearings. Purpose: This amendment provides that the brief adjudicative proceedings will be used in denials of application to operate at a higher bingo license class and petition for variances from net return requirements.

Amendatory section WAC 230-50-012 Summary suspensions. Purpose: This amendment provides that a charitable or nonprofit organization that is found to be primarily operating bingo for gambling purposes and uses program funds to subsidize the gambling activity constitutes an immediate danger to the public safety and welfare. Such a finding may result in a summary suspension of gambling activities.

Amendatory section WAC 230-20-242 Activities conducted as a part of bingo games—Authorization—Restrictions. Purpose: This amendment will allow net income from raffles conducted at bingo games to be included in net return from bingo.

Name of Agency Personnel Responsible for Drafting: Soojin Kim, Lacey, (360) 438-7654, ext. 310; Implementation: Frank Miller, Lacey, (360) 438-7654, ext. 302; and Enforcement: Ben Bishop, Lacey, (360) 438-7654, ext. 370.

Name of Proponent: Staff, in conjunction with representatives from charitable and nonprofit organizations, private.

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 Purpose and Summary above.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Red Lion City Center, 322 North Spokane Falls Court, Spokane, WA 99201, on June 13, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by June 1, 1997, TDD (360) 438-7638, or (360) 438-7654, ext. 302.

Submit Written Comments to: Soojin Kim, Mailstop 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by May 30, 1997.

Date of Intended Adoption: June 13, 1997.

April 21, 1997

Soojin Kim

Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 96-24-007, [filed 11/21/96,] effective 1/1/97)

WAC 230-04-190 Issuance of license—Expiration—Restrictions. The commission may only issue a license to qualified applicants. All licenses are issued subject to the following restrictions:

(1) The commission may issue the following licenses:

~~((a))~~ **(a) Charitable and nonprofit organizations and agricultural fairs.** The commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

~~((a))~~ **(i) Bingo;**

~~((b))~~ **(ii) Raffles;**

~~((c))~~ **(iii) Amusement games;**

~~((d))~~ **(iv) Punchboards and pull tabs;**

~~((e))~~ **(v) Social card games; and**

~~((f))~~ **(vi) Fund raising events as defined in RCW 9.46.0233: *Provided*, That any agricultural fair authorized under the provisions of chapter 15.76 or 36.37 RCW is prohibited from conducting fund raising events.**

~~((2))~~ **(b) Commercial amusement games.** The commission may issue a separate license to any person to operate amusement games at one or more of the locations listed in WAC 230-04-138.

~~((3))~~ **(c) Commercial stimulant card games.** The commission may issue a license to any person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to allow a specified portion of a specified premises to be used by persons to play authorized card games.

~~((4))~~ **(d) Public card room employee.** The commission may issue a license to any person to perform duties in a public card room.

~~((5))~~ **(e) Commercial stimulant punchboards and pull tabs.** The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to operate punchboards and pull tabs upon specified premises.

~~((6))~~ **(f) Manufacturers and distributors of gambling equipment and paraphernalia.** The commission may issue a separate or combination license to the following:

~~((a))~~ **(i) Manufacturers of punchboards, pull tabs, devices for the dispensing of pull tabs, bingo equipment, and other gambling equipment, supplies, and paraphernalia; and**

~~((b))~~ **(ii) Distributors of punchboards, pull tabs, devices for the dispensing of pull tabs, bingo equipment, and any gambling equipment, supplies, or paraphernalia for use in connection with authorized activities.**

~~((7))~~ **(g) Representatives of manufacturers or distributors.** The commission may issue a separate license to a representative of a manufacturer, ~~or~~ distributor, or gambling service supplier to engage in the sale and distribution of gambling equipment and paraphernalia.

~~((8))~~ **(h) Recreational gaming activity permit.** The commission may issue a permit to an organization that has been in existence for at least six months to conduct a recreational gaming activity as defined by WAC 230-02-505.

~~((9))~~ **(2) License expiration.** Each such license shall be valid for the period of time or the level of gross gambling receipts set forth on the license. In no case shall the time

period exceed one year from the date that such license ((#)) is issued: *Provided*, That license expiration dates may be adjusted by commission staff to schedule workload. Organizations licensed for more than one activity may have all expiration dates adjusted to end on the same day. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For purposes of computing fees under this section, any part of a month in which the activity is authorized to be operated shall be deemed to be a whole month. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant. Specific expiration dates are as follows:

(a) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(b) A license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall be in effect from the date the license was issued through the conclusion of the fair or festival;

(c) A license issued to conduct a card tournament shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days;

(d) A license issued to conduct a fund raising event shall be valid only for the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event: *Provided*, That a fund raising event license shall allow an organization to have possession of gambling equipment authorized for use at a fund raising event for a period of one year beginning on the day of the event and to rent such for up to four occasions per year to other organizations licensed to operate fund raising events;

(e) A license issued to an individual shall be valid for a period of one year from the date of employment, date assigned duties requiring a license, or issuance of a license, whichever occurs first: *Provided*, That a charitable or nonprofit gambling manager license shall expire as set out in WAC 230-04-145((-)); and

(f) A bingo license that has been limited under the restrictions of WAC 230-20-062 shall expire when the level of authorized gross gambling receipts is reached. A license that expires under this subsection shall not be granted an increase in license class for the current license period until all requirements of WAC 230-04-260 have been met or the commission grants an increase in license class under procedures set forth in WAC 230-20-062.

~~((#))~~ (3) If any licensee fails to submit a properly completed application and all applicable fees prior to the normal expiration date, the license shall expire and the operation of the applicable activity must immediately cease.

When a license expires, a new application must then be submitted and a precicensing evaluation/investigation to the extent deemed necessary by the director will be completed prior to granting a license: *Provided*, That if a properly completed renewal application and fees are received at the commission headquarters office within the fourteen-day period following the expiration date, the commission may reinstate the license using normal renewal procedures. Reinstating a license under this provision does not, in any case, grant authority to operate the activity during the period between the normal expiration date and the date of reinstatement.

~~((#))~~ (4) The commission may allow an applicant renewing an annual license or applying for an additional license to pay the license fee in two payments under the following conditions:

(a) The license fee is at least one thousand two hundred dollars;

(b) The applicant pays an administrative processing fee as set forth in WAC 230-04-202 or 230-04-203, plus one-half of the annual license fee at the time of application or renewal;

(c) Licenses issued under the two-payment plan shall be issued with an expiration date as determined by subsection ~~((#))~~ (2) of this section and a second-half payment due date. If the second-half payment is received on or before the due date, the license will remain in effect until the expiration date. If the licensee fails to submit the second-half payment prior to the due date, the license shall expire and all operations of the activity must stop; and

(d) Gross gambling receipts during the first-half payment period must not exceed fifty percent of the authorized class limitation for annual gross gambling receipts. Licensees whose gross gambling receipts exceed fifty percent of the authorized level shall be required to ~~(upgrade to)~~ apply for a license at the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus an administrative processing fee, as set forth in WAC 230-04-202 and 230-04-203.

~~((#))~~ (5) **Conditions of license issuance.** All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington which include but are not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;
- (d) Use and occupancy permit; and
- (e) Liquor license or permit.

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

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 262, filed 12/5/94)

WAC 230-04-260 Effect of exceeding license class income limit—Procedures—Penalties. During any annual license period, a licensee shall not exceed the gross gambling receipts limits set forth on the license, except as authorized by this section. The following procedures, limitations, and penalties apply to licensees that exceed limits for any license.

What must I do when it appears I will exceed the gross gambling receipts limits of my license?

(1) ~~((A licensee shall not exceed the class limit on annual gross or net receipts from the licensed activity.))~~ Each licensee shall monitor the level of gross gambling receipts received from each gambling activity. When a projection of year-to-date receipts, as applied to the remaining period of the license, indicates that it is reasonably likely that a license will be exceeded, the licensee shall immediately comply with the following:

(a) Apply for a license that authorizes the anticipated level of gross gambling receipts; and

(b) Submit the basic fee required for the new license, less the amount originally submitted for the previous license, plus a change of classification fee required by WAC 230-04-202 or WAC 230-04-203; and, if applicable,

(c) Organizations whose bingo licenses were previously limited pursuant to WAC 230-20-062 shall include with their application, evidence of the ability to maintain net return requirements set forth in WAC 230-20-059, table 1, at or above the minimum level for the class of license sought. Achieving net return at or above the minimum level for the license class sought, for at least the six consecutive months immediately preceding the month in which the application for a license upgrade is submitted, shall be prima facie evidence of the ability to operate at the new license class level. A bingo licensee that is unable to demonstrate the ability to achieve net return requirements for at least six consecutive months preceding the application for upgrade may petition the director for a variance in accordance with the criteria set forth in WAC 230-20-060. If the licensee's petition for a variance is denied, the licensee may petition the commission for review of the director's decision, in accordance with the criteria set forth in WAC 230-20-062.

If I upgrade my license during my normal annual license period, when will my license expire?

(2) ~~((When it is apparent that any licensee's class limit of annual gross or net receipts from licensed activity will be exceeded, the licensee shall immediately notify the commission and shall apply for the license class which is proper, submitting the basic fee required for the upgrade class less the amount originally submitted for the previous license, plus a change of classification fee required by WAC 230-04-202 and/or 230-04-203.))~~ Any ~~((such additional))~~ license upgrade issued by the commission shall be valid only for the ~~((period which remains in))~~ remainder of the original term of the ~~((previous))~~ license ~~((at the time such additional license is issued. Provided, that if the commission assigns a license class, or if a licensee voluntarily upgrades their license to comply with this subsection, and in either case~~

~~operates at a level lower than the class assigned or requested, then the licensee shall be allowed to apply for a refund. The amount of refund shall be the difference between the fee for the licensed class)).~~

What are the penalties for failing to voluntarily apply for a license upgrade when my license has not previously been limited?

(3) Any licensee ~~((failing))~~ that fails to comply with the requirements set forth in paragraph ~~((2))~~ (1) above and that exceeds the license class limit within a present or previous license year, may be assessed an exceeding class fee not to exceed 50% of the difference between the fees for the present license class ~~((fee))~~ and the new license class or \$1,000, whichever is less. Upon written notice by the commission assessing an exceeding class fee, a licensee shall remit the proper fee plus all upgrade fees within 20 days. Failure to remit such fees may result in a summary suspension of all licenses held by the licensee pending a hearing for the suspension or revocation of such licenses.

What are the penalties for failing to voluntarily apply for a license upgrade when my license has been previously limited?

(4) In addition to the penalties set forth in paragraph (3) of this section, any organization that has had its bingo license limited under the restrictions set forth in WAC 230-20-062 and which exceeds its annual gross receipts limits for its assigned class of license, shall have its gambling license summarily suspended.

Can I request a refund of license fees when I do not achieve the level of gross gambling receipts for which I was authorized?

(5) A licensee shall be allowed to apply for a partial refund of its license fee when its annual gross gambling receipts are less than the minimum for the class of license issued. The amount of refund shall be the difference between fees actually paid to operate during the period and those fees that would normally apply to the level of gross gambling receipts actually received during the period. Such request shall be made after the end of any annual license period and prior to the end of the next annual license period.

AMENDATORY SECTION (Amending Order 303, filed 11/21/96)

WAC 230-20-060 Petitioning the director for a variance from net return requirements. This rule will apply to organizations with measurement periods beginning on or after January 1, 1996. The director may allow a licensee that is being impacted by one or more factors set forth in this ~~((sub))~~section a variance to return less funds than the requirements set out in Table 1 of WAC 230-20-059. A licensee is impacted by these factors when its license is subject to expiration pursuant to WAC 230-04-190, and/or when a licensee's application to operate at a higher license class may be subject to denial pursuant to WAC 230-04-260. When petitioning the director for such a variance, the licensee bears the burden of clearly setting forth all facts to demonstrate that it qualifies to be granted the variance.

PROPOSED

The following procedures and limitations apply to requests for variances:

What factors will ~~((be considered by))~~ the director ~~((it))~~ consider before granting a request for a variance?

(1) In determining the scope and period of time for variances, the director shall consider at least the following factors:

- (a) The competition from gambling activities within a licensee's impact market area;
- (b) Whether the organization has been previously licensed to conduct bingo at any level prior to beginning operations;
- (c) Circumstances outside the control of the licensee that directly impact the bingo game;
- (d) The impact on the licensee's charitable or nonprofit programs;
- (e) The licensee's record of compliance with net return requirements prior to being impacted by any new factors;
- (f) The level of prizes being paid by the licensee; and
- (g) Other factors defined by the licensee.

What ~~((are the reasons for requesting a))~~ type of variance may be granted?

(2) ~~((Variances granted by))~~ The director ~~((under subsection (1) of this section))~~ may grant the following variances to the net return requirements set forth in WAC 230-20-059, table 1:

- (a) A general variance for conditions that impact a group of licensees under similar circumstances and for a similar period of time; or
- (b) A limited variance for conditions that impact a specific licensee.

What are the conditions for granting a general variance?

(3) The director may grant a general variance to all licensees that are impacted by conditions that are beyond their control, under the following conditions:

- (a) The circumstance that cause the impact are so unusual and unexpected as to prevent planning to mediate impacts;
 - (b) The conditions that cause the impact are longer in duration than one week;
 - (c) The conditions affect all licensees within the area;
 - (d) The variance granted does not exceed three months;
- and
- (e) Variances granted under this subsection are applied by removing all income and expenses from the equation used to compute net return for the period of time established by the director;

What are the conditions, procedures, and restrictions that apply to a limited variance?

(4) A limited variance may be granted to an individual licensee for any of the conditions set forth in subsection (1)(a), (b), or (c) of this section. Such variances shall be limited cumulatively to a total of two percentage points and individually to those set forth below in this subsection. The director may extend or modify a variance at the end of the approval adjustment period if a licensee demonstrates continued impact and a request for an extension is received

prior to the end of the adjustment period. The following variances ~~((are))~~ may be authorized:

(a) When a new class E or above or any bingo game not under the jurisdiction of the commission begins operations within the primary market area of an operating class E or above bingo game, and:

(i) The new game operates two or more occasions per week that are common to the currently operating game, the annual minimum net requirements may be decreased by up to a maximum of two percentage points, depending on the size of the game impacting the licensee, for a period not to exceed two annual measurement periods after operation of the new game begins; or

(ii) The new game operates one occasion or less per week that is common to the currently operating game, the annual minimum net return requirement may be decreased by up to a maximum of one percentage point for a period not to exceed ~~((one))~~ two annual measurement periods after operation of the new game begins.

(b) When a new class E or above or any bingo game not under the jurisdiction of the commission begins operations within the secondary market area of an operating class E or above bingo game and the new game operates on two or more occasions common to the current game, then the minimum net return requirement may be decreased by one percentage point for a period not to exceed one annual measurement period after operation of the new bingo game begins;

(c) When an organization is forced to move its game:

(i) Within its primary market area - the actual cost of the move and expenses incurred during the time period the game is closed for the move shall be factored out of the computation of net return for the period. In addition, the minimum net return requirement may be decreased by one percentage point for a period of six months after beginning operation in the new location;

(ii) Outside its primary market area - the actual cost of the move and expenses incurred during the time period closed for the move shall be factored out of the computation of net return for the period. In addition, the minimum net return requirement may be decreased by one percentage point for a period not to exceed the first two annual measurement periods of operation in the new location;

(d) When an organization, which has not been previously licensed to conduct bingo at any level, begins operation, the minimum net return requirement may be decreased by two percentage points for the first annual measurement period;

(e) When an organization experiences a temporary interruption in customer flow, the minimum net return requirement may be decreased by no more than two percentage points during the annual measurement period.

(f) When an organization experiences circumstances outside of its control, the minimum net return requirement may be decreased by up to two percentage points for up to two annual measurement periods, depending upon the severity of the impact; and

(g) When an organization experiences other factors within its impact market area, the director shall make a determination on a case-by-case basis ~~((but))~~. The time allowance for any such variance shall not ~~((exceed two~~

~~percentage points or~~) be longer than two measurement periods.

What do I have to do to request a variance?

~~((3))~~ (5) A licensee requesting a variance (of the minimum net return requirements in Table 1 of WAC 230-20-059) shall bear the burden of clearly setting forth all facts necessary to demonstrate that it qualifies to be granted the variance and shall follow these procedures:

(a) Upon receiving a "Notice of Intent to Limit License," submit an application for a brief adjudicative proceeding along with a written petition for a variance to the director (as soon as the factor impacting the bingo game is discovered. In no case may the petition be submitted later than thirty days following the end of the annual measurement period for which a variance is requested. This);

(b) The petition shall be detailed and include:

(i) The specific circumstances for which (such) relief is sought;

~~((b) Provide)~~ (ii) Objective evidence regarding the scope of the impact on the organization's charitable or nonprofit programs if a variance is not granted;

~~((c) Provide)~~ (iii) The date the factor causing the impact began and ended. If the conditions continue to impact the licensee during the current period, provide the estimated ending date (if known; and);

~~((d))~~ (c) Provide a copy of the most recently issued financial statements if not currently on file with the commission.

How are variances calculated and how do they affect my compliance?

~~((4))~~ (6) For purposes of this section, variances shall begin on the first day of the next calendar quarter after the impact for which the variance is granted (begins) and continue(s) for the number of calendar quarters authorized by the director. Variances that span more than one annual measurement period shall be prorated over all measurement periods by multiplying the variance by the portion of the measurement period for which the variance is authorized.

Example: If a licensee is granted a two percent variance ~~((.02))~~ (2.0%) for one year at the beginning of the last quarter of the licensee's annual measurement period, the variance would be prorated as follows: a one-half percent ~~((.05%))~~ (0.5%) variance in the current measurement period [computed by multiplying the variance ~~((percent))~~ factor (.02) times one quarter of a year ((.25)) (.25)]; and one and one-half percent variance (1.5%) in the subsequent measurement period [computed by multiplying the variance (.02) times three quarters of a year (.75).

~~((5) This rule will apply to organizations with measurement periods beginning on or after January 1, 1996.)~~

What legal procedures will be used for hearings for variances or appeals of the director's decision?

(7) Petitions for variances shall be heard and decisions issued in accordance with the standards for brief adjudicative proceedings, set forth in RCW 34.05.485 and WAC 230-50. Any petition for review of the director's decision shall be made to the commissioners in accordance with WAC 230-20-062(4). The commissioners' review shall be conducted

in accordance with the administrative review procedures set forth in RCW 34.05.491.

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

Reviser's note: The 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.

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

AMENDATORY SECTION (Amending Order 303, filed 11/26/96 [11/21/96])

WAC 230-20-062 Minimum net return from bingo games—Sanctions. This rule will apply to organizations with a measurement period beginning on or after January 1, 1996. A licensee that fails to comply with the minimum net return provisions of WAC 230-20-059 ~~(or as adjusted by the director pursuant to WAC 230-20-060)~~ shall ~~((have its license restricted or))~~ be subject to ~~((summary suspension and revocation of its license))~~ the following restrictions and procedures ~~((apply to this section))~~:

What happens if I fail to meet minimum net return requirements for my class of license during any calendar quarter?

(1) Any licensee that ~~((does not achieve the minimum net))~~ fails to return the required percentage of its gross gambling receipts for its class of bingo license during any calendar quarter and whose net return ~~((falls below the))~~ is lower than the annual ~~((minimum))~~ requirement ~~((s))~~, when measured for its current annual measurement period to date, shall ~~((take immediate steps to ensure net return requirements for the annual period will be met by completing))~~ immediately comply with the following requirements:

(a) ~~((Any licensee that is out of compliance by))~~ When net return is less than one percentage point ~~((shall, upon discovery of the problem, immediately))~~ lower than required, a licensee shall:

(i) Evaluate prices, prize structure, and expenses for bingo and all activities conducted in conjunction with the bingo game; and

(ii) Develop a plan to gain compliance prior to the end of its annual measurement period. The plan and the degree to which the licensee implements the plan ~~((may be used as a part of the director's decision to grant a variance to a licensee, if one is later sought,))~~ will be considered by the director when reviewing a request for a variance under authority of WAC 230-20-060 and/or for recommendations made to the commission regarding actions to limit or suspend the organization's license ~~((class));~~

(b) ~~((Any licensee that is out of compliance by))~~ When net return is at least one percentage point ~~((or))~~ lower than required but not more ~~((, but less))~~ than three percentage points ~~((, shall))~~ lower, a licensee shall:

(i) Report the condition to commission staff as soon as discovered, but in no case later than thirty days following the end of the quarter; and ~~((shall))~~

(ii) Take immediate steps to increase net return for bingo and all associated activities by either increasing prizes, decreasing prizes, decreasing expenses, or a combination of all(-); and(+)

((+)) (iii) Provide to the commission no later than forty-five days following the end of the quarter a written plan of actions to gain compliance. This plan shall be evaluated by commission staff. The plan and the degree to which the licensee implements the plan (~~may be used as a part of~~) will be considered by the director (~~his decision to grant~~) when reviewing a request for a variance to a licensee under authority of WAC 230-20-060, and/or for recommendations made to the commission regarding actions to limit or (~~summarily~~) suspend the organization's license; and

((+)) (iv) Provide the commission additional reports determined by the staff as necessary to monitor progress toward compliance; and

((+)) (v) If requested by the director, a committee of the licensee's management, including the chief executive officer, executive director, or equivalent manager, and the licensed gambling manager responsible of [for] the bingo game shall meet with commission staff to discuss the action plan.

(c) (~~Any licensee that is out of compliance by three percentage points or more shall~~), In addition to the requirements in subsection (b) above, when net return is more than three percentage points lower than required, a licensee shall:

(i) Immediately freeze all controllable expenses for bingo and all other activities operated in conjunction with bingo (~~The licensee must also take the following actions~~); and

((+)) (ii) Reduce expenses for bingo and all other activities operated in conjunction with bingo to a level that does not exceed twenty percent of gross gambling receipts or sales; and

((+)) (iii) Reduce prizes to the level set forth as guidelines in Table 1 of WAC 230-20-059 for its class of license; and

((+)) (iv) Increase prices and/or decrease expenses for snack bar operations to a level that will result in a profit being earned from this activity.

What happens if I fail to meet the net return requirements for my class of license during my annual measurement period?

(2) Any licensee that fails to achieve the minimum net return requirements for its class of license during an annual measurement period, as set forth in WAC 230-20-059, table 1, may be subject to any or all of the following restrictions and/or penalties:

(a) Reduction in the authorized level of gross gambling receipts for the next license period; and/or

(b) Denial of a request for an increase in license class if its license has previously been restricted; and/or

(c) Suspension or revocation of its license.

What if I have not met the net income requirements, but I (~~am~~) still (~~making money for my organization's stated purposes~~) maintained a positive cash flow from the bingo operation?

((2)) (3) Any licensee that fails to achieve the minimum net return requirement for its class of license, including

any variance authorized by the director, during (~~any~~) an annual measurement period and which maintains a positive cash flow from the bingo operation for the same period shall have its license (~~class~~) limited for the next annual license period (~~reduced to~~) subject to the following conditions:

(a) The licensee will be issued a new license which corresponds to the license class that is equal to the level of net return it actually achieved (~~is~~) during the applicable annual measurement period;

(b) (~~Provided~~) The license class to which the licensee is reduced must authorize at least one-half of the maximum gross gambling receipts of the (~~current~~) license class (~~is~~) from which it is being reduced;

(c) (~~Provided further, That~~) The reduction for the first violation shall be a maximum of two license classes (~~is~~); and

(d) A licensee limited under this section (~~will not be~~) must comply with the requirements of WAC 230-04-260 prior to being granted (~~an~~) any subsequent increase in its bingo license class (~~until it has demonstrated the ability to maintain net return requirements at or above the minimum level for the class of license sought. Provided, That Achieving net return requirements at or above the minimum level for at least two quarters, one of which may be the last quarter in the previous license year, shall be prima facie evidence of such ability~~);

What if I have not met the net (~~income~~) return requirements and I (~~am~~) did not (~~longer contributing towards the organization's stated purposes~~) maintain a positive cash flow from the bingo operation?

((3)) (4) Any licensee that fails to achieve the minimum net return requirement during (~~any~~) its most recently completed annual measurement period and (~~fails to~~) does not maintain a positive cash flow from the bingo operation for the same period shall be deemed to be operating primarily for gambling purposes (~~and shall may be subject to summary license suspension and license revocation; and~~). In this event, the director will review the licensee's most recent three-month operating results and begin appropriate administrative actions based upon net return compliance during that period:

(a) If the licensee has not corrected the condition and continues to subsidize the operation of bingo games with program funds, the director may summarily suspend the organization's bingo license; or

(b) If the licensee is no longer subsidizing the operation of bingo games with program funds, the licensee shall have its license limited pursuant to subsection (3) above.

What if my license has been (~~downgraded~~) limited (~~and I want to operate at a higher level again~~) and/or the director has denied my application for a variance to net return requirements?

((4)) (5) A licensee that has had its bingo gross gambling receipts restricted by this section and whose petition for a variance has been denied may petition the commissioners for a license to (~~operate at a higher level~~) receive more gross gambling receipts. The commissioners' review will be conducted in accordance with the administrative review procedures set forth in RCW 34.05.491 and WAC 230-50, as applicable. Any such petition (~~would~~) will be heard at a regular public meeting of the commission.

The commission may take testimony from other parties that may be affected by approval or denial of the petition during the hearing. The petitioner must ensure that an officer of the organization and the licensed gambling manager responsible for the bingo operation (~~((attends))~~) attend the public meeting and (~~((is))~~) are prepared to answer questions from the commissioners and/or staff regarding the petition and bingo game operations. Any approval granted under this section may be made contingent upon future compliance and/or other factors as determined by the commission. In addition to the requirements set forth in WAC 230-20-060(3), petitions for relief under this section must include the following:

- (a) The portion of the organization's programs that are charitable as compared to nonprofit;
 - (b) Income from other sources available (~~((to fund))~~) for funding of programs (~~((from other sources))~~); and
 - (c) Estimated time that the maximum gross gambling receipts limit for its current license will be reached.
- ~~((5) This rule will apply to organizations with measurement periods beginning on or after January 1, 1996.))~~

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.

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

AMENDATORY SECTION (Amending WSR 95-13-030, filed 6/13/95)

WAC 230-50-010 Adjudicated proceedings—Hearings. (1) Adjudicated proceedings shall be commenced for any and all matters wherein the commission is causing administrative charges to be brought against any applicant, licensee or permittee within the limitations to chapter 34.05 RCW as applicable.

(2) The commission shall afford an applicant for a license an opportunity for an adjudicated proceeding prior to denying such application, and shall afford a licensee the opportunity for an adjudicated proceeding prior to suspending or revoking a license.

(3) The commission will afford a person applying to the commission for approval of a pull tab dispensing device under WAC 230-30-095 an opportunity for an adjudicated proceeding prior to denying approval of such device.

(4) No hearing will be conducted with respect to any adjudicated proceeding unless an application for an adjudicated proceeding and request for hearing is timely filed by the applicant or licensee with the commission in compliance with WAC 230-50-210. The application must be made upon a form to be obtained from the commission, or facsimile thereof, and must be received within 20 days following service upon the party affected by the commission or the director of a notice of administrative charges and opportunity for an adjudicated proceeding. Said document shall contain the maximum penalty that may be assessed should an application not be filed by the party affected. An application

for an adjudicated proceeding and request for hearing shall accompany all notices of administrative charges.

(5) If an application for an adjudicated proceeding is not timely filed, then the party affected shall have waived the right to a hearing on the allegations set forth in the notice of administrative charges. The party shall be deemed to be in default pursuant to RCW 34.05.440 and the commission and director may take action against the party not to exceed the maximum penalty as stated in the notice of administrative charges and opportunity for an adjudicated proceeding, which action shall be final.

(6) The procedures of RCW 34.05.485, brief adjudicative proceedings, shall be used for the following purposes:

- (a) All hearings in which the penalty sought by the commission is for a suspension of seven days or less;
- (b) Hearings held pursuant to WAC 230-50-015 (stay of summary suspension);
- (c) Hearings held pursuant to WAC 230-04-400(3) (failure to pay required gambling taxes);
- (d) Hearings held pursuant to WAC 230-04-190 (10)(c) (two part payment plan: Failure to make second payment);
- (e) Hearings in which the parties have stipulated to facts or the parties have stipulated to charges, and the hearing is limited to a determination of whether facts constitute violations as charged and/or determination of appropriate penalty to be imposed; (~~((or))~~)

(f) Denial of an application to operate at a higher bingo license class when the licensee has been restricted by WAC 230-20-062;

(g) Petitions for a variance to bingo net return requirements authorized by WAC 230-20-060; or

(h) Where the parties have stipulated to the use of brief adjudicative proceedings.

AMENDATORY SECTION (Amending Order 231, filed 9/18/92)

WAC 230-50-012 Summary suspensions. (1) Pursuant to RCW 34.05.422(4), the director may exercise the commission's authority to summarily suspend any license or permit issued to such licensee or permittee upon a determination that one or more of the actions identified in subsection (2) of this section have occurred and that immediate cessation of the licensed or permitted activities is necessary for the protection or preservation of the safety and welfare of the public. Suspension of a license under this provision shall take effect immediately upon service of the summary suspension order unless otherwise provided in the order.

(2) The commission deems the following actions of a licensee or permittee to constitute an immediate danger to the public safety and welfare which may require the immediate cessation of licensed or permitted activities:

(a) Failure or refusal to comply with the provisions, requirements, conditions, limitations, or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto;

(b) Knowingly causing, aiding, abetting, or conspiring with another to cause any person to violate any of the laws of this state or the rules of the commission;

(c) Obtaining a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

(d) Conviction of, or forfeiture of a bond upon a charge of, or having pled guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;

(e) Allowing any person who has been convicted of, or forfeited bond upon, any of the offenses included under (d) of this subsection, to participate in the management or operation of any activity regulated by the commission without prior written approval of the commission or its director;

(f) Licensee is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under (d) of this subsection;

(g) Denying the commission or its authorized representatives, including authorized local law enforcement agencies, access to any place where a licensed activity is conducted or failure to promptly produce for inspection or audit any book, record, document, or item required by law or commission rule;

(h) Making a misrepresentation of, or failure to disclose, a material fact to the commission;

(i) Licensee has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management, or execution of an activity for financial gain; ~~(and)~~

(j) Licensee is a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates probable cause to believe that the association is of such a nature as to be inimical to the policy of chapter 9.46 RCW or to the proper operation of the authorized gambling or related activities in this state. For the purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain utilizing such methods as are deemed criminal violations of the public policy of this state.

A career offender cartel shall be defined as any group of persons who operate together as career offenders~~(-); and~~

(k) A charitable or nonprofit organization has been deemed to be operating bingo primarily for gambling purposes and continues to utilize program funds to subsidize the operation of such activities.

(3) When a license or permit has been summarily suspended by the director, an adjudicated proceeding shall be commenced and the licensee or permittee shall be afforded an opportunity for a hearing before an Administrative Law Judge or the commission, upon the question of the suspension or revocation of the license or permit, or upon the renewal of the license or permit should it expire during the period of summary suspension. If an application for an

adjudicated proceeding and request for hearing is timely filed by the licensee or permittee, then a hearing shall be held within 90 days of the effective date of the summary suspension ordered by the director.

AMENDATORY SECTION (Amending Order 303, filed 11/21/96)

WAC 230-20-242 Activities conducted as a part of bingo games—Authorization—Restrictions.

What activities are authorized for consideration as part of a bingo game?

(1) The following activities are authorized:

(a) *Drawings.*

(b) *Creativity and originality contests.* A competition to determine the best costume, flower arrangement, cake decorating, ugliest tie, or other activities requiring skill or original thought.

(c) *"Good neighbor" schemes.* Prizes are awarded based upon the seating location of a player(s) in regards to the winner of a bingo game.

(d) *Second element of chance schemes.* An additional chance is offered to win an increased minimum bingo game after the winner(s) of the game has been determined by calling numbers and symbols.

(e) *Birthday bonus schemes.* Prizes are awarded to a player who wins a bingo game during the same calendar week in which the player's birthday occurs.

What general restrictions apply to the awarding of prizes for these activities?

(2) Bingo licensees may award prizes to winners of activities authorized by this section when such activities are conducted as a part of bingo games. Such activities shall be deemed to be bingo games if all players paying to participate are allowed to compete equally and all prizes awarded are treated as bingo game prizes for purposes of compliance with WAC 230-20-059.

What additional restrictions apply to drawings?

(3) Drawings. Each licensee shall be allowed to award prizes that are determined by a random drawing of tickets or by other random selection methods involving the numbering system on such tickets if the requirements of WAC 230-20-105 are followed, and:

(a) All rules regarding these drawings, including requirements to qualify for participation, time and date of the drawing, and whether a player must be present to win, are clearly posted and distinctly explained to the players;

(b) Tickets or other facsimiles used to enter such drawings are awarded only to players purchasing cards to play in bingo games;

(c) Tickets, from which the winners of any such drawing are selected, shall not be accumulated for a period that is longer than thirty days. Drawings may be conducted using tickets that accumulate during any bingo occasion, week, or any other period that does not exceed thirty consecutive days;

(d) ~~(Licensees may restrict the awarding of tickets to players that are)~~ Players may only be awarded or otherwise

receive tickets to participate in drawings at bingo games by meeting the following criteria:

(i) Pay an amount not to exceed one dollar per ticket. If a licensee elects to charge for entry into drawings, such drawings shall not be combined with other means of entry allowed by this subsection, and the gross gambling receipts, prizes, and expenses shall be recorded and reported as bingo activities: *Provided*, That if players are required to purchase tickets to enter the drawing, they shall not be required to be present to win if the drawing is not held at the same session as tickets are purchased;

(ii) Be a winner((s)) of a bingo game((s)) during the session;

((iii)) (iii) Be a "good neighbor((s))" winner, as defined by subsection (5) of this section; or

((iii) Other players that)) (iv) Meet other specific and predetermined ((specific requirements)) criterion that has been approved by the director;

(e) The criterion for granting tickets, and the number of tickets awarded during each session, shall be recorded in the daily bingo record for each session. All winning tickets and other records shall be maintained as a part of the daily bingo records.

What additional restrictions apply to creativity and originality contests?

(4) Creativity and originality contests. A bingo licensee may conduct contests in which players may demonstrate their creativity and originality skills on up to eight occasions annually. The following rules must be observed in conducting these contests:

(a) The total value of prizes shall not exceed five hundred dollars during any occasion;

(b) Only players who have paid to participate in bingo games during the current session may participate in the contest; and

(c) A record shall be completed for each contest setting out the criterion for selecting the winners, the number of participants in the contest, and all details required by WAC 230-08-080 and 230-20-102. Such records shall be maintained as a part of the daily bingo records.

What additional restrictions apply to "good neighbor" schemes?

(5) "Good neighbor" prize schemes. A licensee may award prizes based upon the seating location of a player or players in regards to a winner of a bingo game. The following requirements must be observed prior to awarding "good neighbor" prizes:

(a) All rules regarding these prizes, including the amount to be awarded to each "good neighbor" or group of "good neighbors" and all requirements to qualify for a prize, must be clearly posted and distinctly explained to the players; and

(b) A record shall be completed setting out the criterion for awarding such prizes, the number of such prizes awarded during each session, and all details required by WAC 230-08-080 and 230-20-102. Such record shall be maintained as a part of the daily bingo records.

What additional restrictions apply to second element of chance schemes?

(6) Second element of chance schemes. Licensees may use these schemes to increase the minimum prize for a bingo game after the winner(s) of the game has been determined by calling numbers and symbols if:

(a) The schemes do not involve the use of gambling devices specifically prohibited by public policy or commission rules;

(b) A player's minimum odds of winning the highest prize is equal to or greater than one winner out of one hundred twenty-five chances or the probability of winning the highest prize is .008 or greater;

(c) The scheme does not require the player to risk any portion of a prize already won;

(d) Every possible outcome of the scheme provides the player with an additional prize;

(e) All rules regarding play of the game are clearly posted and distinctly explained to the players. At least the following information shall be disclosed:

(i) The players minimum odds of winning the highest prize;

(ii) How a winner is determined;

(iii) Any contingencies or special requirements that may affect the outcome;

(iv) The cash value of the highest prize available; and

(v) Any financial burden that must be borne by the winner, such as taxes or registration fees.

(f) All requirements of WAC 230-20-010 are met before cards are purchased; and

(g) The scheme and supporting records contain control factors necessary for commission audit.

What additional restrictions apply to birthday bonus prizes?

(7) Birthday bonus prizes. Licensees may offer birthday bonus prizes subject to the following restrictions:

(a) The maximum bonus prize is fifty dollars;

(b) The player's birthday must be within the calendar week that the winning combination occurred and the bonus is paid;

(c) A licensee may award only one birthday bonus to any player during any calendar year;

(d) In addition to all requirements of WAC 230-20-102, the prize receipt for such prizes must include:

(i) The address of the winner;

(ii) The player's date of birth; and

(iii) The type of identification provided by the player to verify the winner's date of birth.

WSR 97-10-018

PROPOSED RULES

CLARK COLLEGE

[Filed April 28, 1997, 9:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-06 [97-06-008].

Title of Rule: Repealing chapter 132N-20 WAC, Code of student conduct; and adding new chapter 132N-120 WAC, Code of student conduct.

Purpose: To define the rights and responsibilities of students and the appropriate disciplinary responses for infractions.

Statutory Authority for Adoption: Chapters 28B.50 and 28B.10 RCW.

Statute Being Implemented: RCW 28B.50.140.

Summary: Proposed revisions to the code of student conduct are necessary to ensure that college policies are [and] practices are in compliance with state and federal statutes.

Reasons Supporting Proposal: Set in place appropriate due process guidelines. Existing rule does not provide clear administrative procedures. To define student rights, responsibilities, responses for infractions to code of student conduct.

Name of Agency Personnel Responsible for Drafting and Implementation: Dean of Students, Gaiser Hall, (360) 992-2102; and Enforcement: President or designee, Bauer Hall, (360) 992-2494.

Name of Proponent: Clark College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to define the rights and responsibilities of students and appropriate responses for infractions. The rule clearly defines due process for students and sets in place policies and practices which comply with state and federal requirements for such activities as conduct defined as hazing, and computer use.

Proposal Changes the Following Existing Rules: Existing rule does not provide clear administrative procedures. The new rule defines due process for students. New rule defines as a status offense infractions of college procedures governing the use of college computing resources. New rule complies with requirements of state law that the college adopt rules for students and others which provide sanctions for conduct defined as hazing.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Clark College, Baird Administration Building, Board Room, on June 25, 1997, at 4 p.m.

Assistance for Persons with Disabilities: Contact Janelle Farley by June 18, 1997, (360) 992-2101.

Submit Written Comments to: Earl Johnson, FAX (360) 992-2871, by June 16, 1997.

Date of Intended Adoption: July 23, 1997.

April 23, 1997
Earl P. Johnson
President

Chapter 132N-120 WAC CODE OF STUDENT CONDUCT

NEW SECTION

WAC 132N-120-010 Code of student conduct. This chapter shall be known as the code of student conduct of Clark College. Admission to the college carries with it the presumption that students have specified rights as members of the college community. In addition, when they enroll, students assume the obligation to observe standards of conduct that are appropriate to the pursuit of educational goals.

NEW SECTION

WAC 132N-120-020 Authority. The board of trustees, acting pursuant to RCW 28B.50.140(14), has delegated to the president of the college the authority to administer disciplinary action. Pursuant to this authority, the president or designee(s) shall be responsible for the administration of the disciplinary procedures provided for herein.

Only where the institution's interests as an academic community are distinctly and clearly involved shall the special authority of the institution be asserted. Institutional action shall be based on the facts and circumstances of each case, and shall be independent of community pressure.

NEW SECTION

WAC 132N-120-030 Definitions. As used in this chapter, the following words and phrases shall be defined as follows:

(1) "Academic dishonesty" means plagiarism, cheating on classwork, fraudulent representation of student work product, or other similar act of academic dishonesty.

(2) "Alcoholic beverages" means liquor as defined at RCW 66.04.010(15) as now or hereafter amended.

(3) "Assembly" means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons, or group of persons.

(4) "ASCC" means the associated students of Clark College as defined in the constitution of that body.

(5) "Board" means the board of trustees of Community College District No. 14, state of Washington.

(6) "President" means the president of Clark College and Community College District No. 14, state of Washington.

(7) "College" means Clark College and any other community college centers or facilities established within Washington state Community College District No. 14.

(8) "Designee" means a person appointed by an officer or another person designated in a rule to perform a function, to perform that function on the appointer's behalf.

(9) "College facilities" and "college facility" means and includes any and all real and personal property and real property owned, rented, leased or operated by the board of trustees of Washington state Community College District No. 14, and shall include all buildings and appurtenances attached thereto and all parking lots and other grounds.

(10) "Disciplinary action" and "discipline" means and includes a warning, reprimand, probation, suspension, dismissal/expulsion, monetary fine, restitution, and any other action taken against a student as a sanction or penalty for violation of a designated rule of student conduct.

(11) "Controlled substance" means and includes any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

(12) "Faculty member" and "instructor" means any employee of Community College District No. 14 who is employed on a full-time or part-time basis as a teacher, instructor, counselor or librarian.

(13) "Rules of student conduct" means those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.

(14) "Student," unless otherwise qualified, means and includes any person who is registered for classes or is formally in the process of applying for admission to the college.

(15) "Committee on student conduct" means the judicial body provided in this chapter.

(16) "Trespass" means the definition of trespass as contained within chapter 9A.52 RCW, as now law or hereafter amended.

(17) "Hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending Clark College.

(18) "Service," "serve," "filing" and "file" shall have the meanings in WAC 10-08-110.

NEW SECTION

WAC 132N-120-040 Jurisdiction. (1) All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college-sponsored activity.

(2) Faculty members, college employees, students, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to:

- (a) Possible prosecution under the state criminal law;
- (b) Any other civil or criminal remedies available to the public; or
- (c) Appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.

(3) This chapter is not exclusive, and where conduct becomes known which may also violate any other rule or provision of law, nothing herein shall limit the right or duty of any person to report elsewhere or seek another remedy for that conduct.

(4) Statutory authority of the Revised Code of Washington for this chapter is on file and available in the office of the dean of administrative services.

NEW SECTION

WAC 132N-120-050 Student rights. The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

NEW SECTION

WAC 132N-120-060 Student responsibilities. Any student shall be subject to disciplinary action as provided for in this chapter who, either as a principle actor, aider, abettor, or accomplice as defined in RCW 9A.08.020 interferes with the personal rights or privileges of others or the educational process of the college; violates any provision of this chapter, or commits any of the following personal, property, or status offenses which are hereby prohibited:

(1) Personal offenses.

(a) Assault, reckless endangerment, malicious harassment, intimidation, or interference upon another person in the manner set forth in chapter 9A.36 RCW, and RCW 28B.10.570 through 28B.50.572, as now or hereafter amended.

(b) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior which interferes with the rights of others or which obstructs or disrupts teaching, research, or administrative functions.

(c) Failure to follow instructions. Inattentiveness, inability, or failure of student to follow instructions of a duly authorized college employee or to abide by college rules, procedures and notices, thereby infringing upon the rights and privileges of other persons.

(d) Illegal assembly, obstruction, or disruption. Any assembly or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, and the educational and administrative functions of the college, or the private rights and privileges of others.

(e) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(f) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(g) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(h) Hazing. Engaging in or conspiring to engage in hazing and conduct which amounts to hazing including conduct which causes embarrassment, sleep deprivation, or

personal humiliation, ridicule or unprotected speech amounting to verbal abuse.

(i) Sexual offenses. Physical abuse, threats, intimidation, coercion and/or other conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person.

(2) Property offenses.

(a) Theft and robbery. While in any college facility or participating in a college-related program, committing theft as defined in RCW 9A.56.020 or robbery as defined in RCW 9A.56.190 or possessing stolen property as defined in RCW 9A.56.140.

(b) Malicious mischief. Malicious damage to college property, or the property of any person where such property is located on the college campus and malicious mischief in violation of RCW 9A.48.070 through 9A.48.090.

(c) Unauthorized use of college equipment and supplies. Conversion of college equipment or supplies for personal gain or use without proper authority or permission.

(d) Other offenses. Any student who, while in any college facility or participating in a college-related program, commits any other act which is punishable as a misdemeanor or a felony under the laws of the state of Washington and/or the United States and which act is not a violation of any other provision of the rules of student conduct, shall be subject to disciplinary action.

(3) Status offenses.

(a) Cheating and plagiarism. Submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.

(b) Forgery or alteration of records. Forging or tendering any forged records or instruments, as defined in RCW 9A.60.010 through 9A.60.020 as now law or hereafter amended, of any college record or instrument to an employee or agent of the college acting in his/her official capacity as such.

(c) Refusal to provide identification. Refusal to provide identification in appropriate circumstances. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(d) Illegal entry. Entering any administrative or other employee office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(e) Smoking. Smoking as described in Clark College administrative procedure 510.030.

(f) Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

(g) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or

consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the president or his/her designee(s) and in compliance with other state law or college policy.

(h) Weapons, explosives, and dangerous chemicals. Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or to damage real or personal property. Exceptions to this policy are permitted when the weapon is used in conjunction with a college instructional program or is carried by duly constituted federal, state, county, or city law enforcement officers.

(i) Computers. Infractions of Clark College administrative procedures 535.035, Use of College Computing Resources.

NEW SECTION

WAC 132N-120-065 Denial of access to Clark College. The dean of students or his/her designee or president/designee shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college. Any individual who disobeys a lawful order given by the dean of students or his/her designee or president/designee shall be subject to disciplinary action and/or charges of criminal trespass.

NEW SECTION

WAC 132N-120-070 Disciplinary action. Any college administrator, except the president or a member of the committee on student conduct, may take any of the following disciplinary actions against a student:

(1) Disciplinary warning. Notice to a student, either verbally or in writing, by the dean of students or his/her designee(s) that the student has failed to satisfy the college's expectations regarding conduct. Such warnings will include a statement that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

(2) Disciplinary reprimand. Formal action censuring a student for violating the student code of conduct. Reprimands shall be made in writing to the student by the dean of students or his/her designee(s), with copies placed on file in the office of the dean of students. A reprimand shall indicate to the student that continuing or repeating the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

(3) Disciplinary probation. Formal action by the dean of students or his/her designee(s), placing conditions upon the student's continued attendance. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specific term or for an indefinite period that may extend to graduation or other termination of the student's enrollment in the college. Repetition, during the probationary period, of the conduct which resulted in disciplinary probation or a new

violation may be cause for suspension or other disciplinary action.

(4) Disciplinary suspension. Temporary dismissal from the college and termination of the person's student status. Notice shall be given in writing and specify the duration of the dismissal and any special conditions that must be met before readmission. Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(5) Disciplinary dismissal/expulsion. Permanent termination of a student's status. Notice must be given in writing. There shall be no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter will be refunded.

(6) Disciplinary restitution. Requirement of a student to make restitution for damage or loss to college or other property. Failure to make restitution within the time limits established by the dean of students or designee will result in suspension for an indefinite period of time as set forth in subsection (4) of this section. A student may be reinstated upon payment of fee or completion of designated public service activity.

(7) Disciplinary penalties for hazing.

(a) Any organization, association or student group that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing; and

(ii) Be denied recognition by Clark College as an official organization, association or student group on this campus.

If the organization, association or student group is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) A person who participates in hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for not less than one academic quarter and up to and including permanent forfeiture, based upon the seriousness of the violation(s). Other sections of the student code of conduct also may be applicable to hazing violations. Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

NEW SECTION

WAC 132N-120-080 Initial disciplinary proceedings.

(1) Allegations of misconduct that constitute a violation of this chapter shall be filed in the office of the dean of students in writing. The allegation shall state specifically the alleged violation and summarize the supporting evidence. The dean of students or designee will be responsible for gathering information and documentation in the investigation of the allegations. Disciplinary proceedings will be initiated by the dean of students or his/her designated representative. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132N-120-150(1).

(2) Any student accused of violating any provision of the rules of conduct will meet with the dean of students or his/her designee within twenty-four hours of notification, excluding nonclass days. Failure to cooperate with the meeting process may be taken into consideration and shall

not preclude the dean of students from making a decision and imposing or recommending sanctions. The student will be informed of which provision(s) of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, that might result from disciplinary proceedings. The dean of students or designee will be responsible for gathering information and documentation in the investigation of the allegations.

(3) After considering the evidence in the case and interviewing the student(s) involved, the dean of students may take the following actions:

(a) Terminate the proceedings and exonerate the student;

(b) Dismiss after counseling; or

(c) Impose disciplinary sanctions from WAC 132N-120-070.

(4) Within seven working days of the initial meeting, or as soon thereafter as possible, the student will be provided written notice of any disciplinary action except a verbal warning. The notice shall be delivered personally or mailed first-class to the student's last known address. The notice shall state the factual basis for the action, shall advise the student of his/her right to appeal, and indicate whether the appeal will be heard informally by the chair of the committee on student conduct or formally by the entire committee membership.

In the case of an unmarried student under eighteen years of age, written notification of the disciplinary action shall also be sent to the parents or guardian of the student at the discretion of the dean of students or designee.

NEW SECTION

WAC 132N-120-090 Appeals. A student may appeal a disciplinary action by filing with the committee on student conduct, within ten days after the earlier of personal delivery or mailing of notice of the disciplinary action, a written application for an adjudicative proceeding. The dean of students or designee has discretion to extend this deadline for good cause.

(1) A student may appeal any disciplinary action, other than a verbal warning, in the following order:

(a) Disciplinary action taken by the dean of students or his/her designee(s) may be appealed by filing a written application for an adjudicative proceeding with the committee on student conduct.

(b) Disciplinary recommendations made by the committee on student conduct may be appealed by filing a petition for administrative review with the president of the college.

(2) Any appeal by a student receiving a disciplinary sanction must be in writing, filed within ten working days from the date on which the decision is received and must state the grounds for the appeal. The following are grounds for appeal:

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

(b) New evidence not previously available which would have materially affected the decision;

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

(d) The severity or appropriateness of the sanction(s).

(3) All appellate decisions shall be sent from the office of the dean of students. Written decisions shall include the signature of the committee on student conduct chair.

NEW SECTION

WAC 132N-120-100 Committee on student conduct.

(1) The committee on student conduct shall be convened by the dean of students no later than October 15 of each academic year. The committee shall provide a fair and impartial hearing and will make decisions on all disciplinary decisions appealed to it. Vacancies on the committee shall be filled as they arise.

(2) The committee shall include:

(a) Two full-time students and two alternates appointed by the ASCC of Clark College vice-president of elections and appointments (one-year appointments);

(b) Two faculty members and two alternates appointed by the president or designee (two-year appointments, staggered terms);

(c) One member of the administration, but not the dean of students, and one alternate appointed by the president of the college (two-year appointment).

(3) A quorum of the committee shall consist of three members with at least one student member present. All committee members shall have voting rights. The committee shall select its chair.

(4) The chair shall be responsible for making procedural decisions and ensuring that all procedural safeguards and guidelines specified in RCW 34.05.413 through 34.05.476 and chapters 10-08 and 132N-120 WAC are followed. In addition to the authority specified in WAC 10-08-200, the chair may conduct prehearing conferences in accordance with RCW 34.05.431 and WAC 10-08-130 and permit or conduct discovery in accordance with RCW 34.05.466 and WAC 10-08-060.

(5) Members of the committee on student conduct shall not participate in any case in which they are a defendant, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition for disqualification of a committee member pursuant to RCW 34.05.425(4).

NEW SECTION

WAC 132N-120-110 Adjudicative proceedings before the committee on student conduct. (1) The hearing shall be conducted in accordance with chapter 34.05 RCW, chapters 10-08 and 132N-120 WAC. The committee or chair shall prepare a written opinion that shall include findings of fact, conclusions, and recommendations.

(2) The student's failure to answer the charges, appear at the hearing or cooperate in the hearing shall not preclude the committee on student conduct from making its findings of facts, conclusions, and recommendations. This shall not limit the possibility of a default pursuant to RCW 34.05.440.

(3) The committee chair shall give written notice of the time and place of the hearing to all parties in accordance with RCW 34.05.434 and WAC 10-08-040. Such notice shall be given not less than ten calendar days before the date set for the hearing.

(4) The student shall be entitled to:

(a) Hear and examine the evidence against him/her and be informed of the identity of its source; and

(b) Present evidence and argument in his/her own behalf and to cross-examine witnesses.

(5) The student may have one advisor present at the hearing. The advisor may be allowed to advise the student during the proceedings, but is not permitted to speak to the committee; conduct examinations of witnesses; or disrupt the proceeding. No attorney representative of any party may participate in a hearing unless a notice of appearance has been filed and served at least five days before the hearing, but in the event of such notice the college may be represented by an assistant attorney general.

(6) In all disciplinary proceedings, the college may be represented by a designee appointed by the dean of students; that designee may then present the college's case against the student accused of violating the rules of conduct.

(7) The presiding officer is responsible for causing the hearing to be recorded. All hearings shall be recorded by manual, electronic, or other type of recording device. Hearings shall be recorded in accordance with WAC 10-08-170.

(8) The record in an adjudicative proceeding shall consist of all documents as required by law and as specified in RCW 34.05.476 as now or hereafter amended.

(9) The time of the hearing may be continued for good cause by the committee chair upon timely request of any party.

(10) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, hearings conducted by the committee on student conduct will be held in closed session; provided the student(s) involved may waive in writing this requirement and request the hearing to be held in open session. The chair may exclude from the hearing room any person who is disruptive of the proceedings and may limit the number who may attend the hearing in order to afford orderliness to the proceedings. Any person attending the disciplinary hearing who continues to disrupt the proceedings after the chair has asked him/her to cease or leave the hearing room shall be subject to disciplinary action.

NEW SECTION

WAC 132N-120-120 Recordkeeping. (1) The dean of students shall maintain for at least six years the following records of student grievance and disciplinary actions and proceedings:

(a) Only initial and final orders in cases where a student's grievance has been sustained or a disciplinary action against a student has been reversed and the student fully exonerated;

(b) The complete records, including all orders, in all other cases where adjudication has been requested;

(c) A list or other summary of all disciplinary actions reported or known to the dean and not appealed.

(2) Final disciplinary actions shall be entered into student records, provided that the dean of students shall have discretion to remove some or all of that information from a student's record upon the student's request and showing of good cause.

NEW SECTION

WAC 132N-120-130 Evidence admissible in hearings. (1) Only those matters presented at the hearing, in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered in determining whether the college committee on student conduct has sufficient cause to believe that the accused student is guilty of violating the rules he/she is charged with having violated. In determining the appropriate sanction that should be recommended, evidence of past misconduct that the committee chair deems relevant may be considered.

(2) The chair of the committee on student conduct shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by the law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Hearsay evidence is admissible.

(3) Evidence or testimony to be offered by or on behalf of the student in extenuation or mitigation shall not be presented or considered until all substantive evidence or testimony has been presented.

NEW SECTION

WAC 132N-120-140 Initial order—Petition for administrative review—Final order. (1) The burden of proof shall be on the party seeking to uphold the discipline to establish sufficient cause by a preponderance of the evidence. Upon conclusion of the disciplinary hearing, the committee on student conduct shall consider all the evidence therein presented and decide by majority vote whether to uphold the decision of the dean of students or to recommend any of the following actions:

(a) That the college terminate the proceedings and exonerate the student; or

(b) That the college impose any of the disciplinary actions as provided in this chapter.

(2) Within ninety days specified in RCW 34.05.461, and preferably within thirty days, the chair shall serve on the parties and the president an initial order. At the same time, a full and complete record of the proceedings shall also be transmitted to the president. The initial order shall include a statement of findings and conclusions and otherwise comply with RCW 34.05.461 and WAC 10-08-210. It shall also describe the available administrative review procedures specified in WAC 132N-120-140(3).

(3) The initial order shall become the final order without further action, unless within twenty days of service of the initial order:

(a) The president or designee upon his/her own motion, determines that the initial order should be reviewed; or

(b) A party to the proceedings files with the president a written petition for administrative review of the initial order. The president or designee shall be the reviewing officer and RCW 34.05.464 and WAC 10-08-211 shall apply to any such determination or petition.

NEW SECTION

WAC 132N-120-150 Summary action. (1) Ordinarily, disciplinary sanctions will be imposed only after the appropriate brief adjudicative proceedings or adjudicative proceedings have taken place and after the student has, if he/she so chooses, exercised his/her right to appeal. However, if the dean of students or his/her designee(s) has cause to believe that any student:

(a) Has committed a felony; or

(b) Has violated any provision of this chapter; or

(c) Presents an imminent danger either to himself or herself, other persons on the college campus, or to the educational process, that student shall be summarily suspended and shall be notified verbally and/or by writing mailed by first-class mail to the student's last known address.

Summary suspension is appropriate only where (c) of this subsection can be shown either alone or in conjunction with (a) or (b) of this subsection.

(2) The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student including reference to rules of student conduct or law allegedly violated;

(b) The time period during which summary suspension is effective; and

(c) That the student charged may request the summary suspension be reviewed by the dean of students or his/her designee.

(3) After review, the dean of students shall issue a written decision continuing, modifying or rescinding the summary suspension and/or taking any further disciplinary action that he/she deems appropriate. The decision shall include a brief statement of facts, conclusions and policy reasons to justify the decision to continue the summary action.

(4) A student may appeal a summary suspension like any other disciplinary action, by filing an application for an adjudicative proceeding. This appeal may be consolidated with any related pending matter.

NEW SECTION

WAC 132N-120-160 Suspension for failure to appear. The dean of students is authorized to enforce the suspension of the summarily suspended student in the event the student has been served notice pursuant to WAC 132N-120-150 and fails to appear at the time designated for the summary suspension proceeding.

NEW SECTION

WAC 132N-120-170 Appeals from summary suspension hearing. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the committee on student conduct. No such appeal shall be entertained, however, unless:

(a) The charges have been reviewed by the dean of students; and

(b) The student has been officially notified of the outcome of the review; and

(c) Summary suspension or another disciplinary sanction has been upheld; and

(d) The appeal conforms to the standards set forth in WAC 132N-120-90.

(2) The committee on student conduct shall, within five working days, conduct a formal hearing according to the provisions of WAC 132N-120-110. Appeals from summary suspension take precedence over other matters before the committee.

NEW SECTION

WAC 132N-120-180 Final decision. The president or his/her designee(s) shall review the findings and conclusions of the dean of students in conjunction with the recommendations of the committee on student conduct and will issue a final decision within three days.

**WSR 97-10-027
PROPOSED RULES
DEPARTMENT OF REVENUE**
[Filed April 30, 1997, 1:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-06-111.

Title of Rule: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Purpose: RCW 84.33.091 requires that the stumpage value tables be revised twice annually by rule. WAC 458-40-660 contains the proposed stumpage values for the second half of 1997. Large harvesters of timber use these values to calculate the timber excise tax.

Statutory Authority for Adoption: RCW 82.33.330 and 84.33.096.

Statute Being Implemented: RCW 84.33.091, 82.32.060, and 84.33.077.

Summary: The rule contains eight tables of stumpage values. These eight tables represent the areas in the state in which timber is harvested. Each table breaks out the values by timber species, quality, and a downward adjustment for hauling. The rule also contains two harvest adjustment tables for the volume per acre which is harvested, logging conditions, remote island harvesting, and thinning. In addition, the rule also contains a domestic market adjustment table for some timber which is not sold by a competitive bidding process and that is prohibited from export.

Reasons Supporting Proposal: This rule and the breakdowns reflected above are required to be done twice a year by RCW 84.33.091.

Name of Agency Personnel Responsible for Drafting: Edward Ratcliffe, 711 Capitol Way South, #303, Olympia, WA, (360) 586-3505; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment of WAC 458-40-660 complies with RCW 84.33.091 that requires that the department publish stumpage values on a semi-annual basis. The tables set out

for each stumpage value area the amount that each species or subclassification of timber would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Harvesters, other than small harvesters, of timber use the tables as a basis for calculating the amount of timber excise tax owed.

Proposal Changes the Following Existing Rules: Values are updated. See explanation above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The stumpage value table is required by law. The agency is given no discretion in implementing the table. The rules do not impose a responsibility or require a small business to perform something that is not already required by law.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These are significant legislative rules pursuant to subsection (5)(a)(I)(i) of section 201, chapter 403, Laws of 1995 (RCW 34.05.328 (5)(a)(i)).

Hearing Location: Department of Revenue, Conference Room, Target Place, Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on June 11, 1997, at 10 a.m.

Assistance for Persons with Disabilities: Contact Janet Schilter by June 4, 1997, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: Ed Ratcliffe, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by June 11, 1997.

Date of Intended Adoption: June 30, 1997.

April 29, 1997
Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending WSR 97-02-069, filed 12/31/96, effective 1/1/97)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This section sets forth the stumpage value tables and the stumpage value adjustments that are used to calculate the amount of timber excise tax owed by a timber harvester.

(2) **Stumpage value tables.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((January)) July 1 through ((June 30)) December 31, 1997:

**((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1997**

Stumpage Values per Thousand Board Foot Net Scribner Log Scale*

Species NAME	Species CODE	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$701	\$694	\$687	\$680	\$673
		2	660	652	646	639	632
		3	523	516	509	502	495
		4	267	260	253	246	239
Western Redcedar ^a	RC	1	498	491	484	477	470
		2	495	488	481	474	467
		3	455	448	441	434	427
		4	449	442	435	428	421

PROPOSED

Western Hemlock ²	WH	1	396	389	382	375	368
		2	379	372	365	358	351
		3	379	372	365	358	351
		4	271	264	257	250	243
Other Conifer	OC	1	396	389	382	375	368
		2	379	372	365	358	351
		3	379	372	365	358	351
		4	271	264	257	250	243
Red Alder	RA	1	211	204	197	190	183
		2	180	173	166	159	152
		3	99	92	85	78	71
Black Cottonwood	BC	1	64	57	50	43	36
		2	42	35	28	21	14
		3	32	25	18	11	4
Other Hardwood	OH	1	101	94	87	80	73
		2	95	88	81	74	67
		3	68	61	54	47	40
Douglas fir Poles and Piles	DFL	1	959	952	945	938	931
Western Redcedar Poles and Piles	RCL	1	959	952	945	938	931
Chipwood ⁴	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.

² Includes Alaska Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per ton.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

**TABLE 2—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
JANUARY 1 THROUGH JUNE 30, 1997**

STUMPAGE VALUES PER THOUSAND BOARD FEET NET SCRIBNER LOG SCALE¹

SPECIES NAME	SPECIES CODE	TIMBER QUALITY	HAULING DISTANCE ZONE NUMBER				
			DISTANCE ZONE NUMBER				
			1	2	3	4	5
DOUGLAS FIR	DF	1	\$774	\$767	\$760	\$753	\$746
		2	619	612	605	598	591
		3	521	524	517	510	503
		4	379	372	365	358	351
WESTERN REDCEDAR ²	RC	1	498	491	484	477	470
		2	495	488	481	474	467
		3	455	448	441	434	427
		4	449	442	435	428	421
WESTERN HEMLOCK ³	WH	1	439	432	425	418	411
		2	439	432	425	418	411
		3	423	416	409	402	395
		4	347	340	333	326	319
OTHER CONIFER	OC	1	439	432	425	418	411
		2	439	432	425	418	411
		3	423	416	409	402	395
		4	347	340	333	326	319

RED ALDER	RA	1	211	204	197	190	183
		2	180	173	166	159	152
		3	99	92	85	78	71
BLACK COTTONWOOD	BC	1	64	57	50	43	36
		2	42	35	28	21	14
		3	32	25	18	11	4
OTHER HARDWOOD	OH	1	101	94	87	80	73
		2	95	88	81	74	67
		3	68	61	54	47	40
DOUGLAS FIR POLES AND PILES	DFL	1	959	952	945	938	931
WESTERN REDCEDAR POLES AND PILES	RCL	1	959	952	945	938	931
CHIPWOOD ⁴	CHW	1	1	1	1	1	1
RC SHAKE BLOCKS	RCS	1	303	296	289	282	275
RC SHINGLE BLOCKS	RCF	1	121	114	107	100	93
RC & OTHER POSTS ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF CHRISTMAS TREES ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
OTHER CHRISTMAS TREES ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ LOG SCALE CONVERSIONS WESTERN AND EASTERN WASHINGTON. SEE CONVERSION METHODS WAC 458 40 684 AND 458 40 686.

² INCLUDES ALASKA CEDAR.

³ INCLUDES WESTERN HEMLOCK, MOUNTAIN HEMLOCK, PACIFIC SILVER FIR, NOBLE FIR, GRAND FIR, AND SUBALPINE FIR. PACIFIC SILVER FIR, NOBLE FIR, GRAND FIR, AND SUBALPINE FIR ARE ALL COMMONLY REFERRED TO AS "WHITE FIR."

⁴ STUMPAGE VALUE PER TON.

⁵ STUMPAGE VALUE PER 8 LINEAL FEET OR PORTION THEREOF.

⁶ STUMPAGE VALUE PER LINEAL FOOT.

**TABLE 3—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
JANUARY 1 THROUGH JUNE 30, 1997**

STUMPAGE VALUES PER THOUSAND BOARD FEET NET SCRIBNER LOG SCALE¹

SPECIES NAME	SPECIES CODE	TIMBER QUALITY	HAULING DISTANCE ZONE NUMBER				
			DISTANCE ZONE NUMBER				
			1	2	3	4	5
DOUGLAS FIR	DF	1	\$652	\$645	\$638	\$631	\$624
		2	643	636	629	622	615
		3	506	499	492	485	478
		4	407	400	393	386	379
WESTERN REDCEDAR ²	RC	1	498	491	484	477	470
		2	495	488	481	474	467
		3	455	448	441	434	427
		4	449	442	435	428	421
WESTERN HEMLOCK ³	WH	1	507	500	493	486	479
		2	437	430	423	416	409
		3	430	423	416	409	402
		4	316	309	302	295	288
OTHER CONIFER	OC	1	507	500	493	486	479
		2	437	430	423	416	409
		3	430	423	416	409	402
		4	316	309	302	295	288
RED ALDER	RA	1	211	204	197	190	183
		2	180	173	166	159	152
		3	99	92	85	78	71
BLACK COTTONWOOD	BC	1	64	57	50	43	36
		2	42	35	28	21	14
		3	32	25	18	11	4

PROPOSED

OTHER HARDWOOD	OH	1	101	94	87	80	73
		2	95	88	81	74	67
		3	68	61	54	47	40
DOUGLAS FIR POLES AND PILES	DFL	1	959	952	945	938	931
WESTERN REDCEDAR POLES AND PILES	RCL	1	959	952	945	938	931
CHIPWOOD*	CHW	1	1	1	1	1	1
RC SHAKE BLOCKS	RCS	1	303	296	289	282	275
RC SHINGLE BLOCKS	RCF	1	121	114	107	100	93
RC & OTHER POSTS*	RCP	1	0.45	0.45	0.45	0.45	0.45
DF CHRISTMAS TREES*	DFX	1	0.25	0.25	0.25	0.25	0.25
OTHER CHRISTMAS TREES* TFX	TFX	1	0.50	0.50	0.50	0.50	0.50

* LOG SCALE CONVERSIONS WESTERN AND EASTERN WASHINGTON. SEE CONVERSION METHODS WAC 458-40-684 AND 458-40-686.

* INCLUDES ALASKA CEDAR.

* INCLUDES WESTERN HEMLOCK, MOUNTAIN HEMLOCK, PACIFIC SILVER FIR, NOBLE FIR, GRAND FIR, AND SUBALPINE FIR. PACIFIC SILVER FIR, NOBLE FIR, GRAND FIR, AND SUBALPINE FIR ARE ALL COMMONLY REFERRED TO AS "WHITE FIR."

* STUMPAGE VALUE PER TON.

* STUMPAGE VALUE PER 8 LINEAL FEET OR PORTION THEREOF.

* STUMPAGE VALUE PER LINEAL FOOT.

**TABLE 4—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
JANUARY 1 THROUGH JUNE 30, 1997**

STUMPAGE VALUES PER THOUSAND BOARD FEET NET SCRIBNER LOG SCALE*

SPECIES NAME	SPECIES CODE	TIMBER QUALITY CODE NUMBER	HAULING DISTANCE ZONE NUMBER				
			1	2	3	4	5
DOUGLAS FIR*	DF	1	\$682	\$675	\$668	\$661	\$654
		2	665	658	651	644	637
		3	578	571	564	557	550
		4	433	426	419	412	405
LOGSPOLE PINE	LP	1	190	183	176	169	162
PONDEROSA PINE	PP	1	489	482	475	468	461
		2	245	238	231	224	217
WESTERN REDCEDAR*	RC	1	498	491	484	477	470
		2	495	488	481	474	467
		3	455	448	441	434	427
		4	449	442	435	428	421
WESTERN HEMLOCK*	WH	1	507	500	493	486	479
		2	452	445	438	431	424
		3	410	403	396	389	382
		4	371	364	357	350	343
OTHER CONIFER	OC	1	507	500	493	486	479
		2	452	445	438	431	424
		3	410	403	396	389	382
		4	371	364	357	350	343
RED ALDER	RA	1	211	204	197	190	183
		2	180	173	166	159	152
		3	99	92	85	78	71
BLACK COTTONWOOD	BC	1	64	57	50	43	36
		2	42	35	28	21	14
		3	32	25	18	11	4
OTHER HARDWOOD	OH	1	101	94	87	80	73
		2	95	88	81	74	67
		3	68	61	54	47	40
DOUGLAS FIR POLES AND PILES	DFL	1	959	952	945	938	931

Proposed

WESTERN REDCEDAR POLES AND PILES	RCL	1	959	952	945	938	931
CHIPWOOD*	CHW	1	1	1	1	1	1
RC SHAKE BLOCKS	RCS	1	303	296	289	282	275
RC SHINGLE BLOCKS	RCF	1	121	114	107	100	93
RC & OTHER POSTS*	RCP	1	0.45	0.45	0.45	0.45	0.45
DF CHRISTMAS TREES*	DFX	1	0.25	0.25	0.25	0.25	0.25
OTHER CHRISTMAS TREES* TFX	TFX	1	0.50	0.50	0.50	0.50	0.50

* LOG SCALE CONVERSIONS WESTERN AND EASTERN WASHINGTON. SEE CONVERSION METHODS WAC 458-40-684 AND 458-40-686.

* INCLUDES WESTERN LARCH.

* INCLUDES ALASKA CEDAR.

* INCLUDES WESTERN HEMLOCK, MOUNTAIN HEMLOCK, PACIFIC SILVER FIR, NOBLE FIR, GRAND FIR, AND SUBALPINE FIR. PACIFIC SILVER FIR, NOBLE FIR, GRAND FIR, AND SUBALPINE FIR ARE ALL COMMONLY REFERRED TO AS "WHITE FIR."

* STUMPAGE VALUE PER TON.

* STUMPAGE VALUE PER 8 LINEAL FEET OR PORTION THEREOF.

* STUMPAGE VALUE PER LINEAL FOOT.

**TABLE 5—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
JANUARY 1 THROUGH JUNE 30, 1997**

STUMPAGE VALUES PER THOUSAND BOARD FEET NET SCRIBNER LOG SCALE*

SPECIES NAME	SPECIES CODE	TIMBER QUALITY CODE NUMBER	HAULING DISTANCE ZONE NUMBER				
			1	2	3	4	5
Douglas Fir*	DF	1	\$682	\$675	\$668	\$661	\$654
		2	590	583	576	569	562
		3	545	538	531	524	517
		4	383	376	369	362	355
Lodgepole Pine	LP	1	190	183	176	169	162
Ponderosa Pine	PP	1	489	482	475	468	461
		2	245	238	231	224	217
Western Redcedar*	RC	1	498	491	484	477	470
		2	495	488	481	474	467
		3	455	448	441	434	427
		4	449	442	435	428	421
Western Hemlock*	WH	1	507	500	493	486	479
		2	497	490	483	476	469
		3	389	382	375	368	361
		4	371	364	357	350	343
Other Conifer	OC	1	507	500	493	486	479
		2	497	490	483	476	469
		3	389	382	375	368	361
		4	371	364	357	350	343
Red Alder	RA	1	211	204	197	190	183
		2	180	173	166	159	152
		3	99	92	85	78	71
Black Cottonwood	BC	1	64	57	50	43	36
		2	42	35	28	21	14
		3	32	25	18	11	4
Other Hardwood	OH	1	101	94	87	80	73
		2	95	88	81	74	67
		3	68	61	54	47	40
Douglas fir Poles and Piles	DFL	1	959	952	945	938	931
Western Redcedar Poles and Piles	RCL	1	959	952	945	938	931

PROPOSED

Chipwood ¹	CHW	1	1	1	1	1	
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ²	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁴	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lineal feet or portion thereof.
⁷ Stumpage value per lineal foot.

**TABLE 6 — Stumpage Value Table
 Stumpage Value Area 6
 January 1 through June 30, 1997**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁵

SPECIES NAME	SPECIES CODE	NUMBER	TIMBER QUALITY		HAULING DISTANCE ZONE NUMBER		
			1	2	3	4	5
DOUGLAS FIR ²	DF	1	\$281	\$274	\$267	\$260	\$253
ENGELMANN SPRUCE	ES	1	217	210	203	196	189
LOGEPOLE PINE	LP	1	190	183	176	169	162
PONDEROSA PINE	PP	1	489	482	475	468	461
		2	245	238	231	224	217
WESTERN REDCEDAR ²	RC	1	303	296	289	282	275
TRUE FIRS ⁴	WH	1	238	231	224	217	210
WESTERN WHITE PINE	WP	1	378	371	364	357	350
HARDWOODS	OH	1	50	43	36	29	22
WESTERN REDCEDAR POLES AND PILES	RCL	1	516	509	502	495	488
SMALL LOGS ⁶	SML	1	28	27	26	25	24
CHIPWOOD ¹	CHW	1	1	1	1	1	1
RC SHAKE & SHINGLE BLOCKS	RCF	1	92	85	78	71	64
LP & OTHER POSTS ⁴	LPP	1	0.35	0.35	0.35	0.35	0.35
PINE CHRISTMAS TREES ³	PX	1	0.25	0.25	0.25	0.25	0.25
OTHER CHRISTMAS TREES ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ LOG SCALE CONVERSIONS WESTERN AND EASTERN WASHINGTON. SEE CONVERSION METHODS WAC 458-40-684 AND 458-40-686.
² INCLUDES WESTERN LARCH.
³ INCLUDES ALASKA CEDAR.
⁴ INCLUDES WESTERN HEMLOCK, MOUNTAIN HEMLOCK, PACIFIC SILVER FIR, NOBLE FIR, GRAND FIR, AND SUBALPINE FIR. PACIFIC SILVER FIR, NOBLE FIR, GRAND FIR, AND SUBALPINE FIR ARE ALL COMMONLY REFERRED TO AS "WHITE FIR."
⁵ STUMPAGE VALUE PER TON.
⁶ STUMPAGE VALUE PER 8 LINEAL FEET OR PORTION THEREOF.
⁷ STUMPAGE VALUE PER LINEAL FOOT. INCLUDES PONDEROSA PINE, WESTERN WHITE PINE, AND LOGEPOLE PINE.
⁸ STUMPAGE VALUE PER LINEAL FOOT.

**TABLE 7 — STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 7
 JANUARY 1 THROUGH JUNE 30, 1997**

STUMPAGE VALUES PER THOUSAND BOARD FEET NET SCRIBNER LOG SCALE⁵

SPECIES NAME	SPECIES CODE	NUMBER	TIMBER QUALITY		HAULING DISTANCE ZONE NUMBER		
			1	2	3	4	5
Douglas Fir ²	DF	1	\$281	\$274	\$267	\$260	\$253
Engelmann Spruce	ES	1	217	210	203	196	189
Lodgepole Pine	LP	1	190	183	176	169	162
Ponderosa Pine	PP	1	489	482	475	468	461
		2	245	238	231	224	217
Western Redcedar ²	RC	1	303	296	289	282	275
True Firs ⁴	WH	1	238	231	224	217	210
Western White Pine	WP	1	378	371	364	357	350
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	516	509	502	495	488
Small Logs ⁶	SML	1	28	27	26	25	24
Chipwood ¹	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁴	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lineal feet or portion thereof.
⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁸ Stumpage value per lineal foot.

**TABLE 8 — STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 10
 JANUARY 1 THROUGH JUNE 30, 1997**

STUMPAGE VALUES PER THOUSAND BOARD FEET NET SCRIBNER LOG SCALE⁵

SPECIES NAME	SPECIES CODE	NUMBER	TIMBER QUALITY		HAULING DISTANCE ZONE NUMBER		
			1	2	3	4	5
Douglas Fir ²	DF	1	\$668	\$661	\$654	\$647	\$640
		2	651	644	637	630	623
		3	564	557	550	543	536
		4	419	412	405	398	391
Lodgepole Pine	LP	1	190	183	176	169	162
Ponderosa Pine	PP	1	489	482	475	468	461
		2	245	238	231	224	217

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Western Redcedar ²	RC	1	484	477	470	463	456
		2	481	474	467	460	453
		3	441	434	427	420	413
		4	435	428	421	414	407
Western Hemlock ³	WH	1	493	486	479	472	465
		2	438	431	424	417	410
		3	396	389	382	375	368
		4	357	350	343	336	329
Other Conifer	OC	1	493	486	479	472	465
		2	438	431	424	417	410
		3	396	389	382	375	368
		4	357	350	343	336	329
Red Alder	RA	1	197	190	183	176	169
		2	166	159	152	145	138
		3	85	78	71	64	57
Black Cottonwood	BC	1	50	43	36	29	22
		2	28	21	14	7	1
		3	18	11	4	1	1
Other Hardwood	OH	1	87	80	73	66	59
		2	81	74	67	60	53
		3	54	47	40	33	26
Douglas-fir Poles and Piles	DFL	1	945	938	931	924	917
Western Redcedar Poles and Piles	RCL	1	945	938	931	924	917
Chipwood ⁴	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

**TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1997**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$850	\$843	\$836	\$829	\$822
		2	668	661	654	647	640
		3	583	576	569	562	555
		4	268	261	254	247	240
Western Redcedar ²	RC	1	580	573	566	559	552
		2	580	573	566	559	552
		3	535	528	521	514	507
		4	501	494	487	480	473
Western Hemlock ³	WH	1	398	391	384	377	370
		2	378	371	364	357	350
		3	366	359	352	345	338
		4	271	264	257	250	243

Other Conifer	OC	1	398	391	384	377	370
		2	378	371	364	357	350
		3	365	358	351	344	337
		4	271	264	257	250	243
Red Alder	RA	1	200	193	186	179	172
		2	159	152	145	138	131
		3	36	29	22	15	8
Black Cottonwood	BC	1	46	39	32	25	18
		2	23	16	9	2	1
		3	10	3	1	1	1
Other Hardwood	OH	1	134	127	120	113	106
		2	99	92	85	78	71
		3	47	40	33	26	19
Douglas-fir Poles	DFL	1	943	936	929	922	915
Western Redcedar Poles	RCL	1	943	936	929	922	915
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per 8 lineal feet or portion thereof.

⁵ Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1997**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$650	\$643	\$636	\$629	\$622
		2	634	627	620	613	606
		3	586	579	572	565	558
		4	290	283	276	269	262
Western Redcedar ²	RC	1	580	573	566	559	552
		2	580	573	566	559	552
		3	535	528	521	514	507
		4	501	494	487	480	473
Western Hemlock ³	WH	1	392	385	378	371	364
		2	389	382	375	368	361
		3	374	367	360	353	346
		4	307	300	293	286	279
Other Conifer	OC	1	392	385	378	371	364
		2	389	382	375	368	361
		3	374	367	360	353	346
		4	307	300	293	286	279
Red Alder	RA	1	200	193	186	179	172
		2	159	152	145	138	131
		3	36	29	22	15	8
Black Cottonwood	BC	1	46	39	32	25	18
		2	23	16	9	2	1
		3	10	3	1	1	1

Other Hardwood	OH	1 2 3	134 99 47	127 92 40	120 85 33	113 78 26	106 71 19
Douglas-fir Poles	DFL	1	943	936	929	922	915
Western Redcedar Poles	RCL	1	943	936	929	922	915
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ¹	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ¹	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1997

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$685	\$678	\$671	\$664	\$657
		2	664	657	650	643	636
		3	620	613	606	599	592
		4	510	503	496	489	482
Lodgepole Pine	LP	1	244	237	230	223	216
Ponderosa Pine	PP	1	489	482	475	468	461
		2	313	306	299	292	285
Western Redcedar ³	RC	1	580	573	566	559	552
		2	580	573	566	559	552
		3	535	528	521	514	507
		4	501	494	487	480	473
Western Hemlock ⁴	WH	1	395	388	381	374	367
		2	387	380	373	366	359
		3	369	362	355	348	341
		4	360	353	346	339	332
Other Conifer	OC	1	395	388	381	374	367
		2	387	380	373	366	359
		3	370	363	356	349	342
		4	360	353	346	339	332
Red Alder	RA	1	200	193	186	179	172
		2	159	152	145	138	131
		3	36	29	22	15	8
Black Cottonwood	BC	1	46	39	32	25	18
		2	23	16	9	2	1
		3	10	3	1	1	1
Other Hardwood	OH	1	134	127	120	113	106
		2	99	92	85	78	71
		3	47	40	33	26	19
Douglas-fir Poles	DFL	1	943	936	929	922	915
Western Redcedar Poles	RCL	1	943	936	929	922	915
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ¹	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1997

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$661	\$654	\$647	\$640	\$633
		2	661	654	647	640	633
		3	514	507	500	493	486
		4	495	488	481	474	467
Western Redcedar ³	RC	1	580	573	566	559	552
		2	580	573	566	559	552
		3	535	528	521	514	507
		4	501	494	487	480	473
Western Hemlock ⁴	WH	1	392	385	378	371	364
		2	390	383	376	369	362
		3	372	365	358	351	344
		4	288	281	274	267	260
Other Conifer	OC	1	392	385	378	371	364
		2	390	383	376	369	362
		3	372	365	358	351	344
		4	288	281	274	267	260
Red Alder	RA	1	200	193	186	179	172
		2	159	152	145	138	131
		3	36	29	22	15	8
Black Cottonwood	BC	1	46	39	32	25	18
		2	23	16	9	2	1
		3	10	3	1	1	1
Other Hardwood	OH	1	134	127	120	113	106
		2	99	92	85	78	71
		3	47	40	33	26	19
Douglas-fir Poles	DFL	1	943	936	929	922	915
Western Redcedar Poles	RCL	1	943	936	929	922	915
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ¹	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 1997

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$685	\$678	\$671	\$664	\$657
		2	637	630	623	616	609
		3	491	484	477	470	463
		4	315	308	301	294	287
Lodgepole Pine	LP	1	244	237	230	223	216
Ponderosa Pine	PP	1	489	482	475	468	461
		2	313	306	299	292	285
Western Redcedar ³	RC	1	580	573	566	559	552
		2	580	573	566	559	552
		3	535	528	521	514	507
		4	501	494	487	480	473
Western Hemlock ⁴	WH	1	392	385	378	371	364
		2	390	383	376	369	362
		3	317	310	303	296	289
		4	226	219	212	205	198
Other Conifer	OC	1	392	385	378	371	364
		2	390	383	376	369	362
		3	317	310	303	296	289
		4	226	219	212	205	198
Red Alder	RA	1	200	193	186	179	172
		2	159	152	145	138	131
		3	36	29	22	15	8
Black Cottonwood	BC	1	46	39	32	25	18
		2	23	16	9	2	1
		3	10	3	1	1	1
Other Hardwood	OH	1	134	127	120	113	106
		2	99	92	85	78	71
		3	47	40	33	26	19
Douglas-fir Poles	DFL	1	943	936	929	922	915
Western Redcedar Poles	RCL	1	943	936	929	922	915
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 July 1 through December 31, 1997

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$362	\$355	\$348	\$341	\$334
Engelmann Spruce	ES	1	246	239	232	225	218
Lodgepole Pine	LP	1	244	237	230	223	216
Ponderosa Pine	PP	1	489	482	475	468	461
		2	313	306	299	292	285
Western Redcedar ³	RC	1	428	421	414	407	400
True Firs ⁴	WH	1	283	276	269	262	255
Western White Pine	WP	1	449	442	435	428	421
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	28	27	26	25	24
Chipwood	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 1997

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$362	\$355	\$348	\$341	\$334
Engelmann Spruce	ES	1	246	239	232	225	218
Lodgepole Pine	LP	1	244	237	230	223	216
Ponderosa Pine	PP	1	489	482	475	468	461
		2	313	306	299	292	285
Western Redcedar ³	RC	1	428	421	414	407	400
True Firs ⁴	WH	1	283	276	269	262	255

Western White Pine	WP	1	449	442	435	428	421
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	22	21	20	19	18
Chipwood	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

Western Redcedar Poles	RCL	1	929	922	915	908	901
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁷ Stumpage value per lineal foot.

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

PROPOSED

(3) **Harvest value adjustments.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in subsection (2) of this section for the designated stumpage value areas. See WAC 458-40-670 for more information about these adjustments.

The following harvest adjustment tables are hereby adopted for use during the period of ((~~January~~)) July 1 through ((~~June-30~~)) December 31, 1997:

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1997

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$671	\$664	\$657	\$650	\$643
		2	650	643	636	629	622
		3	606	599	592	585	578
		4	496	489	482	475	468
Lodgepole Pine	LP	1	244	237	230	223	216
Ponderosa Pine	PP	1	489	482	475	468	461
		2	313	306	299	292	285
Western Redcedar ³	RC	1	566	559	552	545	538
		2	566	559	552	545	538
		3	521	514	507	500	493
		4	487	480	473	466	459
Western Hemlock ⁴	WH	1	381	374	367	360	353
		2	373	366	359	352	345
		3	355	348	341	334	327
		4	346	339	332	325	318
Other Conifer	OC	1	381	374	367	360	353
		2	373	366	359	352	345
		3	356	349	342	335	328
		4	346	339	332	325	318
Red Alder	RA	1	186	179	172	165	158
		2	145	138	131	124	117
		3	22	15	8	1	1
Black Cottonwood	BC	1	32	25	18	11	4
		2	9	2	1	1	1
		3	1	1	1	1	1
Other Hardwood	OH	1	120	113	106	99	92
		2	85	78	71	64	57
		3	33	26	19	12	5
Douglas-fir Poles	DFL	1	929	922	915	908	901

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10

((~~January~~)) July 1 through ((~~June-30~~)) December 31, 1997

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Most of the harvest unit has less than 30% slope. No significant rock outcrops or swamp barriers.	\$ 0.00
Class 2	Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.	- \$17.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	- \$145.00

Note: A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgat-

ed forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.

- III. Remote island adjustment:
 - For timber harvested from a remote island - \$50.00
- IV. Thinning (see WAC 458-40-610(21))
 - Class 1 Average log volume of 50 board feet or more. - \$25.00
 - Class 2 Average log volume of less than 50 board feet. - \$125.00

**TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7**

((~~January~~)) July 1 through ((~~June 30~~)) December 31, 1997

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
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- I. Volume per acre
 - Class 1 Harvest of more than 8 thousand board feet per acre. \$0.00
 - Class 2 Harvest of 3 thousand board feet to 8 thousand board feet per acre. - \$7.00
 - Class 3 Harvest of less than 3 thousand board feet per acre. - \$10.00

- II. Logging conditions
 - Class 1 Most of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers. \$0.00
 - Class 2 Most of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers. - \$20.00
 - Class 3 Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs. - \$30.00
 - Class 4 For logs that are yarded from stump to landing by helicopter. This does not include special forest products. - \$145.00

Note: A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.

- III. Remote island adjustment:
 - For timber harvested from a remote island - \$50.00

TABLE 11—Domestic Market Adjustment

Public Timber

Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Private Timber

Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

- Class 1: SVA's 1 through 6, and 10 \$0.00 per MBF
- Class 2: SVA 7 \$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

**WSR 97-10-035
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)**

[Filed April 30, 1997, 4:27 p.m.]

Original Notice.

Title of Rule: WAC 388-250-1700.

Purpose: Pass along the 2.9 percent federal cost-of-living adjustment (COLA) for the supplemental security income (SSI) program and move from the "total expenditure method" of computing the SSI state supplement payment to the "payment levels method."

Other Identifying Information: This rule has been in effect since January 1, 1997, under emergency WACs.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.04.630, Social Security Act COLA increases.

Summary: This revision codifies the January 1997 federal COLA, notes the entire amount is passed along to eligible SSI beneficiaries, indicates the SSI state supplement amount has also changed due to a change in the method of computing the amount of the supplement.

Reasons Supporting Proposal: The change in method of computing the amount of the SSI state supplement payment was approved by Governor Lowry and passing along the federal COLA is required under the chosen payment method.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Hargrave, Lacey Government Center, P.O. Box 45470, Lacey, WA 98504-5470, (360) 413-3104.

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

Rule is necessary because of federal law, Social Security Act COLA changes FR61 page 55346-51.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule indicates the federal benefit level (FBL) for SSI benefits to eligible individuals and couples, which varies by living arrangement and location of the household in the state. The FBL is added to the state supplemental payment amount to create the combined federal/state SSI standard for Washington. The revision to this rule updates

PROPOSED

federal and state standards as of January 1, 1997, and has been in place by emergency WAC since that date.

Proposal Changes the Following Existing Rules: Federal benefit level and state supplement payment level updated to reflect January 1, 1997, standards.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule has no impact on small business as it just affects the benefit amount for SSI recipients.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This section (RCW 34.05.328) does not apply to the Department of Social and Health Services.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104-A, Lacey, WA 98503, on June 10, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin, Rules Coordinator, by May 30, 1997.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by June 10, 1997.

Date of Intended Adoption: No sooner than June 11, 1997.

April 30, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3972, filed 4/26/96, effective 5/27/96)

WAC 388-250-1700 Standards of assistance—Supplemental security income. Effective January 1, ~~((1996))~~ 1997, the standards of SSI assistance paid to an eligible individual and couple are:

(1) Living alone (own household or alternate care, except nursing homes or medical institutions).

	Standard	Federal SSI Benefit	State Supplement
Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties			
Individual	(\$495.42) <u>\$512.00</u>	\$470.00 <u>\$484.00</u>	\$ 25.42) <u>\$ 28.00</u>
Individual with one essential person	((724.98) <u>748.00</u>	705.00 <u>726.00</u>	19.98)) <u>22.00</u>
Couple:			
Both eligible	((724.98) <u>748.00</u>	705.00 <u>726.00</u>	19.98)) <u>22.00</u>
Includes one essential person	((724.98) <u>748.00</u>	705.00 <u>726.00</u>	19.98)) <u>22.00</u>
Includes ineligible spouse	((622.73) <u>652.20</u>	470.00 <u>484.00</u>	152.73)) <u>168.20</u>
Area II: All Counties Other Than the Above			
Individual	(\$476.86) <u>\$491.55</u>	470.00 <u>484.00</u>	6.86)) <u>7.55</u>
Individual with one essential person	((705.00) <u>726.00</u>	705.00) <u>726.00</u>	<u>0</u>
Couple:			
Both eligible	((705.00) <u>726.00</u>	705.00) <u>726.00</u>	<u>0</u>
Includes one essential person	((705.00) <u>726.00</u>	705.00) <u>726.00</u>	<u>0</u>
Includes ineligible spouse	((595.53) <u>622.25</u>	470.00 <u>484.00</u>	125.53)) <u>138.25</u>

Areas I and II:

Eligible individual with more than one essential person: ~~\$(470.00)~~ 484.00 for eligible individual plus ~~\$(235.00)~~ 242.00 for each essential person (no state supplement).

Eligible couple with one or more essential persons: ~~\$(705.00)~~ 726.00 for eligible couple plus ~~\$(235.00)~~ 242.00 for each essential person (no state supplement).

(2) Shared living (Supplied shelter): Area I and II

	Standard	Federal SSI Benefit	State Supplement
Individual	(\$318.62) <u>\$328.48</u>	\$313.34 <u>\$322.67</u>	\$ 5.28) <u>\$ 5.81</u>
Individual with one essential person	((475.72) <u>490.30</u>	470.00 <u>484.00</u>	5.72)) <u>6.30</u>
Couple:			
Both eligible	((475.72) <u>490.30</u>	470.00 <u>484.00</u>	5.72)) <u>6.30</u>
Includes one essential person	((475.72) <u>490.30</u>	470.00 <u>484.00</u>	5.72)) <u>6.30</u>
Includes ineligible spouse	((407.55) <u>426.43</u>	313.34 <u>322.67</u>	94.21)) <u>103.76</u>

Area I and II:

Eligible individual with more than one essential person: ~~\$(313.34)~~ 322.67 for eligible individual plus ~~\$(156.66)~~ 161.33 for each essential person (no state supplement).

Eligible couple with one or more essential persons: ~~\$(470.00)~~ 484.00 for eligible couple plus ~~\$(156.66)~~ 161.33 for each essential person (no state supplement).

(3) Residing in a medical institution: Area I and II

	Standard	Federal SSI Benefit	State Supplement
No change	\$41.62	\$30.00	\$11.62

(4) Mandatory income level (MIL) for grandfathered claimant. Increased by ~~((two))~~ three dollars and ~~((nineteen))~~ seventy-eight cents for all MIL clients, except for those converted in a "D" living arrangement (residing in a medical institution at the time of conversion).

WSR 97-10-039
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)
[Filed April 30, 1997, 4:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-06-132.

Title of Rule: WAC 388-265-1750 Protective payee fees.

Purpose: Establishes the conditions under which the Department of Social and Health Services may pay administrative costs for protective payees.

Statutory Authority for Adoption: RCW 74.08.090 and 74.08.280.

Statute Being Implemented: RCW 74.08.280.

Summary: This change allows for persons who meet the contractual requirements of the department to be paid the administrative fee for provision of protective payee services, regardless of their relationship or personal friendship with a recipient. This change provides more detailed definition of the reasons for payment for protective payee services. It adds to the categories of recipients required to have protective payees for which the vendor will be paid the administrative fee. The new category is for recipients who are under sanction for failure to participate in the JOBS program. Prior to this change, payment for these cases was covered under the general category of mismanagement of funds.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kay Hanvey, Division of Income Assistance, (360) 413-3100.

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: This change allows persons who are related to or friends of a recipient to be paid under contract for providing protective payee services. Persons in this relationship were previously prohibited from receiving the administrative fees. This will have little effect. Anyone providing protective payee services has been required to be under contract since September 1995. Most protective payees established since that time have been through agencies and small companies who provide selective services. A few remaining friends and relatives will now be eligible for payment of the administrative fee. No change is anticipated by the addition of the categories of clients from which the fee will be paid.

Proposal Changes the Following Existing Rules: Existing rule prohibits paying the administrative fee to vendors who are friends or relatives of a recipient. This change eliminates that restriction.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Section 201 (RCW 34.05.328) does not apply to the Department of Social and Health Services.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104-A, Lacey, WA, on June 10, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by June 2, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by June 10, 1997.

Date of Intended Adoption: No sooner than June 11, 1997.

April 30, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3858, filed 5/24/95, effective 6/24/95)

WAC 388-265-1750 Protective payee fees. (1) The department may authorize a fee to cover approved administrative costs of the protective payee under the following conditions:

(a) The person serving as protective payee is not a ~~((friend, relative, or))~~ department employee; and

(b) The client is eligible for:

(i) GA-U;

(ii) ~~((AFDC))~~ TANF when the department has determined a client is unable to manage the client's assistance funds; ~~((or))~~

(iii) TANF when the department has determined a client is under sanction due to failure, without good cause, to participate in the jobs opportunity and basic skills training (JOBS) program; or

(iv) GA or ~~((AFDC))~~ TANF and is a pregnant or parenting minor, and protective payment established under RCW 74.04.0052 or RCW 71.12.255.

(2) The department shall not allow the protective payee to withhold money from the client's grant for payment of the protective payee's costs or services.

(3) "Administrative costs fee" means a fixed amount per assistance recipient, as set forth in the contract between the protective payee and the department.

**WSR 97-10-060
WITHDRAWAL OF PROPOSED RULES
HOUSING FINANCE COMMISSION**

[Filed May 2, 1997, 9:40 a.m.]

The Washington State Housing Finance Commission is withdrawing WSR 97-09-090 and 97-09-091 filed with the Office of the Code Reviser on April 23, 1997. At your suggestion, we are withdrawing these rules for technical reasons, and will refile them at a later date after they have been submitted to the Order Typing Service.

Mark McLaughlin
Deputy Director

**WSR 97-10-062
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed May 2, 1997, 10:53 a.m.]

Original Notice.

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

Title of Rule: Tariffs and pilotage rates for the Grays Harbor pilotage district.

Purpose: To establish a Grays Harbor pilotage district annual tariff.

Other Identifying Information: WAC 363-116-185 (formerly WAC 296-116-185).

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

PROPOSED

Summary: The proposed rule reflects a 12.2% increase in all tariff categories to be charged for pilotage services in the Grays Harbor pilotage district for the 1997-98 tariff year.

Reasons Supporting Proposal: RCW 88.16.035 requires that a tariff be set annually.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pilotage Commission, 1008 Western Avenue, Seattle, WA, (206) 515-3904.

Name of Proponent: Grays Harbor Bar Pilots, Inc., private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Current rates for the Grays Harbor pilotage district expire on July 31, 1997. New rates must be set annually.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed would increase the tariff for pilotage services in the Grays Harbor pilotage district by 12.2% over the present tariff in all categories.

Proposal Changes the Following Existing Rules: The proposed rule is a 12.2% increase over the existing tariff in all categories.

The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from other interested parties and the public.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule is being considered in the context of the required annual revision to the rates charged for pilotage services. The application of the 12.2% increase is clear in the proposed tariff shown below and represents a minor economic impact on shipping costs.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Marine Exchange Conference Center, 2701 1st Avenue, Suite 110, Seattle, WA 98121, on June 12, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by June 9, 1997, (206) 515-3904.

Submit Written Comments to: Mr. Larry Vognild, Chairman, FAX (206) 515-3969, by June 5, 1997.

Date of Intended Adoption: June 12, 1997.

May 1, 1997
Peggy Larson
Administrator

AMENDATORY SECTION (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective 0001 hours on 8-1-97 through 2400 hours 7-31-98.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges

shall be ~~\$(55.95)~~ 62.78 per meter (or ~~\$(17.02)~~ 19.10 per foot) and the tonnage charge shall be ~~\$(0.1784)~~ 0.2002 per net registered ton. The minimum net registered tonnage charge is ~~\$(624.27)~~ 700.43. The charge for an extra vessel (in case of tow) is ~~\$(356.74)~~ 400.26.

Boarding fee:

Per each boarding/deboarding from a boat ~~\$(269.15)~~
301.99

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage ~~\$(447.50)~~
502.10
Delays per hour ~~\$(106.74)~~
119.73
Cancellation charge (pilot only) . . . ~~\$(178.36)~~
200.12
Cancellation charge (pilot boat only) ~~\$(535.09)~~
600.37

Travel allowance:

Boarding or deboarding a vessel off Grays Harbor entrance ~~\$(82.82)~~
92.92

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid ~~\$(624.28)~~ 700.44 for each day or fraction thereof, and the travel expense incurred ~~\$(624.28)~~
700.44

Bridge transit:

Charge for each bridge transited . . . ~~\$(195.90)~~
219.80

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

~~((Adopted 6-20-96
Filed 6-28-96
Effective 0001 Hours 8-1-96 through 2400 Hours 7-31-97))~~

WSR 97-10-072
WITHDRAWAL OF PROPOSED RULES
INSURANCE COMMISSIONER'S OFFICE
(By the Code Reviser's Office)
[Filed May 6, 1997, 10:45 a.m.]

Chapter 284-04 WAC, proposed by the Insurance Commissioner's Office in WSR 96-21-128, appearing in issue 96-21 of the State Register, which was distributed on November 6, 1996, 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

WSR 97-10-073
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(By the Code Reviser's Office)
[Filed May 6, 1997, 10:46 a.m.]

WAC 388-538-073 and 388-538-074, proposed by the Department of Social and Health Services in WSR 96-21-132, appearing in issue 96-21 of the State Register, which was distributed on November 6, 1996, 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

WSR 97-10-074
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)
(By the Code Reviser's Office)
[Filed May 6, 1997, 10:46 a.m.]

WAC 232-12-019 and 232-12-147, proposed by the Department of Fish and Wildlife in WSR 96-21-150, appearing in issue 96-21 of the State Register, which was distributed on November 6, 1996, 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

WSR 97-10-075
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)
(By the Code Reviser's Office)
[Filed May 6, 1997, 10:47 a.m.]

WAC 220-56-115, 220-56-305 and 220-56-315, proposed by the Department of Fish and Wildlife in WSR 96-21-151, appearing in issue 96-21 of the State Register, which was distributed on November 6, 1996, 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

WSR 97-10-079
PROPOSED RULES
OFFICE OF
FINANCIAL MANAGEMENT
[Filed May 6, 1997, 12:00 noon]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-09-031.

Title of Rule: Setting official pay dates for 1998.

Purpose: To establish official pay dates for state officers and employees for calendar year 1998.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Statute Being Implemented: RCW 42.16.010(1) and 42.16.017.

Summary: This proposed rule making amends WAC 82-50-021 by establishing pay dates for state officers and employees for calendar year 1998 and removing now obsolete pay dates for calendar year 1996.

Reasons Supporting Proposal: Statute requires that the Office of Financial Management annually update and publish pay dates.

Name of Agency Personnel Responsible for Drafting: Millie Lund, 406 Legion Way S.E., (360) 664-3419; Implementation: Sol Davis, 406 Legion Way S.E., (360) 664-3420; and Enforcement: Pete Anthony, 406 Legion Way S.E., (360) 664-3404.

Name of Proponent: Office of Financial Management, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 82-50-021 exists to publish the official lagged, semi-monthly pay dates for state officers and employees. This section of WAC, which provides pay dates for the current and ensuing calendar years, is amended each year to add pay dates for the ensuing calendar year and delete the obsolete pay dates for the previous year.

Proposal Changes the Following Existing Rules: Official lagged, semi-monthly pay dates for calendar year 1998 are added and the now obsolete pay dates for calendar year 1996 are deleted.

PROPOSED

No small business economic impact statement has been prepared under chapter 19.85 RCW. This WAC establishes pay dates for state officers and employees, and has no effect on small businesses in the state of Washington. The information provided in this rule may be used by businesses that chose to include state pay dates in calendars that they publish. Any economic impact on those businesses, as an indirect result of publishing these dates, should be positive.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This amendatory rule-making action is required by statute.

Hearing Location: 1st Floor Conference Room, 406 Legion Way S.E., Olympia, WA, on June 10, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Vickie Larkin by May 27, 1997, TDD (360) 664-3649, or (360) 664-3372.

Submit Written Comments to: Pete Anthony, P.O. Box 43123, Olympia, WA 98504-3123, FAX (360) 664-3423, by June 2, 1997.

Date of Intended Adoption: June 10, 1997.

May 6, 1997
Richard J. Thompson
Director

AMENDATORY SECTION (Amending WSR 96-15-039, filed 7/11/96, effective 8/11/96)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years (~~(1996)~~) 1997 and (~~(1997)~~) 1998:

(CALENDAR YEAR 1996	CALENDAR YEAR 1997
Wednesday, January 10, 1996	Friday, January 10, 1997
Thursday, January 25, 1996	Friday, January 24, 1997
Friday, February 9, 1996	Monday, February 10, 1997
Monday, February 26, 1996	Tuesday, February 25, 1997
Monday, March 11, 1996	Monday, March 10, 1997
Monday, March 25, 1996	Tuesday, March 25, 1997
Wednesday, April 10, 1996	Thursday, April 10, 1997
Thursday, April 25, 1996	Friday, April 25, 1997
Friday, May 10, 1996	Friday, May 9, 1997
Friday, May 24, 1996	Friday, May 23, 1997
Monday, June 10, 1996	Tuesday, June 10, 1997
Tuesday, June 25, 1996	Wednesday, June 25, 1997
Wednesday, July 10, 1996	Thursday, July 10, 1997
Thursday, July 25, 1996	Friday, July 25, 1997
Friday, August 9, 1996	Monday, August 11, 1997
Monday, August 26, 1996	Monday, August 25, 1997
Tuesday, September 10, 1996	Wednesday, September 10, 1997
Wednesday, September 25, 1996	Thursday, September 25, 1997
Thursday, October 10, 1996	Friday, October 10, 1997
Friday, October 25, 1996	Friday, October 24, 1997
Friday, November 8, 1996	Monday, November 10, 1997
Monday, November 25, 1996	Tuesday, November 25, 1997
Tuesday, December 10, 1996	Wednesday, December 10, 1997
Tuesday, December 24, 1996	Wednesday, December 24, 1997))

CALENDAR YEAR 1997

<u>Friday, January 10, 1997</u>
<u>Friday, January 24, 1997</u>
<u>Monday, February 10, 1997</u>
<u>Tuesday, February 25, 1997</u>
<u>Monday, March 10, 1997</u>

CALENDAR YEAR 1998

<u>Friday, January 9, 1998</u>
<u>Monday, January 26, 1998</u>
<u>Tuesday, February 10, 1998</u>
<u>Wednesday, February 25, 1998</u>
<u>Tuesday, March 10, 1998</u>

<u>Tuesday, March 25, 1997</u>
<u>Thursday, April 10, 1997</u>
<u>Friday, April 25, 1997</u>
<u>Friday, May 9, 1997</u>
<u>Friday, May 23, 1997</u>
<u>Tuesday, June 10, 1997</u>
<u>Wednesday, June 25, 1997</u>
<u>Thursday, July 10, 1997</u>
<u>Friday, July 25, 1997</u>
<u>Monday, August 11, 1997</u>
<u>Monday, August 25, 1997</u>
<u>Wednesday, September 10, 1997</u>
<u>Thursday, September 25, 1997</u>
<u>Friday, October 10, 1997</u>
<u>Friday, October 24, 1997</u>
<u>Monday, November 10, 1997</u>
<u>Tuesday, November 25, 1997</u>
<u>Wednesday, December 10, 1997</u>
<u>Wednesday, December 24, 1997</u>

<u>Wednesday, March 25, 1998</u>
<u>Friday, April 10, 1998</u>
<u>Friday, April 24, 1998</u>
<u>Monday, May 11, 1998</u>
<u>Friday, May 22, 1998</u>
<u>Wednesday, June 10, 1998</u>
<u>Thursday, June 25, 1998</u>
<u>Friday, July 10, 1998</u>
<u>Friday, July 24, 1998</u>
<u>Monday, August 10, 1998</u>
<u>Tuesday, August 25, 1998</u>
<u>Thursday, September 10, 1998</u>
<u>Friday, September 25, 1998</u>
<u>Friday, October 9, 1998</u>
<u>Monday, October 26, 1998</u>
<u>Tuesday, November 10, 1998</u>
<u>Wednesday, November 25, 1998</u>
<u>Thursday, December 10, 1998</u>
<u>Thursday, December 24, 1998</u>

WSR 97-10-080
PROPOSED RULES
DEPARTMENT OF LICENSING
(Business and Professions Division)
[Filed May 6, 1997, 3:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-08-069.

Title of Rule: WAC 308-12-326 Architect fees.

Purpose: To adjust fees that architects pay for services and licensing provided by the department.

Statutory Authority for Adoption: RCW 18.08.430(1), 43.24.086.

Statute Being Implemented: RCW 43.24.086.

Summary: The fees charged by the agency for administering application, registration, and the renewal process are set at a level to support operation of the program. The increases in selected fees are to offset increases in selected costs to the program. All increases are in accordance with RCW 43.135.055 (Initiative 601).

Reasons Supporting Proposal: Increased costs to the architect program for fiscal year 1998 must be supported by fees assessed to licensees, applicants for registration, certificates of authority, and certification.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James D. Hanson, 405 Black Lake Boulevard, Olympia, WA, (360) 753-1153.

Name of Proponent: Department of Licensing and Washington State Board of Registration for Architects, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This section identifies the services for which fees are charged and the respective amount for each of the services. All program forms list the respective fee that is required with a form submittal. The purpose of all listed fees is to recover the cost of administering the program. The anticipated effects of the listing of fees is to inform interested parties, provide timely customer service, reduce telephonic inquiries, reduce delays in administration waiting

PROPOSED

for required fees to be submitted, and fully comply with the statutory requirement of RCW 43.24.086.

Proposal Changes the Following Existing Rules: The existing version of this section lists fees in amounts that supported administering the architect program as it was funded in previous budget bienniums. The 97-99 biennium budget requires minor increases to keep the program financially solvent, fund the required program expenditures, and meet the requirement to fully support the program with assessed revenue.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Each fee that was increased was within the limits of RCW 43.135.055. No fee increase exceeded fifty dollars to individuals or businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Licensing is not subject to section 201, chapter 403, Laws of 1995 or RCW 34.05.328(5). Additionally, this section does not apply to rules that set or adjust fees or rates pursuant to legislative standards. The fees in this rule are required by RCW 43.24.086.

Hearing Location: Conference Room 1, Business and Professions Division, 405 Black Lake Boulevard, Olympia, WA 98502, on June 18, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Pam Miller by June 13, 1997, TDD (360) 586-2788, or (360) 586-8935.

Submit Written Comments to: James D. Hanson, Board of Registration for Architects, P.O. Box 9045, Olympia, WA 98507-9045, Voice (360) 753-1153 or FAX (360) 664-2551, by June 13, 1997.

Date of Intended Adoption: June 18, 1997.

May 6, 1997
James D. Hanson
Program Administrator

AMENDATORY SECTION (Amending WSR 97-06-064, filed 2/27/97, effective 3/30/97)

WAC 308-12-326 Architect fees. The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Examination application	\$100.00
Reciprocity application	((350.00)) <u>364.00</u>
Initial registration	((135.00)) <u>140.00</u>
Oral examination	50.00
Registration renewal (3 years)	((135.00)) <u>140.00</u>
Late renewal	((45.00)) <u>46.00</u>
Certificate replacement	15.00
Duplicate license	15.00
Certification	((25.00)) <u>26.00</u>
Corporations:	
Certificate of authorization	((250.00)) <u>260.00</u>
Certificate of authorization renewal	((125.00)) <u>130.00</u>

WSR 97-10-082
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed May 6, 1997, 4:39 p.m.]

The Department of Social and Health Services hereby withdraws proposed amendments to WAC 388-14-030. These amendments are withdrawn because further amendments are required under legislation passed in the 1997 legislative session. Amendments to WAC 388-14-030 will be submitted as soon as possible under the Preproposal Statement of Inquiry published as WSR 97-09-110.

This is the only section of WSR 97-09-020 being withdrawn. The department will consider adopting the remaining sections after the public hearing on June 10, 1997.

Merry Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-10-083
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed May 6, 1997, 4:40 p.m.]

The Department of Social and Health Services hereby withdraws proposed amendments to WAC 388-11-285 filed with the Office of the Code Reviser as WSR 97-09-019. These amendments are withdrawn because of a change in the authorizing statute, RCW 74.20A.055.

Merry Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-10-084
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS
[Filed May 7, 1997, 8:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-06-102.

Title of Rule: Limitations on new pilots.

Purpose: To modify pilot license limitations in order to enable a pilot in the Grays Harbor pilotage district, during his/her first five years, to perform pilotage services on vessels having a higher gross tonnage.

Other Identifying Information: WAC 363-116-082 (formerly WAC 296-116-082).

Statutory Authority for Adoption: RCW 88.16.105.

Statute Being Implemented: RCW 88.16.105.

Summary: License limitations and familiarization/training trip requirements are modified in a Grays Harbor pilot's fifth year in order to provide for an additional qualified pilot to handle larger vessels.

Reasons Supporting Proposal: It is necessary to broaden the pilot work force in the Grays Harbor pilotage district.

PROPOSED

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pilotage Commission, 1008 Western Avenue, Seattle, WA, (206) 515-3904.

Name of Proponent: Washington State Board of Pilotage Commissioners, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This rule was adopted under emergency provisions on March 28, 1997, with the intent to adopt it permanently.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed increases the gross tonnage of the license limitation from 27,500 to 30,000 in the fifth year and also increases the gross tonnage of the corresponding familiarization/training trip requirement from 30,000 to 32,500 in the fifth year.

There is currently only one pilot in the Grays Harbor pilotage district who holds an unlimited pilot license and these modifications are intended to alleviate certain hardships this presents.

Proposal Changes the Following Existing Rules: The vessel gross tonnage is increased by 2,500 gross tons in subsections (5)(e) and (6)(e).

The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from other interested parties and the public.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is established for purposes of furthering the emergency rule currently in effect which provides for more efficient pilotage in the Grays Harbor pilotage district. It does not impact businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Marine Exchange Conference Center, 2701 1st Avenue, Suite 110, Seattle, WA 98121, on June 12, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by June 9, 1997, (206) 515-3904.

Submit Written Comments to: Mr. Larry Vognild, Chairman, FAX (206) 515-3969, by June 5, 1997.

Date of Intended Adoption: June 12, 1997.

May 1, 1997
Peggy Larson
Administrator

AMENDATORY SECTION (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

WAC 363-116-082 Limitations on new pilots. (1) The following limitations shall apply to a newly licensed pilot during his/her first five years of active service. Except where otherwise noted, the pilotage assignment may include docking and undocking of vessels within the tonnage limitations. All tonnages referred to are international tonnages.

(2) Progressive lifting of tonnage limitations requires a newly licensed pilot to satisfactorily complete the familiarization/training trips listed under the supervision of a five-

year pilot. This veteran pilot shall complete and submit an evaluation form for each trip a new pilot performs. All of these trips must, if practical, be completed during the last ninety days of the license year.

(3) Puget Sound pilotage district - License limitations.

(a) First year:

(i) Not authorized to pilot loaded petroleum tankers.

(ii) Not authorized to pilot any vessels in excess of 25,000 gt or 660' in length or any passenger vessels in excess of 5,000 gt.

(b) Second year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 25,000 gt.

(ii) Not authorized to pilot any vessels in excess of 30,000 gt.

(c) Third year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 32,000 gt.

(ii) Not authorized to pilot any vessels in excess of 45,000 gt.

(d) Fourth year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 32,000 gt.

(ii) Not authorized to pilot any vessels in excess of 60,000 gt.

(e) Fifth year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 45,000 gt.

(ii) Not authorized to pilot any vessels in excess of 75,000 gt.

(4) Puget Sound pilotage district - Familiarization/training trips.

(a) Prior to the expiration of the FIRST license year, a new pilot must make three familiarization/training trips, two of which shall involve docking loaded petroleum tankers of not more than 25,000 gt; and the third trip shall involve a bridge and waterway transit of a vessel between 25,000 and 35,000 gt.

(b) Prior to the expiration of the SECOND license year, a new pilot must make three familiarization/training trips, two of which shall involve docking loaded petroleum tankers between 25,000 and 32,000 gt; and the third trip shall involve the anchoring of a vessel between 30,000 and 45,000 gt.

(c) Prior to the expiration of the THIRD license year, a new pilot must make two familiarization/training trips which shall involve the docking of vessels between 45,000 and 55,000 gt other than loaded petroleum tankers.

(d) Prior to the expiration of the FOURTH license year, a new pilot must make three familiarization/training trips which shall involve docking loaded petroleum tankers of between 32,000 and 45,000 gt.

(e) Prior to the expiration of the FIFTH license year, a new pilot must make three familiarization/training trips which shall involve two trips docking and one trip anchoring loaded petroleum tankers of 55,000 gt or larger.

(5) Grays Harbor pilotage district - License limitations.

(a) First year:

(i) Not authorized to pilot loaded tankers or barges carrying chemical or petroleum products.

(ii) Not authorized to pilot any vessels in excess of 17,500 gt.

(iii) Not authorized to pilot loaded or partially loaded vessels through the Chehalis River bridges.

(b) Second year:

(i) Not authorized to pilot loaded tankers or barges carrying chemical or petroleum products in excess of 10,000 gt.

(ii) Not authorized to pilot any vessels in excess of 20,000 gt.

(c) Third year: Not authorized to pilot any vessels in excess of 22,500 gt.

(d) Fourth Year: Not authorized to pilot any vessels in excess of 25,000 gt.

(e) Fifth year: Not authorized to pilot any vessels in excess of ((27,500)) 30,000 gt.

(6) Grays Harbor pilotage district - Familiarization/training trips.

(a) Prior to the expiration of the FIRST license year, a new pilot must make ten familiarization/training trips. Eight of these trips shall be through the Chehalis River bridges on loaded or partially loaded vessels. The other trips may be elsewhere on the waterway but shall be on vessels in excess of 17,500 gt.

(b) Prior to the expiration of the SECOND license year, a new pilot must make three familiarization/training trips on vessels in excess of 20,000 gt. Two of these trips shall involve docking and passage to or from the sea buoy; and one of these trips shall involve turning the vessel in the waterway.

(c) Prior to the expiration of the THIRD license year, a new pilot must make three familiarization/training trips on vessels in excess of 25,000 gt to or from the sea buoy. Two of these trips shall involve docking these vessels.

(d) Prior to the expiration of the FOURTH license year, a new pilot must make three familiarization/training trips on vessels in excess of 27,500 gt or on the nearest larger size vessels available. Two of these trips shall involve docking these vessels; and one of these trips shall involve turning the vessel in the waterway.

(e) Prior to the expiration of the FIFTH license year, a new pilot must make three familiarization/training trips on vessels in excess of ((30,000)) 32,500 gt or on the nearest larger size vessels available.

(7) The initial license shall contain the limitations contained above and list the date of commencement and expiration of such periods. If a newly licensed pilot is unable to pilot for forty-five days or more in any one of the five years, he shall notify the board and request a revised schedule of limitations.

(8) No pilot shall be dispatched to, or accept an assignment on, any vessel which exceeds the limitations of his/her license. On vessels in which there is more than one pilot assigned, the license limitations shall apply only to the pilot in charge.

(9) All limitations on a new pilot's license shall be lifted at the beginning of the sixth year of piloting provided he/she has submitted to the board a statement attesting to the fact that he/she has completed all the required familiarization/training requirements and the vessel simulator courses required.

WSR 97-10-086

PROPOSED RULES

WASHINGTON STATE UNIVERSITY

[Filed May 7, 1997, 9:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-05-021.

Title of Rule: Amendment to WAC 504-36-030 regarding safety rules at spectator events.

Purpose: To clarify and specify the types of beverage containers and other items that may be brought into sites of spectator events on campus.

Statutory Authority for Adoption: RCW 28B.30.125, [28B.30.]150(1).

Statute Being Implemented: None.

Summary: This proposal amends and clarifies existing rules on what articles may be brought to university public event sites, with a particular eye toward Martin Stadium. It clarifies what types of beverage containers and other articles may be brought into event sites, their size, and how they must be stored in spectator sections of event sites.

Reasons Supporting Proposal: Concerns over large articles (coolers, etc.) blocking aisleway access, and over alcohol consumption caused Washington State University to reexamine these rules. That examination also revealed ambiguities in those rules that frustrate the university's safety concerns and leave spectators unsure what is permitted. This proposed amendment settles those issues.

Name of Agency Personnel Responsible for Drafting: Rich Hutchinson, Assistant to Vice-President, Vice-President for Business Affairs, 432 French Administration, P.O. Box [641045], (509) 335-5524; Implementation: Marcia Sanholtz, Senior Assistant, Intercollegiate Athletics, 107A Bohler Gym, P.O. Box, (509) 335-0201; and Enforcement: Bill Mercier, Director/Police Chief, Director of Public Safety, Safety Building, P.O. Box 647300, (509) 335-9189.

Name of Proponent: Washington State University, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This will have no fiscal impact.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule regulates conduct at spectator events at the university. It will make public attendance at such events safer and more orderly, and will provide the university with authority to forbid articles containing alcoholic beverages, or articles too large to be placed in stadium seating areas without blocking aisleways.

Proposal Changes the Following Existing Rules: The amendment further specifies what types and sizes of articles/containers, knapsacks and so on, will be allowed into university events. It also expressly provides the university with authority to conduct a noninvasive visual "search" of a bag or container for improper items (such as alcoholic beverages). The amendment also makes explicit the potential for student conduct sanctions and/or criminal prosecution, as appropriate, for the use or possession of alcohol or illegal drugs at university spectator events.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule affects only

PROPOSED

individuals attending spectator events on the university campus. Neither in its present form nor as amended does the rule impose any cost on business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Washington State University is not an agency specified in RCW 34.05.328 (5)(a)(1)(i), nor has Washington State University volunteered to make its rules subject to RCW 34.05.328, nor has the Joint Administrative Rules Review Committee requested a review under that statute.

Hearing Location: Hoot Gibson Conference Room #L405, Lighty Student Services Building (at Stadium Way and Wilson Road), Pullman, WA 99164, on June 12, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Marshall Mitchell or Julie Wood by June 6, 1997, TDD (509) 335-1566, or (509) 335-5524.

Submit Written Comments to: Richard L. Hutchinson, Assistant to the Vice-President, Office of the Vice-President for Business Affairs, P.O. Box 641045, Pullman, WA 99164-1045, FAX (509) 335-4642, by June 12, 1997.

Date of Intended Adoption: June 27, 1997.

April 23, 1997

Richard L. Hutchinson

Assistant to the Vice-President for
Business Affairs and Rules Coordinator

AMENDATORY SECTION (Amending Order 80-2, Resolution 6/80-15, filed 6/11/80)

WAC 504-36-030 Spectator events—Safety rules.

(1) Protection of the safety and general welfare of students, faculty and staff, performers and officials, and members of the general public attending or participating in spectator events on the campus is a primary concern of Washington State University.

(2) The following rules of conduct are applicable to all public events of Washington State University, including specifically, but not limited to, Martin Stadium and the Performing Arts Coliseum and to all public areas of the facility wherein the event is held (hereafter the "event site").

(a) Behavior which in the judgment of designated university officials constitutes a disruption of the event or safety hazard for other spectators or participants is prohibited (WAC 504-20-010).

(b) Possession and/or consumption of alcoholic beverages or illegal drugs is prohibited. Any such ~~((beverages))~~ materials found shall be ~~((removed by the possessor or))~~ delivered to the custody of designated university officials or their representatives upon request. In addition to such confiscation, violators of this rule may be subject to university disciplinary action (if applicable) and/or legal proceedings, and to removal from the event site.

(c) Possession of any glass ~~((or))~~, metal or plastic beverage container, or any ~~((cooler, basket, knapsack, or other))~~ device used for carrying ~~((glass or metal))~~ such beverage containers is prohibited: *Provided*, That this rule shall not apply to personal canteens ~~((or))~~, plastic water or soda-type bottles, coffee cups or mugs, thermos bottles or other containers one liter or less in size, where such containers are made for the purpose of carrying (coffee, tea, hot chocolate, or similar hot drinks: And provided further, That

~~this rule shall not apply to approved vendors))~~ beverages and in fact contain beverages not in violation of (b) of this subsection; or to soft sided bags used to carry such containers. All such items shall be small enough to fit completely under one seat, and shall be so kept at all times to maintain clear aisles, walkways and stairs as required in (e) of this subsection. All such devices shall be subject to visual inspection upon the spectator's entrance into the event site. Any ~~((such))~~ containers or devices prohibited by this rule shall be removed by the possessor or delivered to the custody of designated university officials or their representatives upon request. ~~((Designated officials may provide, but shall not be obligated to provide, a checking service for this purpose. Any checked items may be reclaimed by the owner within 30 minutes following the conclusion of the event. Any unclaimed items will be disposed of in accordance with state laws.))~~

(d) Knapsacks, backpacks, duffel bags or other soft sided bags used for carrying blankets or extra clothing into the event shall be subject to a visual inspection upon the spectator's entrance into the event site. All such items shall be small enough to fit completely under one seat, and shall be so kept at all times to maintain clear aisles, walkways and stairs as required in (e) of this subsection. No hard sided bags, suitcases or other similar devices for carrying such items shall be allowed into the event site.

(e) Aisles, walkways and stairs shall be kept clear of hazards and obstacles (including but not limited to those items and devices discussed in (c) and (d) of this subsection) at all times, to ensure safe and easy passage for persons attending the event, university and security officials, and others at the event site.

(f) Possession of any fireworks, weapons, explosive devices or artificial noisemaking devices (such as airhorns or similar devices) is prohibited in the event site. Any such items shall be surrendered to designated university officials upon request. In addition to such confiscation, possession of such items may subject violators of this rule to university disciplinary action (if applicable) and/or legal proceedings, and to removal from the event site.

(g) Smoking is prohibited in areas designated as "no smoking."

~~((e))~~ (h) An individual is entitled to occupy only the seat for which he or she has the proper ticket.

~~((f))~~ (i) In nonreserved seating sections, blocks of seats will be preempted or saved.

(3) Where there is reasonable cause to believe that persons are, or are attempting to, violate the requirements identified in WAC 504-36-030(2), such person or persons will be denied license or privilege to enter or remain in or upon the premises, and designated officials may take necessary action to deny entry or to remove such persons from the premises.

Failure to vacate the premises upon request of designated university officials may result in subsequent legal process under the laws of the state of Washington.

(4) For purposes of WAC 504-36-030 (1) and (2) designated officials include the president of the university, the ~~((executive))~~ vice president for business affairs, and the following officials:

(a) Director of athletics for athletic events;

(b) Director of the coliseum for coliseum events;

- (c) Director of student activities for events in the Compton Union Building;
- (d) (~~Chairman~~) Chair, department of speech, for events sponsored by the department of speech;
- (e) (~~Chairman~~) Chair, department of music, for events sponsored by the department of music;
- (f) Director of the WSR safety division and the chief of the WSU police department;
- (g) Officers of the WSU police department when (~~(1)~~) (i) acting at the request of any of the above-named officials to enforce university regulations, or (~~(2)~~) (ii) enforcing state laws or local ordinances.

WSR 97-10-088**WITHDRAWAL OF PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed May 7, 1997, 10:41 a.m.]

The Washington Personnel Resources Board (WPRB) hereby withdraws the proposed amendments to WAC 356-05-055, 356-06-020, 356-06-060, 356-06-070, 356-06-080, 356-06-090, and 356-10-030 filed as WSR 97-08-089 on April 2, 1997.

The WPRB also withdraws the proposed amendments to WAC 251-01-045, 251-01-110, 251-04-040, 251-04-050, 251-10-030, 251-12-270, 251-12-600, and 251-20-020 filed as WSR 97-08-090 on April 2, 1997.

If you have any questions, please contact Judy Montoure at 586-1770.

Dennis Karras
Secretary

WSR 97-10-089**PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed May 7, 1997, 9:44 a.m.]

Original Notice.

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

Title of Rule: WAC 251-12-270, 251-12-600, and 251-20-020.

Purpose: These rules pertain to notice requirements to superior court, remedial action, and employee performance evaluation forms.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: The revisions are for clarification and are housekeeping in nature.

Name of Agency Personnel Responsible for Drafting: Sharon Peck, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules pertain to notice requirements for

superior court, remedial action, and employee performance evaluation forms. The repeal of WAC 251-12-270 is necessary to remove duplicative language of the statute of the Higher Education Personnel Board, which was repealed. The revisions to WAC 251-12-600 and 251-20-020 are housekeeping as a result of the repeal of the statute of the Higher Education Personnel Board.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 12, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 5, 1997, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by June 10, 1997.

Date of Intended Adoption: June 12, 1997.

May 5, 1997
Dennis Karras
Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 251-12-270 Superior court appeals—
Grounds—Notice requirements.

AMENDATORY SECTION (Amending WSR 90-01-007, filed 12/7/89, effective 1/7/90)

WAC 251-12-600 Remedial action. (1) The director may take remedial action when it is determined that the following conditions exist.

(a) The hiring institution has made an appointment that does not comply with higher education personnel board rules.

(b) The employee has worked in one or more positions for more than one thousand fifty hours in any twelve consecutive month period since the original hire date or October 1, 1989, whichever is later. (These hours do not include overtime or work time as described in WAC 251-04-040(2).)

(c) The position or positions are subject to civil service.

(d) The employee has not taken part in any willful failure to comply with these rules.

(2) Remedial action includes the power to confer permanent status, set salary, establish seniority, and determine benefits accrued from the seniority date. Remedial action also includes other actions the director may require to meet the highest personnel standards.

(3) If the institution has complied with WAC 251-19-122, the employee must:

(a) Submit any request for remedial action in writing; and

(b) File the request within thirty calendar days after the effective date of the alleged violation of the conditions of employment which are to be specified in the written notification of temporary appointment.

(4) The director's order for remedial action shall be final and binding unless exceptions are filed with the personnel appeals board within thirty calendar days of the date of service of the order. Exceptions must state the specific items of the order to which exception is taken. The personnel appeals board will review the exceptions and may hold a hearing prior to modifying or affirming the director's order.

AMENDATORY SECTION (Amending WSR 84-16-067 (Order 119), filed 7/31/84)

WAC 251-20-020 Employee performance evaluation—Forms. (1) Standardized performance evaluation forms approved by the (~~board~~) director shall be used to record employee evaluations. The forms shall contain standard "rating factors" and shall provide for one or more "optional factors" developed by the institution, which reflect organizational requirements and specific job-related aspects of performance.

(2) The approved forms shall accommodate the provisions of WAC 251-20-040.

(3) The approved forms may be supplemented with other forms and/or information used by an institution to support the ratings recorded on the approved forms.

WSR 97-10-090

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed May 7, 1997, 10:45 a.m.]

Original Notice.

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

Title of Rule: WAC 356-30-065 and 356-30-067.

Purpose: These rules govern temporary appointments from outside and within classified service.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: The modifications will allow an additional reason to grant a temporary appointment and may allow an employee the ability to enter a probationary or trial service period under certain criteria.

Name of Agency Personnel Responsible for Drafting: Sharon Peck, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules allow temporary appointments to classified positions during the absence of a permanent employee or during a workload peak. An employee may

enter into a probationary or trial service period only if the appointment was certified from the register. These modifications will also allow temporary appointments to be made to reduce the effects of an impending reduction-in-force. Furthermore, it will allow an employee given a temporary appointment to a position that normally would have been filled permanently, except for the possibility of a reduction-in-force, the ability to enter into a probationary or trial service period under certain criteria.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 12, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 5, 1997, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by June 10, 1997.

Date of Intended Adoption: June 12, 1997.

May 5, 1997

Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 88-18-096 (Order 308), filed 9/7/88, effective 11/1/88)

WAC 356-30-065 Temporary appointments—From outside state service. (1) Temporary appointments may be made to classified positions during the absence of a permanent employee, to reduce the effects of an impending reduction in force, or during a workload peak when there is a need to fill a position for not more than nine months or 1560 nonovertime hours or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) Temporary appointments shall be approved by the director of personnel, or designee. Single or multiple temporary appointments shall last no more than nine months or 1560 nonovertime hours within a twelve-month period. Time spent in emergency appointments will be counted in the 1560 hours.

(4) No temporary appointment of an employee who has worked for the agency for nine months or 1560 nonovertime hours within the last twelve months may be made without a three-month break in service. Consecutive nonpermanent appointments of the same person in the same agency which would cause the employee to work more than 1560 nonovertime hours in a twelve-month period can only be made with the approval of the director of personnel. Extensions of temporary appointments of persons from outside classified service may be granted when a permanent

employee's leave extends beyond nine months or 1560 nonovertime hours or as otherwise approved by the director of personnel. Such extensions must be approved by the director of personnel.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Established registers, certification, and referral services are available and may be used when making temporary appointments.

(a) An employee given a temporary appointment following certification from the register to fill a position in the absence of a permanent employee may enter a probationary period when the permanent employee does not return to the position and the agency needs to fill the position permanently.

(b) An employee given a temporary appointment to a position that normally would have been filled permanently except for the possibility of a reduction in force, may enter a probationary period in the position when the following criteria are met:

(i) Prior to the temporary appointment(s), a written mutual agreement regarding the temporary and permanent appointment process shall be reached between the agency and the affected exclusive representative, if any.

(ii) Prior to the temporary appointment(s), written notice of the temporary and permanent appointment process shall be given to affected employees.

(iii) When these temporary appointments are made, established registers, certification and referral process shall be used.

(c) The agency will notify the exclusive representative in writing when requesting the director to approve a change in status under (5)(b).

(d) The director must approve ((the)) or deny any change in status ((before it occurs)) under 5(a) and (b) of this section. Time served in a temporary appointment will not be counted as part of the probationary period.

(6) Compensation of temporary employees shall be consistent with the rules unless exempted by RCW 41.06.070 and WAC 356-06-020.

(7) Merit system rules governing all forms of leave will apply to temporary employees unless exempted by RCW 41.06.070 and WAC 356-06-020.

(8) An employee's temporary appointment may be ended by stipulating a termination date in the appointment letter or by giving one full working day's notice prior to the effective date. The employee receiving such notice shall not have the right of appeal or hearing.

(9) The appointing authority shall advise the temporary employee of the temporary status of the appointment. Temporary employees not appointed from within the classified service have no appeal rights.

(10) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

AMENDATORY SECTION (Amending WSR 91-20-029 (Order 383), filed 9/23/91, effective 11/1/91)

WAC 356-30-067 Temporary appointments from within classified service. (1) Temporary appointments may be made with the approval of the director of personnel or designee to classified positions during the absence of a permanent employee, to reduce the effects of an impending reduction in force, or during a workload peak when there is a need to fill a position for not more than nine months or 1560 nonovertime hours or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) All temporary appointments to supervisory or managerial positions must be made from within state service unless the director determines that such action is not practicable.

(4) Established registers, certification, and referral services are available and may be used when making temporary appointments.

(a) An employee certified from the register to fill a position in the absence of a permanent employee may enter a probationary or trial service period and subsequently gain permanent status when the permanent employee does not return to the position and the agency needs to fill the position permanently.

(b) An employee given a temporary appointment to a position that normally would have been filled permanently except for the possibility of a reduction in force, may enter a probationary or trial service period in the position when the following criteria are met:

(i) Prior to the temporary appointment(s), a written mutual agreement regarding the temporary and permanent appointment process shall be reached between the agency and the affected exclusive representative, if any.

(ii) Prior to the temporary appointment(s), written notice of the temporary and permanent appointment process shall be given to affected employees.

(iii) When these temporary appointments are made, established registers, certification and referral process shall be used.

(c) The agency will notify the exclusive representative in writing when requesting the director to approve a change in status under (4)(b).

(d) The director of personnel must approve ((the)) or deny any change in status ((before it occurs)) under 4(a) and (b) of this section. Time served in a temporary appointment will not be counted as part of the probationary or trial service period.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Upon termination of such temporary appointment, permanent or probationary employees shall have the right to resume a permanent position within their permanent agency at their former status except as provided in (6) below. The employee's salary upon return will be determined as if the employee had remained in the permanent position.

(6) An employee who accepts a temporary appointment to a higher class in the same series in the same work unit shall continue the probationary or trial service period for the lower class.

(7) Temporary appointments made from within classified service will normally last no more than nine months or 1560 nonovertime hours for single or multiple appointments. An extension may be approved by the director when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence, when temporarily filling a supervisory or managerial position when there is reorganization pending, or as otherwise approved by the director. Temporary appointments may extend to thirty days after the date the permanent employee returns or the position is filled permanently. Time spent in emergency appointments will be counted in the 1560 hours.

(8) Compensation for temporary appointees shall be made in accordance with the rules governing promotions, demotions, or transfers.

(9) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

PROPOSED



WSR 97-10-003
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed April 24, 1997, 2:02 p.m.]

Date of Adoption: April 24, 1997.

Purpose: Maintenance and amendments to rules addressing vehicle fleet registrations and terminology used in vehicle licensing.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-005, 308-96A-161, and 308-96A-162.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 97-06-027 on February 26, 1997.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 3, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

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

April 23, 1997

Evelyn P. Yenson
 Director

AMENDATORY SECTION (Amending WSR 94-17-044, filed 8/10/94, effective 9/10/94)

WAC 308-96A-005 Terminology. Terms used in chapter 46.16 RCW and this chapter shall have the following meanings except where otherwise defined, and unless where used the context thereof clearly indicate to the contrary:

(1) The terms "license or licensing" and "register or registering" are synonymous ~~((for a transaction in which either the vehicle's registration expiration or the gross weight license or both is updated on the department's records. A registration certificate and current validation tabs are issued to the applicant unless the vehicle has current tabs or a permanent registration certificate and validation tabs, such as permanent fleet, Disabled American Veteran, or government owned vehicles))~~ and mean the act of registration of a vehicle pursuant to chapter 46.16 RCW.

(2) The terms "tonnage," "~~((gross weight license, license based on))~~ declared gross weight," and "combined gross weight (~~((fees))~~)" are used interchangeably when referring to license fees ~~((that are collected annually from owners of))~~ for trucks, motor trucks, truck tractors, road tractors, tractors, bus, auto stage, or for hire vehicles with seating capacity of more than six ~~((, based upon the declared combined gross weight or declared gross weight))~~.

(3) ("Capacity fee" is used to refer to the load license for stages and for hire vehicles with seating capacity of six or less and for fixed load vehicles including circus and tow-

~~((4) The term))~~ "No bill" ~~((refers to))~~ or "special mailer" means the notice to renew a license ~~((which is mailed))~~ provided by the department ~~((to the registered owner))~~ in lieu of a ~~((prebill))~~ renewal notice. The ~~((no bill))~~ special mailer requires additional or corrective information prior to the registration ~~((for the current year license))~~ renewal.

~~((5) A))~~ (4) "Prebill" ~~((is))~~ or "renewal notice" means the notice to renew a vehicle license ~~((which is mailed))~~ provided by the department ~~((to the registered owner))~~.

~~((6) References to))~~ (5) "Current year" means the current registration year unless otherwise stated.

~~((7))~~ (6) "Month of expiration" or "expiration month" ~~((is))~~ means the calendar month during which a registration year ends.

~~((8) A))~~ (7) "Fleet" ~~((is))~~ means a group of vehicles registered in the same owner name and which have been assigned the same fleet identifier code by the department.

~~((a) "Perm or permanent fleet" means a fleet of one hundred or more commercial vehicles licensed to one registered owner where each vehicle is issued nonexpiring tabs and registration--~~

~~((b) "Regular fleet" means a fleet licensed to one registered owner where each vehicle is issued year and month tabs--~~

~~((9))~~ (8) "License fee" means ~~((and is limited to))~~ the fees required for the act of licensing a vehicle ~~((as set forth in))~~ pursuant to chapter 46.16 RCW. License fee ~~((excludes the))~~ does not include special license plate fees ~~((required for special vehicle license plates authorized by chapter 46.16 RCW))~~ and fees collected by the department for other jurisdictions.

~~((10))~~ (9) "Day of expiration" ~~((is))~~ or "expiration day" means the day of the month that ~~((the))~~ a vehicle registration, gross weight license, ~~((and))~~ or tabs expire.

AMENDATORY SECTION (Amending WSR 92-15-025, filed 7/6/92, effective 8/6/92)

WAC 308-96A-161 Regular fleet registration. Any owner of a fleet of fifteen or more vehicles, excluding trailing units issued a permanent license plate pursuant to RCW 46.16.068, may apply for and be issued a regular fleet identifier code by the department. The owner may have any vehicle with a certificate of ~~((title))~~ ownership in the exact same owner name registered using the regular fleet identifier code. Regular vehicle license plate month and year tabs shall be issued. Monthly gross weight license may be purchased for individual vehicles.

Any vehicle with an expired registration will be removed from the regular fleet. Failure of the owner to maintain a minimum of fifteen vehicles with current registrations under the owner's fleet identification code shall automatically cause cancellation of their fleet identification code and removal of all of the owner's vehicles from the regular fleet designation.

AMENDATORY SECTION (Amending WSR 92-15-025, filed 7/6/92, effective 8/6/92)

WAC 308-96A-162 Permanent fleet registration. (1) Any owner of a fleet of one hundred or more vehicles, excluding trailing units issued a permanent license plate pursuant to RCW 46.16.068, used for commercial purposes may apply for and be issued a permanent fleet identifier code by the department. Permanent fleets that were issued (~~identifies~~) identifier codes prior to April 1986 may continue to use the permanent fleet code issued without satisfying the one hundred or more vehicle requirement set forth in this section. The owner may have any vehicle used for commercial purposes, with a certificate of (~~title~~) ownership in the exact same owner name registered using the permanent fleet identifier code. (~~Nonexpiring~~) Permanent license plate tabs and registration documents shall be issued. Annual gross weight license must be purchased for each applicable vehicle.

(2) Any vehicle with an expired registration will be removed from the fleet. Failure of the owner to maintain a minimum of one hundred vehicles with current registrations under the owner's fleet identifier code, except as provided in subsection (1) of this section shall automatically cause cancellation of their permanent fleet identifier code and removal of all of the owner's vehicles from the permanent fleet designation.

**WSR 97-10-017
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed April 28, 1997, 9:44 a.m., effective July 1, 1997]

Date of Adoption: April 28, 1997.

Purpose: Update conversion factors used to calculate maximum payment levels for services reimbursed under RBRVS and anesthesia fee schedules to adjust for changes in payment policies and to give cost-of-living increases to providers. Update the maximum daily rate for physical and occupational therapies to give a cost-of-living increase to providers.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-135, 296-23-220, and 296-23-230.

Statutory Authority for Adoption: RCW 51.04.020(4) and 51.04.030.

Adopted under notice filed as WSR 97-05-076 on February 19, 1997.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

Effective Date of Rule: July 1, 1997.

April 24, 1997
Gary Moore
Director

AMENDATORY SECTION (Amending WSR 96-19-060, filed 9/16/96, effective 10/17/96)

WAC 296-20-135 Conversion factors. (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services have a conversion factor of (~~(\$45.02)~~) \$46.21. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of (~~(\$1.87)~~) \$1.94 per minute. The base units and payment policies can be found in the fee schedules.

(4) Services that do **not** use a conversion factor to establish reimbursement levels have dollar values, not relative values listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 96-10-086, filed 5/1/96, effective 7/1/96)

WAC 296-23-220 Physical therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. Doctors rendering physical therapy should refer to WAC 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or (~~(\$73.70)~~) \$76.81 whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work

hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 96-10-086, filed 5/1/96, effective 7/1/96)

WAC 296-23-230 Occupational therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month,

whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ((~~\$73.70~~) \$76.81) whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

WSR 97-10-022
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed April 28, 1997, 3:30 p.m.]

Date of Adoption: April 25, 1997.

Purpose: Clarification concerning COLA exemption process, deeming, self-employment income deductions, and treatment of transferred income. Implements change in garnished income.

Citation of Existing Rules Affected by this Order: Amending WAC 388-506-0630, 388-511-1130, 388-511-1140, and 388-513-1330.

Statutory Authority for Adoption: RCW 74.08.090, 74.05.040.

PERMANENT

Other Authority: 20 CFR 416.1110-1112, 1123, and 1160.

Adopted under notice filed as WSR 97-02-010 on December 20, 1996.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-513-1330 is clarified that a transfer of income is considered as invalid in determining eligibility.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 4, 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 4, repealed 0.

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

April 25, 1997

Philip A. Wozniak, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-506-0630 SSI-related income deeming. (1) At the client's option, the department shall consider an SSI-related person, living with a spouse or parent who is ineligible for SSI, as a separate MAU. The department shall deem income from a financially responsible spouse or parent to the SSI-related person, who lives in the same household, as follows when determining:

(a) Categorically needy or medically needy eligibility for an SSI-related child. The department shall consider the income of the parents available to the SSI-related child except for:

(i) Income exemptions under WAC 388-511-1140, including the twenty dollar deduction and the sixty-five dollars plus one-half of the balance earned income deduction; and

(ii) A child's allowance for each SSI-ineligible child equal to one-half of the Federal Benefit Rate (FBR) minus any income of that child; and

(iii) A parent's allowance equal to:

(A) One-person FBR for a single parent; or

(B) Two-person FBR for two parents.

(b) Categorically needy Medicaid for an SSI-related spouse. The department shall:

(i) Allow the financially responsible spouse the income exemptions under WAC 388-511-1140 except the:

(A) Twenty dollars deduction; and

(B) Sixty-five dollars plus one-half earned income deduction.

(ii) Deduct from the financially responsible spouse's income, a child's allowance for each SSI ineligible child

equal to one-half of the FBR minus any income of that child;

(iii) Deem from the financially responsible spouse:

(A) Zero income when the financially responsible spouse's income equals or is less than one-half of the FBR after allowing the income deductions in (b)(i) and (ii) of this subsection; or

(B) All the financially responsible spouse's income when the income exceeds one-half of the FBR after allowing the income deductions in (b)(i) and (ii) of this subsection.

(c) Medically needy Medicaid for an SSI-related spouse. The department shall:

(i) Allow the financially responsible spouse the income deductions in (b)(i) and (ii) of this subsection;

(ii) Deem from the financially responsible spouse:

(A) Zero income when the financially responsible spouse's income equals or is less than the one-person medically needy income level (MNIL) after allowing the income deductions in (b)(i) and (ii) of this subsection;

(B) The financially responsible spouse's income above the MNIL after allowing the income deductions in (b)(i) and (ii) of this subsection;

(iii) From the SSI-related spouse's income, allow an amount needed to bring the financially responsible spouse's income up to the MNIL.

(2) The department shall consider a person eligible for Medicaid when the person is ineligible for SSI cash assistance because of income or resources deemed available from an alien sponsor.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-511-1130 SSI-related income availability.

The department shall:

(1) Consider client checks received in advance of the month the checks are normally received as income in the month of normal receipt;

(2) Consider electronically transferred client funds available as income in the month of normal receipt, regardless of whether the banking institution posted the funds to the client's bank account before or after the month the funds are payable;

(3) Include as ~~((earned))~~ countable income the earned or unearned income amounts withheld due to garnishment under a court, administrative or agency order. See WAC ~~((388-511-1140(4)))~~ 388-513-1380(4) for garnishment ~~((of unearned income))~~ affecting an institutionalized client; and

(4) As a condition of eligibility, require a client to take all necessary steps to obtain any annuities, pensions, retirement, and disability benefits to which the client is entitled, unless the client can show good cause for not doing so. Annuities, pensions, retirement, and disability benefits include, but are not limited to, veteran's compensation and pensions, OASDI benefits, railroad retirement benefits, and unemployment compensation.

AMENDATORY SECTION (Amending Order 3943, filed 2/9/96, effective 3/11/96)

WAC 388-511-1140 SSI-related income exemptions.

(1) The department shall exempt:

(a) Any public agency's refund of taxes paid on real property or on food;

(b) State public assistance and supplemental security income (SSI) based on financial need;

(c) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expense at an educational institution;

(d) Income that a client does not reasonably anticipate, or receives infrequently or irregularly, when such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amount a client receives for the foster care of a child who lives in the same household, if the child is not SSI-eligible and was placed in such home by a public or nonprofit child placement or child care agency;

(f) One-third of any payment for child support a parent receives from an absent parent for a minor child who is not institutionalized;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (1)(a) through (f) of this section, for a client at home. The department shall consider the exemption only once for a husband and wife. The department shall not apply such exemption on income paid on the basis of an eligible person's needs, which is totally or partially funded by the federal government or a private agency;

(h) Tax exempt payments Alaska natives receive under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments exempted under other statutes;

(j) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, the Domestic Volunteer Service Act of 1973;

(k) From the income of a single SSI-related parent or a married SSI-related parent whose spouse does not have income, an amount to meet the needs of an ineligible minor child living in the household of SSI-related parent. See WAC 388-506-0630 when the SSI-related client has a spouse with income. The exemption is one-half of the one-person Federal Benefit Rate (FBR) less any income of the child;

(l) Veteran's benefits designated for the veteran's:

(i) Dependent; or

(ii) Aid and attendance/housebound allowance and unusual medical expense allowance (UME). For an institutionalized client, see WAC 388-513-1345;

(m) COLA increases in Title II Social Security Administration benefits ~~((The department shall))~~ for a noninstitutionalized client:

(i) ~~((Determine current client eligibility for categorically needy medical assistance under WAC 388-503-0310(4), including all Title II cost of living adjustment (COLA) benefit increases))~~ Received by the ~~((~~ (A)) client since the client's termination from SSI/SSP;

or

~~((B))~~ (ii) Received by the client's spouse ~~((and/))~~ or other financially responsible ~~((family member))~~ person living in the ~~((same))~~ household during the time period ~~((under~~ (m)(i) of this subsection)) since the SSI/SSP termination.

~~((ii) Consider the total of the COLA benefit increases and the Title II Social Security Administration benefits in computing the client's participation in the cost of the institutionalized client's care.))~~

(n) A fee a guardian or representative payee charges as reimbursement for providing services, when such services are a requirement for the client to receive payment of the income;

(o) Income an ineligible or nonapplying spouse receives from a governmental agency for services provided to an eligible client such as chore services;

(p) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(q) Restitution payment and any interest earned from such payment to a person of Japanese or Aleut ancestry under P.L. 100-383;

(r) The amount of the expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

(s) The amount of the blindness-related work expenses of a blind client;

(t) Interest earned on excluded burial funds and any appreciation in the value of an excluded burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(u) Earned income tax credit (EITC);

(v) Crime victim's compensation funds;

(w) Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(x) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on this income is not exempt;

(y) Payments to the injured person, the surviving spouse, children, grandchildren, or grandparents under the Radiation Exposure Compensation Act; and

(z) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income;

(aa) Payments from the Dutch government, under the Netherlands' Act on Benefits for Victims of Persecution (WUV). The department shall consider interest earned on such payments as countable income; and

(bb) Up to two thousand dollars per year derived from an individual interest in Indian trust or restricted land.

(2) Unless income is contributed to the client, the department shall exempt all earned income of an ineligible or nonapplying person twenty years of age and under who is a student regularly attending a school, college, university, or pursuing a vocational or technical training designed to prepare the student for gainful employment.

(3) For the SSI-related client, the department shall exempt the first sixty-five dollars per month of earned income not excluded according to subsection (1) of this section, plus one-half of the remainder.

(4) ~~((The department shall exempt as income the unearned income amounts withheld due to garnishment under a court, administrative, or agency order.~~

~~((5))~~ The department shall exempt as income the unearned income amounts which represent an essential expense incurred in receiving the unearned income.

~~((6))~~ (5) Effective November 1, 1995, the department shall exempt income which causes the client to lose SSI eligibility due solely to the reduction in state supplement payment (SSP).

(6) The department shall exempt any portion of self-employment income normally allowed as an income deduction by the Internal Revenue Service (IRS).

AMENDATORY SECTION (Amending Order 3819, filed 12/28/94, effective 1/28/95)

WAC 388-513-1330 Institutional—Available income.

(1) Income is defined under chapter 388-511 WAC for a SSI-related client and under WAC 388-22-030 for an AFDC-related client.

(2) The methodology and standards for determining and evaluating income are defined under chapter 388-513 WAC ((388-513-1315 and 388-513-1375)).

(3) The department shall consider the following income available to an institutionalized person when determining income eligibility unless the criteria in subsection (4) of this section is met:

(a) Income the institutionalized spouse receives in the institutionalized spouse's name;

(b) Income paid on the behalf of the institutionalized spouse, but received in the name of the institutionalized spouse's representative;

(c) One-half of the income the community and institutionalized spouses receive in both names; and

(d) Income from a trust as provided by the trust.

(4) The department shall consider income as available to an institutionalized person when:

(a) Both spouses are institutionalized; or

(b) An institutionalized person has a community spouse and income in excess of three hundred percent of the SSI federal benefit rate (FBR). For the determination of eligibility only:

(i) Use community property law in determining ownership of income for purposes of Medicaid eligibility;

(ii) Presume all income received after marriage by husband or wife to be community income;

(iii) Divide the total of the community income, by two assigning one-half of the total to each person; and

(iv) Consider if the community income received in the name of the nonapplying spouse exceeds the community income received in the name of the applying spouse, the applicant's interest in that excess shall be unavailable to the applicant.

(5) The department shall consider income the community spouse receives in the community spouse's name as unavailable to the institutionalized spouse.

(6) The department shall consider an agreement between spouses transferring or assigning rights to future income from one spouse to the other spouse, or to a trust for the benefit of the other spouse, to the extent the income is not derived from a resource which has been transferred, as invalid in determining eligibility for medical assistance or the limited casualty program for the medically needy.

(7) The department shall consider any agreement or trust transferring or assigning rights to future income, to the extent the income is not derived from a resource which has been transferred, as invalid in determining eligibility for

medical assistance or the limited casualty program for the medically needy.

~~(8)~~ (8) The department shall consider income produced by transferred or assigned resources as the separate income of the transferee.

~~((8))~~ (9) When an institutionalized spouse establishes the unavailability of income by a preponderance of evidence through a fair hearing, subsection (3) of this section shall not apply.

~~((9))~~ (10) See WAC 388-511-1130 for treatment of advance dated checks, and electronically transferred funds(~~and garnished income~~)).

WSR 97-10-023

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed April 29, 1997, 9:20 a.m.]

Date of Adoption: April 29, 1997.

Purpose: To adopt a new rule that allows seat belt exemptions to meter readers, similar to rural United States postal carriers and rural newspaper carriers.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.510.

Adopted under notice filed as WSR 97-07-037 on March 14, 1997.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

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

April 28, 1997

Annette M. Sandberg
Chief

NEW SECTION

WAC 204-41-060 Utility meter readers. Meter readers may be exempted from the seat belt requirements only during the time they are reading meters in residential areas and are continually in and out of their vehicles. Seat belt use is required when traveling to and from their actual route, or when on other utility business.

WSR 97-10-024
PERMANENT RULES
WASHINGTON STATE PATROL

[Filed April 29, 1997, 9:21 a.m.]

Date of Adoption: April 29, 1997.

Purpose: To adopt a new rule that defines acceptable standards for hands-free, wireless communication systems as enacted under chapter 34, Laws of 1996.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.480.

Adopted under notice filed as WSR 97-07-036 on March 14, 1997.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

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

April 28, 1997

Annette M. Sandberg
 Chief

NEW SECTION

WAC 204-10-045 Wireless communications systems.

Hands-free, wireless communication systems may also refer to the use of cellular phone systems. These hands-free listening devices may be used by motorists while driving motor vehicles. Listening devices that include an earpiece shall cover only one ear.

WSR 97-10-026
PERMANENT RULES
DEPARTMENT OF LICENSING

(Business and Professions Division)

[Filed April 30, 1997, 11:32 a.m.]

Date of Adoption: April 24, 1997.

Purpose: Explain the use of brief adjudicative procedure; list the required documents; provide the administrative procedures for appointing a presiding officer and conducting the proceedings; and provide administrative procedures for persons to obtain reinstatement of eligibility, certification, or registration for suspension or denial actions under brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 18.96.060.

Adopted under notice filed as WSR 96-22-108 on November 6, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal

Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 4, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

April 24, 1997

Stuart Deysenroth
 Board Chairman

NEW SECTION

WAC 308-13-210 Application of brief adjudicative proceedings. The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request for the categories of matters set out below or at the discretion of the board chair pursuant to RCW 34.05.482. If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter is limited solely to one or more of the following issues:

(1) A determination whether an applicant for registration meets the minimum criteria for certification to practice as a landscape architect in this state and the board proposes to deny the application;

(2) A determination whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the board;

(3) A determination whether an applicant for or in the examination process shall be denied to sit for future examinations;

(4) A determination whether a certificate holder requesting renewal or reinstatement has submitted all required information and meets minimum criteria for renewal or reinstatement; and

(5) A determination whether a certificate holder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed student loan or service-conditional scholarship.

NEW SECTION

WAC 308-13-220 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

(a) The application for the license, renewal, reinstatement or approval and all associated documents; and

(b) All documents relied upon by the program in proposing to deny the application, renewal, reinstatement or approval; and

(c) All correspondence between the applicant for license, renewal, reinstatement or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

- (a) The previously issued final order or agreement;
- (b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;
- (c) All correspondence between the license holder and the program, regarding compliance with the final order or agreement; and
- (d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed student loan or service-conditional scholarship shall consist of:

- (a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or
- (b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-13-230 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the board chair. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

NEW SECTION

WAC 308-13-240 Reinstatement of suspended certificates, eligibility for registration, or denied renewals. Where a person's certificate of registration has been suspended, an applicant has been denied certificate renewal, or an applicant has been denied the ability to take the examination for certificate of registration due to nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship, his or her certificate renewal or examination application will be reinstated when the

person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency, provided, the person shall pay any applicable reinstatement or renewal fee.

**WSR 97-10-038
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)**

[Filed April 30, 1997, 4:36 p.m., effective May 1, 1997]

Date of Adoption: April 30, 1997.

Purpose: To comply with the federal requirement in Public Law 104-193 that temporary assistance to needy families (TANF) impose a ten-year disqualification period for persons convicted of fraudulently misrepresenting their place of residence in order to obtain assistance in two or more states. To deny assistance to TANF applicants and recipients who have been convicted of unlawful practices in obtaining TANF or general assistance.

Citation of Existing Rules Affected by this Order: Amending WAC 388-46-110 Disqualification period for applicants and recipients convicted of unlawful practices in obtaining assistance.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, and 74.08.290.

Other Authority: Public Law 104-193, Section 103 (a)(1) (1996).

Adopted under notice filed as WSR 97-05-070 on February 19, 1997.

Changes Other than Editing from Proposed to Adopted Version: None. Removed reference to state court in order to clarify that this rule applies to any conviction for unlawful practices in obtaining temporary assistance to needy families or general assistance.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 34.05.380 (3)(a) allows a rule to become effective immediately if such action is required by the state or federal Constitution, a statute, or court order. This rule is required by Public Law 104-193 and by RCW 74.08.029.

Effective Date of Rule: May 1, 1997.

April 30, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3892, filed 9/6/95, effective 10/7/95)

WAC 388-46-110 Disqualification period for recipients convicted of unlawfully obtaining assistance. (1) An applicant or recipient who has been convicted of unlawful practices in obtaining temporary assistance to needy families (TANF) or general assistance ((shall)) will be disqualified from receiving further TANF or general assistance benefits.

(2) For general assistance, the disqualification ((shall)) will apply only to convictions based on actions which occurred on or after July 23, 1995. For TANF, the disqualification will apply only to convictions based on actions which occurred on or after May 1, 1997.

(3) The length of the disqualification shall be for a period to be determined by the court, but in no event less than six months upon the first conviction and no less than twelve months for a second or subsequent violation.

(4) The disqualification applies only to the person convicted of unlawful practices.

(5) The disqualification period begins on the date the individual is convicted of unlawful practices related to obtaining assistance.

(6) The department shall terminate benefits to a recipient disqualified under this section following notice requirements specified under chapter 388-245 WAC. The department shall deny benefits to an applicant according to chapter 388-215 WAC for the duration of the disqualification period.

NEW SECTION

WAC 388-46-120 Disqualification period for temporary assistance to needy families (TANF) applicants or recipients convicted of misrepresenting residence to obtain assistance in two or more states. (1) An applicant or recipient of TANF will be disqualified from receiving further benefits under TANF if the individual is convicted in federal or state court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states.

(2) For the purposes of determining the disqualification of an applicant or recipient under subsection (1) of this section, assistance is defined as receipt of benefits funded by the following:

(a) TANF and any other benefit authorized by Title IV-A of the Social Security Act;

(b) Any benefit authorized by The Food Stamp Act of 1997;

(c) Any benefit authorized by Title XIX, Medicaid; and

(d) Supplemental Security Income benefits authorized by Title XVI.

(3) The disqualification will apply only to convictions based on actions which occur on or after May 1, 1997.

(4) The length of the disqualification is ten years or the period determined by the court under WAC 388-46-110, whichever is longer.

(5) The disqualification applies only to the person convicted of fraud in a federal or state court.

(6) The disqualification period begins on the date the individual is convicted of having made fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two states.

(7) The provisions of subsections (1) through (6) of this section do not apply to the conviction of an individual when the President of the United States has granted a pardon with respect to the conduct which was the subject of the conviction. The disregard of the provisions because of a pardon is effective the date the pardon is granted and continues for each month thereafter.

**WSR 97-10-040
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)**

[Filed April 30, 1997, 4:41 p.m., effective May 1, 1997]

Date of Adoption: April 30, 1997.

Purpose: This adoption order postpones the effective date of WSR 97-08-034 filed on March 27, 1997, which denies temporary assistance for needy families (TANF) to persons convicted of drug-related felonies. The effective date of WSR 97-08-034 will be August 1, 1997.

Citation of Existing Rules Affected by this Order: Amending WAC 388-215-1570 Denial of assistance to persons convicted of drug-related felonies.

Statutory Authority for Adoption: RCW 74.04.050 and 74.04.055.

Other Authority: Public Law 104-193, Section 115 (1996).

Adopted under notice filed as WSR 97-05-069 on February 19, 1997.

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 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This order must become effective on May 1, 1997, to postpone the May 1, 1997, effective date of a previously adopted rule amendment. This postponement is necessary due to technical constraints which will delay implementation until August 1, 1997. A rule delaying the effective date of another rule may become effective immediately (RCW 34.05.380 (3)(b)).

Effective Date of Rule: May 1, 1997.

April 30, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-10-041
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed April 30, 1997, 4:43 p.m., effective May 1, 1997]

Date of Adoption: April 30, 1997.

Purpose: This adoption order postpones the effective date of WSR 97-08-032 filed on March 27, 1997, which denies temporary assistance for needy families (TANF) to a parent or other caretaker relative who fails to notify the Department of Social and Health Services within five days of the date it becomes clear the child will be absent for more than ninety days. The effective date of WSR 97-08-032 will be August 1, 1997.

Citation of Existing Rules Affected by this Order: Amending WAC 388-215-1115 Living in the home of a relative of specified degree—Temporary absence—Denial of assistance to a caretaker relative who fails to report a child's absence.

Statutory Authority for Adoption: RCW 74.04.050 and 74.04.055.

Other Authority: Public Law 104-193, Section 103 (a)(1) (1996).

Adopted under notice filed as WSR 97-05-068 on February 19, 1997.

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 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This order must become effective on May 1, 1997, to postpone the May 1, 1997, effective date of a previously adopted rule amendment. This postponement is necessary due to technical constraints which will delay implementation until August 1, 1997. A rule delaying the effective date of another rule may become effective immediately (RCW 34.05.380 (3)(b)).

Effective Date of Rule: May 1, 1997.

April 30, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-10-042
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed April 30, 1997, 4:45 p.m., effective May 1, 1997]

Date of Adoption: April 30, 1997.

Purpose: This adoption order postpones the effective date of WSR 97-08-033 filed on March 27, 1997, which, for the purposes of the temporary assistance for needy families (TANF) program: (1) Identifies the Division of Child Support as the responsible agency for determining if a TANF client is cooperating in paternity establishment and child support collection. (2) Reduces a family's TANF grant by 25% if the caretaker relative fails to cooperate with the IV-D agency. (3) Denies TANF assistance to a family if a member of the family fails to assign certain support rights to the state. The effective date of WSR 97-08-033 will be August 1, 1997.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-265-1350 Protective payment—AFDC clients sanctioned for failure or refusal to cooperate with the office of support enforcement; and amending WAC 388-215-1400 Support enforcement—Assignment of support rights—Cooperation with division of child support.

Statutory Authority for Adoption: RCW 74.04.050 and 74.04.055.

Other Authority: Public Law 104-193, Section 103 (a)(1) (1996).

Adopted under notice filed as WSR 97-05-071 on February 19, 1997.

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 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 0, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This order must become effective on May 1, 1997, to postpone the May 1, 1997, effective date of a previously adopted rule amendment. This postponement is necessary due to technical constraints which will delay implementation until August 1, 1997. A rule delaying the effective date of another rule may become effective immediately (RCW 34.05.380 (3)(b)).

Effective Date of Rule: May 1, 1997.

April 30, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-10-046
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed May 1, 1997, 12:25 p.m.]

Date of Adoption: May 1, 1997.

Purpose: WAC 308-11-140 Application of brief adjudicative proceedings, 308-11-150 Preliminary record in brief adjudicative proceedings, and 308-11-160 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Adopted under notice filed as WSR 97-07-035 on March 12, 1997.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

April 31 [May 1], 1997

Mary L. Jelvik
Administrator

NEW SECTION

WAC 308-11-140 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as an auctioneer or auction company in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(4) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

NEW SECTION

WAC 308-11-150 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

(a) The application for the license or renewal and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license or renewal; and

(c) All correspondence between the applicant for license or renewal and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-11-160 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-10-047
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed May 1, 1997, 12:30 p.m.]

Date of Adoption: May 1, 1997.

Purpose: WAC 308-19-400 Application of brief adjudicative proceedings, 308-19-410 Preliminary record in brief adjudicative proceedings, and 308-19-420 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Adopted under notice filed as WSR 97-07-026 on March 12, 1997.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

April 31 [May 1], 1997

Mary L. Jelvik

Administrator

PART F
BRIEF ADJUDICATIVE PROCEEDINGS

NEW SECTION

WAC 308-19-400 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a bail bond agency, qualified agent, branch office or bail bond agent in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(5) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

NEW SECTION

WAC 308-19-410 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-19-420 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-10-048
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed May 1, 1997, 12:32 p.m.]

Date of Adoption: May 1, 1997.

Purpose: WAC 308-420-250 Application of brief adjudicative proceedings, 308-420-260 Preliminary record in brief adjudicative proceedings, and 308-420-270 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Adopted under notice filed as WSR 97-07-034 on March 12, 1997.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

April 31 [May 1], 1997

Mary L. Jelvik
 Administrator

NEW SECTION

WAC 308-420-250 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a registration meets the minimum criteria for a registration as a camping resort, camping resort operator or camping resort salesperson in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether a registration holder requesting renewal has submitted all required information and whether a registration holder meets minimum criteria for renewal.

NEW SECTION

WAC 308-420-260 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal registration shall consist of:

(a) The application for the registration or renewal and all associated documents;

(b) All documents relied upon by the agency in proposing to deny the registration or renewal; and

(c) All correspondence between the applicant for registration or renewal and the agency regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the registration holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the registration holder and the agency regarding compliance with the final order or agreement; and

(d) All documents relied upon by the agency showing that the registration holder has failed to comply with the previously issued final order or agreement.

NEW SECTION

WAC 308-420-270 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

PERMANENT

WSR 97-10-049
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed May 1, 1997, 12:36 p.m.]

Date of Adoption: May 1, 1997.

Purpose: WAC 308-20-710 Application of brief adjudicative proceedings, 308-20-720 Preliminary record in brief adjudicative proceedings, and 308-20-730 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Adopted under notice filed as WSR 97-07-032 on March 12, 1997.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

April 31 [May 1], 1997

Mary L. Jelvik
Administrator

NEW SECTION

WAC 308-20-710 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a salon/shop, booth renter, mobile operator, personal service operator, instructor, cosmetologist, barber, manicurist, esthetician or school in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(5) Whether a license holder has been certified by a lending agency and reported to the department for nonpay-

ment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

NEW SECTION

WAC 308-20-720 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-20-730 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

PERMANENT

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-10-050
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed May 1, 1997, 12:39 p.m.]

Date of Adoption: May 1, 1997.

Purpose: WAC 308-32-100 Application of brief adjudicative proceedings, 308-32-110 Preliminary record in brief adjudicative proceedings, and 308-32-120 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Adopted under notice filed as WSR 97-07-027 on March 12, 1997.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

April 31 [May 1], 1997

Mary L. Jelvik
 Administrator

NEW SECTION

WAC 308-32-100 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a debt adjuster, debt adjusting agency or debt adjusting branch office in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(4) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

NEW SECTION

WAC 308-32-110 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

(a) The application for the license or renewal and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license or renewal; and

(c) All correspondence between the applicant for license or renewal and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-32-120 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-10-051
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed May 1, 1997, 12:40 p.m.]

Date of Adoption: May 1, 1997.

Purpose: WAC 308-127-310 Application of brief adjudicative proceedings, 308-127-320 Preliminary record in brief adjudicative proceedings, and 308-127-330 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Adopted under notice filed as WSR 97-07-028 on March 12, 1997.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

April 31 [May 1], 1997

Mary L. Jelvik
 Administrator

NEW SECTION

WAC 308-127-310 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a registration meets the minimum criteria for a registration as a timeshare project, timeshare promoter or timeshare salesperson in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether a registration holder requesting renewal has submitted all required information and whether a registration holder meets minimum criteria for renewal.

NEW SECTION

WAC 308-127-320 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal registration shall consist of:

(a) The application for the registration or renewal and all associated documents;

(b) All documents relied upon by the director in proposing to deny the registration or renewal; and

(c) All correspondence between the applicant for registration or renewal and the director regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the registration holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the registration holder and the director regarding compliance with the final order or agreement; and

(d) All documents relied upon by the director showing that the registration holder has failed to comply with the previously issued final order or agreement.

NEW SECTION

WAC 308-127-330 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-10-052
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed May 1, 1997, 12:43 p.m.]

Date of Adoption: May 1, 1997.

Purpose: WAC 308-30-170 Application of brief adjudicative proceedings, 308-30-180 Preliminary record in

brief adjudicative proceedings, and 308-30-190 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Adopted under notice filed as WSR 97-07-029 on March 12, 1997.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

April 31 [May 1], 1997

Mary L. Jelvik
Administrator

NEW SECTION

WAC 308-30-170 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for an appointment meets the minimum criteria for an appointment as a notary public in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether an appointment holder requesting renewal has submitted all required information and whether an appointment holder meets minimum criteria for renewal.

NEW SECTION

WAC 308-30-180 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for appointment or reappointment shall consist of:

(a) The application for appointment or reappointment and all associated documents;

(b) All documents relied upon by the director in proposing to deny the appointment or reappointment; and

(c) All correspondence between the applicant for appointment or reappointment and the director regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the appointment holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the appointment holder and the director regarding compliance with the final order or agreement; and

(d) All documents relied upon by the director showing that the appointment holder has failed to comply with the previously issued final order or agreement.

NEW SECTION

WAC 308-30-190 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-10-052

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed May 1, 1997, 12:45 p.m.]

Date of Adoption: May 1, 1997.

Purpose: WAC 308-14-210 Application of brief adjudicative proceedings, 308-14-220 Preliminary record in brief adjudicative proceedings, and 308-14-230 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Adopted under notice filed as WSR 97-07-031 on March 12, 1997.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

April 31 [May 1], 1997

Mary L. Jelvik
Administrator

NEW SECTION

WAC 308-14-210 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a certificate meets the minimum criteria for a certificate to practice as a court reporter in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether a certificate holder requesting renewal has submitted all required information and whether a certificate holder meets minimum criteria for renewal; and

(4) Whether a certificate holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

NEW SECTION

WAC 308-14-220 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal certificate shall consist of:

(a) The application for the certificate or renewal and all associated documents;

(b) All documents relied upon by the department in proposing to deny the certification or renewal; and

(c) All correspondence between the applicant for certification or renewal and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the certificate holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the certificate holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the certificate holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the certificate holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-14-230 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-10-054

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed May 1, 1997, 12:47 p.m.]

Date of Adoption: May 1, 1997.

Purpose: WAC 308-33-110 Application of brief adjudicative proceedings, 308-33-120 Preliminary record in brief adjudicative proceedings, and 308-33-130 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Adopted under notice filed as WSR 97-07-030 on March 12, 1997.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

April 31 [May 1], 1997

Mary L. Jelvik
Administrator

NEW SECTION

WAC 308-33-110 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as an employment agency, general manager or branch office in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal.

NEW SECTION

WAC 308-33-120 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

(a) The application for the license or renewal and all associated documents;

(b) All documents relied upon by the director in proposing to deny the license or renewal; and

(c) All correspondence between the applicant for license or renewal and the director regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the director regarding compliance with the final order or agreement; and

(d) All documents relied upon by the director showing that the license holder has failed to comply with the previously issued final order or agreement.

NEW SECTION

WAC 308-33-130 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-10-055

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 1, 1997, 2:27 p.m.]

Date of Adoption: April 28, 1997.

Purpose: To delete the provision that precludes political parties and caucus political committees from making independent expenditures. To further clarify when an expenditure will be considered an independent expenditure.

Citation of Existing Rules Affected by this Order: Amending WAC 390-16-313.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 97-06-086 on March 3, 1997.

Changes Other than Editing from Proposed to Adopted Version: The proposed version included language amending WAC 390-16-313 (1)(c), the essence of which was accomplished when the rule was adopted on a permanent basis in 1996. Therefore, the proposed change to (1)(c) is unnecessary.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making:

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

April 30, 1997
Melissa Warheit
Executive Director

AMENDATORY SECTION (Amending WSR 96-09-016, filed 4/8/96)

WAC 390-16-313 Independent expenditure— Definition and application. (1) "Independent expenditure," as that term is used in chapter 42.17 RCW, except RCW 42.17.100, means an "expenditure" as defined in RCW 42.17.020 that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for public office, except federal elective office or precinct committee officer, by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for any political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; ~~((and))~~

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value equal to or greater than the amount specified for independent expenditures in WAC 390-05-400. A series of expenditures, each of which is under the applicable amount in WAC 390-05-400, constitutes one independent expenditure if their cumulative value is equal to or greater than the amount specified in WAC 390-05-400; and

(d) The expenditure is not a contribution as defined in RCW 42.17.020 and clarified by WAC 390-05-210.

~~(2) **(Political Parties.** An expenditure in support of a candidate or in opposition to one or more of that candidate's opponents is a contribution to that candidate and is subject to the applicable limits found in RCW 42.17.105(8) and RCW 42.17.640 if it is made by, through or in cooperation, consultation, concert or collaboration with one or more of the following persons or their agents: a bona fide political party, a national committee or federal committee of a political party organization, or a political committee financed, controlled or operated by one or more officers, employees or agents of a bona fide political party.~~

~~(3) **Caucus and Legislator Operated Committees.** An expenditure in support of a state legislative office candidate or in opposition to one or more of that candidate's opponents is a contribution to that candidate and is subject to the applicable limits found in RCW 42.17.105(8) and RCW 42.17.640 if it is made by, through or in cooperation,~~

~~consultation, concert or collaboration with one or more of the following persons or their agent: a caucus political committee or another political committee financed, controlled or operated by one or more state legislators, one or more employees or agents of a caucus political committee, or a combination thereof.~~

~~(4)) **Exempt Activities.** The following activities are not considered independent expenditures for purposes of RCW 42.17.100, .180, .510 or .550:~~

~~(a) Ordinary home hospitality;~~

~~(b) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;~~

~~(c) An internal political communication primarily limited to (i) the members of or contributors to a political party organization or political committee, (ii) the officers, management staff or stockholders of a corporation or similar enterprise, or (iii) the members of a labor organization or other membership organization;~~

~~(d) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or the property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made shall be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the person providing the facility; or~~

~~(e) The rendering of personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid by the worker.~~

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 97-10-068
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed May 5, 1997, 10:20 a.m.]

Date of Adoption: May 4, 1997.

Purpose: Maintenance and updating of rules adopted to encourage highway safety and uniform traffic laws for local authorities.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-330-121, 308-330-123, 308-330-329 and 308-330-375; and amending WAC 308-330-197, 308-330-200, 308-330-300, 308-330-305, 308-330-307, 308-330-316, 308-330-322, 308-330-370, 308-330-400, 308-330-406, 308-330-408, 308-330-415, 308-330-421, 308-330-425, 308-330-436, 308-330-462, and 308-330-800.

Statutory Authority for Adoption: RCW 46.90.010.

Adopted under notice filed as WSR 97-07-015 on March 11, 1997.

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 17, repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 17, repealed 4.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 17, repealed 4; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

May 1, 1997

Evelyn P. Yenson
Director

AMENDATORY SECTION (Amending WSR 94-23-029, filed 11/8/94, effective 12/9/94)

WAC 308-330-197 RCW sections adopted—Off-road and nonhighway vehicles. The following sections of the Revised Code of Washington (RCW) pertaining to off road and nonhighway vehicles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.09.020, 46.09.040, 46.09.120, 46.09.130, 46.09.140, 46.09.180, and 46.09.190.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-200 RCW sections adopted—Snowmobiles. The following sections of the Revised Code of Washington (RCW) pertaining to snowmobiles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.10.010, 46.10.020, 46.10.090, 46.10.100, 46.10.110, 46.10.120, 46.10.130, 46.10.140, and 46.10.190.

AMENDATORY SECTION (Amending WSR 96-13-089, filed 6/19/96, effective 7/20/96)

WAC 308-330-300 RCW sections adopted—Certificates of ownership and registrations. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle certificates of ownership and registrations as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.005, 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.160, 46.12.210, 46.12.215, 46.12.220, 46.12.250, 46.12.260, 46.12.270, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, and 46.12.380.

AMENDATORY SECTION (Amending WSR 96-13-089, filed 6/19/96, effective 7/20/96)

WAC 308-330-305 RCW sections adopted—Vehicle licenses. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle licenses as now or hereafter amended are hereby adopted by reference as a part

of this chapter in all respects as though such sections were set forth herein in full: RCW 46.16.010, 46.16.011, 46.16.022, 46.16.023, 46.16.025, 46.16.028, 46.16.030, 46.16.048, 46.16.068, 46.16.088, 46.16.090, 46.16.135, 46.16.140, 46.16.145, 46.16.160, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.307, 46.16.316, 46.16.350, 46.16.381, 46.16.390, 46.16.500, 46.16.505, ((~~section 11, chapter 225, Laws of 1996, and RCW~~)) 46.16.560, 46.16.585, 46.16.595, 46.16.630, 46.16.640, and 46.16.680.

AMENDATORY SECTION (Amending WSR 96-13-089, filed 6/19/96, effective 7/20/96)

WAC 308-330-307 RCW sections adopted—Driver licenses-identcards. The following sections of the Revised Code of Washington (RCW) pertaining to driver licenses and identification cards as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.20.021, 46.20.022, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.055, 46.20.070, 46.20.190, 46.20.220, 46.20.308, 46.20.336, 46.20.338, 46.20.342, 46.20.343, 46.20.344, 46.20.391, 46.20.394, 46.20.410, 46.20.420, 46.20.430, 46.20.500, 46.20.510, 46.20.550, 46.20.750, and 46.20.3101.

AMENDATORY SECTION (Amending WSR 96-13-089, filed 6/19/96, effective 7/20/96)

WAC 308-330-316 RCW sections adopted—Vehicle lighting and other equipment. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle lighting and other equipment as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.193, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.423, 46.37.424, 46.37.425, 46.37.430, 46.37.435, 46.37.440, 46.37.450, 46.37.460, 46.37.465, 46.37.467, 46.37.470, 46.37.480, 46.37.490, 46.37.495, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.518, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.37.610, 46.37.620, and ((~~section 12, chapter 225, Laws of 1996~~)) 46.37.630.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-322 RCW sections adopted—Transportation of hazardous materials. The following section of the Revised Code of Washington (RCW) and Washington Administrative Code (WAC) pertaining to

transportation of hazardous materials as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 46.48.170, 46.48.175 and 46.48.185 and chapter 446-50 WAC.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-370 Stolen and abandoned vehicles—Reports of—Recovery, report required, penalty—Disposition. It shall be the duty of the chief of police to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, failure of the person so reporting the same as stolen to report the recovery thereof to the chief of police to whom such motor vehicle was reported as stolen is a traffic infraction.

It shall be the duty of the chief of police to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a highway or at any other place and the same shall, at the direction of a law enforcement officer, be placed in the custody of a ~~((registered disposer))~~ tow truck operator registered pursuant to chapter 46.55 RCW.

AMENDATORY SECTION (Amending WSR 96-13-089, filed 6/19/96, effective 7/20/96)

WAC 308-330-400 Provisions of chapter refer to vehicles upon highway—Exception. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section;

(2) The provisions of RCW 46.52.010, 46.52.020, 46.52.030, 46.52.070, 46.52.080, 46.52.090, and 46.61.500 through ~~((46.61.508))~~ 46.61.530 shall apply upon highways and elsewhere throughout the jurisdiction of the local authority.

AMENDATORY SECTION (Amending WSR 95-23-042, filed 11/13/95, effective 12/14/95)

WAC 308-330-406 RCW sections adopted—Abandoned, unauthorized, and junk vehicle tow truck operators. The following sections of the Revised Code of Washington (RCW) pertaining to abandoned, unauthorized, and junk vehicle tow truck operators as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.55.010, 46.55.020, 46.55.025, ~~((46.55.030,))~~ 46.55.035, 46.55.037, 46.55.040, 46.55.050, 46.55.060, 46.55.063, 46.55.070, 46.55.080, 46.55.085, 46.55.090, 46.55.100, 46.55.105, 46.55.110, 46.55.113, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.160, 46.55.170, 46.55.230, and 46.55.240~~((and 46.55.910)).~~

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-408 RCW sections adopted—Traffic laws, signs, signals, markings. The following sections of the Revised Code of Washington (RCW) pertaining to obedience to and effect of traffic laws, traffic signs, signals and markings as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.005, 46.61.015, 46.61.020, 46.61.021, 46.61.022, 46.61.024, 46.61.025, 46.61.030, 46.61.035, 46.61.050, 46.61.055, 46.61.060, 46.61.065, 46.61.070, 46.61.072, 46.61.075, 46.61.080, and 46.61.085~~((and 46.61.220)).~~

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-415 RCW sections adopted—Right of way. The following sections of the Revised Code of Washington (RCW) pertaining to vehicles and pedestrians use of roadways, right of way, rights and duties as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.100, 46.61.105, 46.61.110, 46.61.115, 46.61.120, 46.61.125, 46.61.130, 46.61.135, 46.61.140, 46.61.145, 46.61.150, 46.61.155, 46.61.160, 46.61.165, 46.61.180, 46.61.185, 46.61.190, 46.61.195, 46.61.200, 46.61.202, 46.61.205, 46.61.210, 46.61.215, 46.61.220, 46.61.230, 46.61.235, 46.61.240, 46.61.245, 46.61.250, 46.61.255, 46.61.260, 46.61.261, 46.61.264, 46.61.266, and 46.61.269.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-421 RCW sections adopted—Starting and stopping. The following sections of the Revised Code of Washington (RCW) pertaining to turning, starting, signals on stopping and turning, and special stops as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.290, 46.61.295, 46.61.300, 46.61.305, 46.61.310, 46.61.315, 46.61.340, 46.61.345, 46.61.350, 46.61.355, 46.61.365, 46.61.370, 46.61.371, 46.61.372, 46.61.375, 46.61.380, and 46.61.385.

AMENDATORY SECTION (Amending WSR 95-23-042, filed 11/13/95, effective 12/14/95)

WAC 308-330-425 RCW sections adopted—Reckless driving, vehicular homicide and assault. The following sections of the Revised Code of Washington (RCW) pertaining to reckless driving, driving while under the influence of intoxicating liquor or any drug, vehicular homicide and assault as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.500, 46.61.502, 46.61.503, 46.61.504, 46.61.5054, 46.61.5055, 46.61.5057, 46.61.5058, 46.61.506, 46.61.517, 46.61.519, 46.61.5191, 46.61.5195, 46.61.525, 46.61.527, 46.61.530, 46.61.535, and 46.61.540~~((and 46.61.5054, 46.61.5055, 46.61.5057, and 46.61.5058)).~~

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-436 Parking for certain purposes unlawful. (1) No person shall park any vehicle upon any highway for the principle purpose of:

- (a) Displaying advertising;
- (b) Displaying such vehicle for sale;
- (c) Selling merchandise from such vehicle, except when authorized.

(2) No person shall park any vehicle upon any roadway for the principle purpose of washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-462 RCW sections adopted—Stopping, standing, and parking. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle stopping, standing, and parking as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.560, 46.61.570, 46.61.575, 46.61.581, 46.61.582, 46.61.583, 46.61.585, 46.61.587, and 46.61.590.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-800 RCW sections adopted—Traffic control devices. The following sections of the Revised Code of Washington (RCW) pertaining to traffic control devices as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 47.36.005, 47.36.060, 47.36.110, 47.36.180, 47.36.200, ((and) 47.36.210, 47.36.220, and 47.36.230.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-825 RCW sections adopted—Littering. The following section of the Revised Code of Washington (RCW) pertaining to littering as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 70.93.030, 70.93.050, 70.93.060, and 70.93.097.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-330-121	Department.
WAC 308-330-123	Director.
WAC 308-330-329	RCW sections adopted—Rental car businesses.
WAC 308-330-375	Disposition of abandoned junk motor vehicles.

WSR 97-10-069
PERMANENT RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES
[Filed May 5, 1997, 10:54 a.m.]

Date of Adoption: April 24, 1997.

Purpose: To allow greater tax deferrals for TIAA/CREF participants; simplify plan administration and to reflect greater flexibility and improved access to TIAA/CREF account funds for participants.

Citation of Existing Rules Affected by this Order: Amending WAC 131-16-010, 131-16-011, 131-16-021, 131-16-050, and 131-16-060.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Adopted under notice filed as WSR 97-01-077 on December 17, 1996.

Additional Comments: Preproposal statement was filed as WSR 97-01-048; and continuance was filed under WSR 97-07-007.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 5, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 5, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 5, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 5, repealed 0.

Effective Date of Rule: Thirty-one days after filing, as long as emergency rules remain in effect until then.

May 5, 1997

Claire C. Krueger
Executive Assistant and
Agency Rules Coordinator

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-010 Designation of community and technical college system retirement plan. There is hereby established for the eligible employees of the community and technical colleges of the state of Washington and the state board, a retirement plan which shall entitle such employees to purchase retirement annuities from the teachers' insurance annuity association (TIAA) and the college retirement equities fund (CREF), hereafter called the TIAA/CREF plan, subject to the provisions of WAC 131-16-011 through 131-16-066. This retirement plan is intended to comply with the requirements of Section 403(b) of the Internal Revenue Code of 1986, as amended. Notwithstanding the previous sentence, the state board shall reserve the right to modify the plan to qualify under Section 403(a) of the Internal Revenue Code of 1986, as amended.

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-011 Definitions. For the purpose of WAC (~~(431-16-005)~~) 131-16-010 through 131-16-066, the following definitions shall apply:

(1) "Participant" means any (~~individual~~) employee who is eligible to purchase retirement annuities through the TIAA/CREF plan (~~and whose required contribution to such plan is matched by the employing college district or the state board pursuant to the provisions of WAC 131-16-050~~) who, as a condition of employment, on and after January 1, 1997, shall participate in the TIAA/CREF plan upon initial eligibility.

(2) "Supplemental retirement benefit" means payments, as calculated in accordance with WAC 131-16-061, made by the state board to an eligible retired participant or designated beneficiary whose retirement benefits provided by the TIAA/CREF plan do not attain the level of the retirement benefit goal established by WAC 131-16-015.

(3) "Year of full-time service" means retirement credit based on full-time employment or the equivalent thereof based on part-time employment in an eligible position for a period of not less than five months in any fiscal year during which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution or the state board or any year or fractional year of prior service in a Washington public retirement system while employed at a Washington public higher education institution: *Provided*, That the participant will receive a pension benefit from such other retirement system: *And provided further*, That not more than one year of full-time service will be credited for service in any one fiscal year.

(4) "Fiscal year" means the period beginning on July 1 of any calendar year and ending on June 30 of the succeeding calendar year.

(5) "Average annual salary" means the amount derived when the salary received during the two consecutive highest salaried fiscal years of full-time service for which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution is divided by two.

(6) "TIAA/CREF retirement benefit" means the amount of annual retirement income derived from a participant's accumulated annuities including dividends at the time of retirement: *Provided*, That solely for the purpose of calculating a potential supplemental retirement benefit, such amount shall be adjusted to meet the assumptions set forth in WAC 131-16-061(2).

(7) "Salary" means all remuneration received by the participant from the employing college district or the state board, including summer quarter compensation, extra duty pay, leave stipends, and grants made by or through the college district or state board; but not including any severance pay, early retirement incentive payment, remuneration for unused sick or personal leave, or remuneration for unused annual or vacation leave in excess of the amount payable for thirty days or two hundred forty hours of service.

(8) "Designated beneficiary" means the surviving spouse of the retiree or, with the consent of such spouse, if any, such other person or persons as shall have an insurable

interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's institution of higher education or the state board.

(9) "State board" means the state board for community college education as created in RCW 28B.50.050.

(10) "Appointing authority" means a college district board of trustees or the state board or the designees of such boards.

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-021 Employees eligible to participate in retirement annuity purchase plan. (1) Eligibility to participate in the TIAA/CREF plan is limited to persons who hold appointments to college district or state board staff positions as full-time or part-time faculty members or administrators exempt from the provisions of chapter 28B.16 RCW and who are assigned a cumulative total of at least eighty percent of full-time workload as defined by the appointing authority at one or more college districts or the state board for at least two consecutive college quarters or who otherwise would be eligible for membership in the Washington state teachers retirement system.

(2) Participation in the plan is also permitted for current and former employees of college districts or the state board who are on leave of absence or who have terminated employment by reason of permanent disability and who are receiving a salary continuation insurance benefit through a plan made available by the state of Washington: *Provided*, That such noncontributory participation shall not be creditable toward the number of years of full-time service utilized in calculating eligibility for supplemental retirement benefits pursuant to WAC 131-16-061.

(3) Participation in the plan without matching employer contributions is also permitted for any employee of a college district or the state board who desires to utilize the plan as a supplemental retirement savings vehicle to any state-sponsored retirement plan in which the employee participates: *Provided*, That the provisions of WAC 131-16-015, 131-16-050, and 131-16-061 shall not apply in such cases.

(4) An employee who moves from an ineligible to an eligible position for the same appointing authority may become a participant by so electing in writing within six months following such move.

(5) A participant who moves from an eligible position to an ineligible position for the same appointing authority may continue to be a participant by so electing within six months following such move.

(6) Participants shall continue participation regardless of the proportion of full-time duties assigned, except as otherwise provided in this section, as long as continuously employed by the same appointing authority. For the purpose of this section, spring and fall quarters shall be considered as consecutive periods of employment.

(7) (~~Any eligible employee who at the time of initial employment is required to or elects to become a participant in this plan may also select at that time to delay active participation and payment of required contributions for two years following the date of initial employment.~~) As a condition of employment, all employees who become eligible on and after January 1, 1997, shall participate pursuant to an

irrevocable salary reduction agreement. Such participation shall commence upon initial eligibility. Notwithstanding this provision, all eligible new employees who at the time of employment are members of the Washington state teachers retirement system or the Washington public employees retirement system may participate as provided in WAC 131-16-031(1).

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-050 Contribution rates established. (1) Each participant in the TIAA/CREF plan shall contribute five percent of salary each pay period until attainment of age thirty-five (~~and~~); seven and one-half percent each pay period thereafter (~~and the employing district or state board shall contribute a like sum. A participant may further elect to increase the rate to ten percent of salary each pay period after attaining age fifty and the employing district or state board shall contribute a like sum~~) through and including age forty-nine; and ten percent of salary each pay period after attaining age fifty. Employees who are participants on December 31, 1996, shall make a one-time, irrevocable election to contribute to the plan on a pretax or after-tax basis, and such election shall not be changed during the remainder of the participant's eligibility at the district or state board. Required contributions made pursuant to an irrevocable salary reduction or deduction agreement are not subject to the elective deferral limits of Section 402 (g)(4) or (8) of the Internal Revenue Code of 1986, as amended. The employing district or state board shall contribute a sum equal to all required employee contributions under this plan. All employee and employer contributions to this plan shall be one hundred percent vested when made. The combined contributions may be allocated among the TIAA and CREF funds as directed by the participant.

(2) During periods when participants are on leave of absence and are receiving partial compensation, the employer shall continue to make contributions on the same basis as herein provided if the participant agrees to contribute in a like manner.

(3) (~~Any~~) In addition to the required salary reduction or deduction agreement in subsection (1) of this section, an eligible employee may enter into (~~an~~) a voluntary agreement with the college district or state board to reduce the employee's monthly salary by (~~the amount of the required employee's monthly contribution and any~~) a supplemental amount, within the limits prescribed in the Internal Revenue Code (~~:- Provided, That no more than one agreement for such salary reduction may be made within any tax year of the employee, except to the extent otherwise permitted by the Internal Revenue Code~~).

AMENDATORY SECTION (Amending WSR 93-01-015, filed 12/4/92, effective 1/4/93)

WAC 131-16-060 (~~Repurchase of annuity contract under certain conditions~~.) Cashability. (~~In the event a participant leaves the employ of all Washington community and technical college districts and the state board and the participant requests repurchase of his or her TIAA/CREF accumulation, such repurchase is authorized. Provided, That TIAA/CREF's published repurchase guidelines applicable to~~

~~the participant's contract are followed~~.) Notwithstanding WAC 131-16-062(1), upon termination of employment at all community and technical college districts and the state board for at least one hundred eighty consecutive calendar days, a participant may elect to receive a lump sum payment of his or her TIAA/CREF account pursuant to the settlement options being made available by TIAA/CREF at that time.

WSR 97-10-096
PERMANENT RULES
OFFICE OF MARINE SAFETY
[Filed May 7, 1997, 11:35 a.m.]

Date of Adoption: May 7, 1997.

Purpose: To implement RCW 88.40.020 (2)(b) by establishing lower limits of financial responsibility for tank barges 300 gross tons or less and by exempting oil spill response barges from complying with financial responsibility requirements.

Statutory Authority for Adoption: RCW 88.40.020 (2)(b), 88.40.020(5), and 88.40.030.

Adopted under notice filed as WSR 97-07-064 on March 19, 1997.

Changes Other than Editing from Proposed to Adopted Version: (1) WAC 317-50-030(2), at the request of the Marine Spill Response Corporation, the definition of "oil spill response barge" was changed to allow a broader range of activities. The proposed definition limited the use of an oil spill response barge to carrying recovered oil. The new definition allows any response related activity such as a lightering barge or a staging platform for response equipment.

(2) WAC 317-50-050(3), at the request of the Water Quality Insurance Syndicate (WQIS), this subsection has been changed to reflect actual practice. The proposed subsection required submission of a copy of a pollution coverage policy issued by a member of the WQIS. In actual practice, WQIS issues the policy.

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 8, 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 8, amended 0, repealed 0.

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

May 6, 1997
Barbara Herman
Director

PERMANENT

Chapter 317-50 WAC
Financial Responsibility for Small Tank
Barges and Oil Spill Response Barges

NEW SECTION

WAC 317-50-010 Purpose. This chapter allows owners and operators of small tank barges to reduce their financial responsibility under RCW 88.40.020 (2)(b) without compromising protection of the state's marine environments and public health and safety. This chapter also exempts tank barges dedicated solely to oil spill response activities from the requirement to possess financial responsibility under RCW 88.40.020.

NEW SECTION

WAC 317-50-020 Application. This chapter applies to any tank barge in state waters that is 300 gross tons or less or that is an oil spill response barge.

NEW SECTION

WAC 317-50-030 Definitions. Unless the context clearly requires otherwise, the definitions in chapter 317-05 WAC and the following apply to this section:

(1) "Financial responsibility" means demonstrated capability to meet state and federal financial liability requirements for actual costs of oil spill removal, natural resource damages, and necessary expenses.

(2) "Oil spill response barge" means a barge dedicated solely to oil spill response activities.

(3) "Nonpersistent oil" means a petroleum-based oil that, at the time of shipment, consists of hydrocarbon fractions where:

(a) At least 50 percent by volume distill at a temperature of 340 degrees Celsius (645 degrees Fahrenheit); and

(b) At least 95 percent by volume distill at a temperature of 370 degrees Celsius (700 degrees Fahrenheit).

(4) "Persistent oil" means a petroleum-based oil that does not meet the distillation criteria for nonpersistent oil.

(5) "Small tank barge" means a tank barge three hundred gross tons or less.

(6) "State waters" means the navigable waters of the state as defined in WAC 317-05-020(10).

(7) "Tank barge" means a tank vessel without a means of self-propulsion or a self-propelled tank vessel less than forty meters (one hundred and thirty feet) in overall length.

(8) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

A ship is constructed or adapted to carry oil in bulk as cargo or cargo residue if authorized to do so under the ship's certification or classification. A vessel carries oil as cargo or cargo residue if the oil is carried for dispensing to other vessels or equipment off the vessel, or for delivery from point to point, regardless of whether direct compensation for carriage is involved. A vessel being used to collect spilled oil from the water, and that may have some recovered oil storage capacity, does not carry oil as cargo.

NEW SECTION

WAC 317-50-040 Financial responsibility for small tank barges. (1) An owner or operator of a small tank barge covered by an oil spill prevention plan on file with the office in compliance with chapter 317-21 WAC shall possess financial responsibility in the amount determined under subsection (2) of this section. If the owner's or operator's oil spill prevention plan is disapproved by the office or voluntarily withdrawn, the owner or operator shall possess financial responsibility in the amount of at least five hundred million dollars (\$500,000,000).

(2) Financial responsibility for a small tank barge is the greater of two million dollars (\$2,000,000) or:

(a) For tank barges certified to carry persistent oil, \$3000 per barrel of the barge's total capacity, or if assigned a load line under 46 CFR Parts 42 or 44, per barrel of allowed capacity; or

(b) For tank barges certified to carry nonpersistent oil, \$1,500 per barrel of the barge's total capacity, or if assigned a load line under 46 CFR Parts 42 or 44, per barrel of allowed capacity.

NEW SECTION

WAC 317-50-050 Evidence of financial responsibility for small tank barges. Evidence of financial responsibility for a small tank barge may be one or a combination of the following:

(1) A current and valid certificate of enrollment in a Protection and Indemnity Mutual Association.

(2) A current and valid Master Certificate of Financial Responsibility issued by the US Coast Guard under 33 CFR §138.110 and a copy of the letter of insurance, enrollment or other summary of coverage provided by the guarantor for which the Master Certificate is issued.

(3) A copy of a policy issued by the Water Quality Insurance Syndicate (WQIS) or a certificate of insurance evidencing placement with WQIS issued by a licensed broker that includes at a minimum:

(a) The term of the policy;

(b) The amount of deductible or similar retention of liability; and

(c) A description of the coverage limits in relation to a vessel oil spill.

(4) The office may consider other evidence of financial responsibility if the owner or operator demonstrates the financial ability to meet state and federal financial liability for the actual costs for removal of oil spills, for natural resource damages, and necessary expenses. Acceptable evidence is a written opinion, based on Generally Accepted Accounting Principles in the United States (GAAP), signed by an independent certified public accountant licensed to practice in the United States that the coverage meets the standards of 33 CFR §138.80 for the amount required by WAC 317-50-040(2).

NEW SECTION

WAC 317-50-060 Submitting evidence of financial responsibility. (1) A small tank barge owner or operator shall submit evidence that demonstrates financial responsibility under WAC 317-50-040 for each barge entering or

operating in Washington waters. The evidence must be included in the oil spill prevention plan submitted under chapter 317-21 WAC and on file with the office twenty-four hours before the barge enters Washington waters.

(2) The following are considered significant changes for the purpose of updating a barge's oil spill prevention plan under WAC 317-21-530:

- (a) A change in the term or amount of coverage;
- (b) A change in the type of coverage;
- (c) Termination of coverage;
- (d) A new coverage provider; and
- (e) A change that may affect the opinion of the independent certified public accountant submitted to the office under WAC 317-50-050(4).

NEW SECTION

WAC 317-50-070 Enforcement. A small tank barge owner or operator who fails to comply with the provisions of this chapter and any order or directive issued by the office requiring compliance with this chapter may be subject to any or all of the following:

- (1) Assessment of a civil penalty of up to \$100,000 per day for each day the owner or operator's barge is found without evidence of financial responsibility required under this chapter;
- (2) Disapproval of the owner's or operator's oil spill prevention plan under chapter 317-21 WAC;
- (3) Referral for prosecution under RCW 88.46.080;
- (4) Denial of entry into state waters.

NEW SECTION

WAC 317-50-080 Financial responsibility for oil spill response barges. (1) A tank barge used solely as an oil spill response barge is not required to possess evidence of financial responsibility under RCW 88.40.020 if the owner or operator submits to the office a letter certifying that:

- (a) The barge is used exclusively for oil spill response activities and will not be used to carry oil in bulk as cargo;
 - (b) The owner or operator is an approved response contractor under WAC 317-10-090; and
 - (c) The owner or operator is indemnified by plan holders for whom the owner or operator is a primary response contractor for liabilities that may arise under state and federal law.
- (2) The letter must be in writing, on letterhead and signed by the chief executive officer of the owner or operator, or authorized representative. Identifying information for each tank barge covered by the letter must be provided and include at least the vessel's name, Lloyd's number or official number, country of registry, and gross tonnage.
- (3) Any change in status of ownership, charter arrangement, classification, or use must be reported to the office within 10 working days of the change.

NEW SECTION

WAC 317-50-900 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the applica-

tion of the provision to other persons or circumstances is not affected.

WSR 97-10-097
PERMANENT RULES
OFFICE OF MARINE SAFETY

[Filed May 7, 1997, 11:37 a.m.]

Date of Adoption: May 7, 1997.

Purpose: To correct technical errors.

Citation of Existing Rules Affected by this Order:
Amending WAC 317-31-200, 317-31-220, and 317-31-230.

Statutory Authority for Adoption: RCW 43.21I.030.

Adopted under notice filed as WSR 97-07-065 on March 19, 1997.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

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

May 6, 1997

Barbara Herman

Director

AMENDATORY SECTION (Amending WSR 96-12-077, filed 6/5/96)

WAC 317-31-200 Accepted industry standards. Accepted industry standards are those standards established under WAC 317-31-220 for cargo and passenger vessels, or WAC 317-31-230 for fishing vessels, and applicable requirements of the following international conventions and federal regulations:

(1) The International Convention for the Safety of Life at Sea, 1974 (SOLAS);

(2) The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW);

(3) The International Convention for Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78);

(4) The International Labor Organization, Convention Concerning Minimum Standards in Merchant Ships, convention number 147 (ILO 147);

(5) Provisions of chapter 33 of the Code of Federal Regulations including:

(a) Part 26 (Vessel bridge-to-bridge radiotelephone regulations);

- (b) Part 70 (Interference with or damage to aids to navigation);
- (c) Subchapter D (International Navigation Rules);
- (d) Subchapter E (Inland Navigation Rules);
- (e) Part 95 (Operating a vessel while intoxicated);
- (f) Subchapter M (Marine Pollution Financial Responsibility and Compensation);
- (g) Subchapter ((Q)) Q (Pollution);
- (h) Subchapter P (Ports and Waterways Safety); and
- (6) Provisions of chapter 46 of the Code of Federal Regulations including:
- (a) Part 4 (Marine Casualties and Investigations);
- (b) Subchapter B (Merchant Marine Officers and Seamen);
- (c) Subchapter C (Uninspected Vessels);
- (d) Subchapter D (Tank Vessels);
- (e) Subchapter E (Load Lines);
- (f) Subchapter F (Marine Engineering);
- (g) Subchapter G (Documentation and Measurement of Vessels);
- (h) Subchapter H (Passenger Vessels);
- (i) Subchapter I (Cargo and Miscellaneous Vessels);
- (j) Subchapter J (Electrical Engineering);
- (k) Subchapter N (Dangerous Cargoes);
- (l) Subchapter O (Certain Bulk Dangerous Cargoes);
- (m) Subchapter Q (Equipment, Construction and Materials: Specification and Approval);
- (n) Subchapter S (Subdivision and Stability); and
- (o) Part 197, subpart C (Benzene).

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

AMENDATORY SECTION (Amending WSR 96-12-077, filed 6/5/96)

WAC 317-31-220 Modification of accepted industry standards. (1) This section establishes a process for modifying accepted industry standards as established by the advisory group on cargo and passenger vessel substantial risk criteria and noticed in the *Washington State Register*, No((---)) 96-03-082. The purpose of this section is to establish a process that results in enforceable standards while affording vessel owners and operators substantial input and notice.

(2) The vessel inspection advisory council is hereby established. The council's mission is to make recommendations to the office every two years, if necessary, concerning accepted industry standards for cargo and passenger vessels. The office shall review the council's recommendations and publish in the state register proposed standards. After the date of publication, the office shall allow thirty days for public comment. After consideration of council recommendations and public comment, the office shall adopt the proposed industry standards by publication of a notice of adoption and availability of the standards in the state register.

(3) Council members and their replacements shall be appointed by the office and serve a term of two years. The council chair shall be appointed by the office. Each council member may designate one alternate who may exercise that

member's vote. The office shall invite the U.S. Coast Guard to participate as a nonvoting advisor to the council. The council shall comprise at least fifteen members who represent the following interests:

- (a) Classification societies;
- (b) Commercial fishing vessels;
- (c) Environmental organizations;
- (d) Maritime labor organizations;
- (e) Maritime trade associations;
- (f) Oregon State Department of Environmental Quality;
- (g) Native American tribes;
- (h) Cargo vessel owners;
- (i) Cargo vessel operators;
- (j) Cruise ship owners;
- (k) Cruise ship operators;
- (l) Washington State Ferry System;
- (m) Washington State Department of Ecology;
- (n) Washington State Office of Marine Safety;
- (o) Washington state pilots;
- (p) Oregon state pilots;
- (q) Washington state public ports;
- (r) Public agencies responsible for regulating natural resources;
- (s) Marine education and training; and
- (t) The public at large.

(4) A meeting of the council may be held fourteen days after the notice of the meeting is published in the state register. The meeting notice shall state the date, time, and place of the meeting, and the names of the organizations represented. Meetings of the council may be convened either by the office or the council's chair. At the first meeting of the council, the office shall present a compilation of boarding results under the boarding checklist for the council's review.

(5) The office shall provide staff and administrative support for the council. The office shall also maintain minutes, public comments, boarding results, and other council records in a file available to the public.

AMENDATORY SECTION (Amending WSR 96-12-077, filed 6/5/96)

WAC 317-31-230 Modification of accepted industry standards for fishing vessels. (1) This provision establishes a process for establishing and modifying accepted industry standards for fishing vessels. The purpose of this section is to establish a process that results in enforceable standards while affording vessels owners and operators substantial input and notice.

(2) The fishing vessel inspection advisory council is hereby established. The council shall make recommendations based on international and federal laws and regulations applicable to fishing vessels, and on the actual practices of the Washington-based fishing industry as revealed in the boarding results presented by the office. The council may recommend higher standards than the actual practices of the Washington-based fishing industry and those in applicable international and federal laws and regulations only where reasonably necessary to protect public health and safety, and the environment. The office shall review the council's recommendations and publish in the state register proposed standards. After the date of publication, the office shall

allow thirty days for public comment. After consideration of council recommendations and public comment, the office shall adopt the proposed industry standards by publication of a notice of adoption and availability of the standards in the state register.

(3) Council members and their replacements shall be appointed by the office and serve a term of two years. The council chair shall be appointed by the office. Each council member may designate one alternate who may exercise that member's vote. The office shall invite the U.S. Coast Guard to participate as a nonvoting advisor to the council. The council shall comprise at least six members who represent the following interests:

- (a) Commercial fishing vessels;
- (b) Commercial fish processing vessels;
- (c) Environmental organizations;
- (d) Native American tribes;
- (e) Washington State Department of Ecology;
- (f) Washington State Office of Marine Safety; and
- (g) The public at large.

(4) A meeting of the council may be held fourteen days after the notice of the meeting is published in the state register. The meeting notice shall state the date, time, and place of the meeting, and the names of the organizations represented. Meetings of the council may be convened either by the office or the council's chair. At the first meeting of the council, the office shall present a compilation of boarding results under the boarding checklist for the council's review.

(5) The office shall provide staff and administrative support for the council. The office shall also maintain council minutes, public comment, boarding results, and other council records in a file available to the public.

(6) Until the council has established accepted industry standards under this section, the office shall use an interim standard to determine substantial risk for fishing vessels under WAC 317-31-210. The office will board fishing vessels as provided in WAC 317-31-210(2) using a boarding checklist developed through agreement with a representative of the fishing industry as published in the *Washington State Register*, No. (---) 95-06-063.



WSR 97-10-005
EMERGENCY RULES
FOREST PRACTICES BOARD

[Filed April 25, 1997, 9:55 a.m.]

Date of Adoption: March 25, 1997.

Purpose: To provide protection for the marbled murrelet, a threatened species.

Citation of Existing Rules Affected by this Order: Amending WAC 222-16-010 and 222-16-080.

Statutory Authority for Adoption: RCW 76.09.040 and chapter 34.05 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule provides protection to the marbled murrelet while the Forest Practices Board conducts the permanent rule adoption process. The marbled murrelet was listed as threatened by the United States Fish and Wildlife Service in October 1992 and by the Washington Wildlife Commission in October 1993.

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.

Effective Date of Rule: Immediately.

March 25, 1997

Jennifer M. Belcher

Commissioner of Public Lands

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-16-010 General definitions.* Unless otherwise required by context, as used in these regulations:

"Act" means the Forest Practices Act, chapter 76.09 RCW.

"Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"Appeals board" means the forest practices appeals board established in the act.

"Area of resource sensitivity" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"Board" means the forest practices board established by the act.

"Bog" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"Constructed wetlands" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"Cooperative spotted owl habitat enhancement agreement (CHEA)" see WAC 222-16-100(2).

"Critical habitat (federal)" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

"Critical nesting season" means for marbled murrelets - April 1 to August 15.

"Critical wildlife habitat (state)" means those habitats designated by the board in accordance with WAC 222-16-080.

"Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Cumulative effects" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"Daily peak activity" means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"Demographic support" means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

"Department" means the department of natural resources.

"Dispersal habitat" see WAC 222-16-085(2).

"Dispersal support" means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

"Eastern Washington" means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Fen" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hard-stem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

"Flood level - 50 year." For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

Road and trail construction;
Harvesting, final and intermediate;
Precommercial thinning;
Reforestation;
Fertilization;
Prevention and suppression of diseases and insects;
Salvage of trees; and
Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"Forest trees" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"Green recruitment trees" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"Historic site" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"Identified watershed processes" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

Mass wasting;

Surface and road erosion;

Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);

Large organic debris;

Shading; and

Stream bank and bed stability.

"Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"Islands" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

"Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank,

fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"Local government entity" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"Low impact harvest" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"Median home range circle" means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

"Northern spotted owl site center" means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.

Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.

Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means a contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occurs:

- A nest is located; or
- Downy chicks or eggs or egg shells are found; or
- Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
- Birds calling from a stationary location within the area; or
- Birds circling above the canopy; or
- A contiguous forested area which is not suitable marbled murrelet habitat in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

The outer perimeter of the occupied site shall be presumed to be the beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat." For sites defined above, it shall be the beginning of any gap greater than 300 feet wide where one or more of the distinguishing vegetative characteristics important to murrelets is lacking.

The department shall rely upon the department of fish and wildlife for the determination of location of these occupied marbled murrelet sites.

"Old forest habitat" see WAC 222-16-085 (1)(a).

"Operator" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site preparation" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"SOSEA goals" means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"Spotted owl dispersal habitat" see WAC 222-16-085(2).

"Spotted owl special emphasis areas (SOSEA)" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Sub-mature habitat" see WAC 222-16-085 (1)(b).

"Suitable marbled murrelet habitat" means a contiguous forested area with all of the following characteristics:

- Within 40 miles of marine waters;
- Containing at least eight trees per acre equal to or greater than 32 inches dbh;
- At least 40% of the trees equal to or greater than 32 inches are Douglas-fir, western hemlock, western red cedar or sitka spruce; and
- Containing at least two nesting platforms per acre. Nesting platforms shall include any horizontal limb, tree structure, or deformity equal to or greater than seven inches in diameter and 50 feet or more in height above the ground.

"Suitable spotted owl habitat" see WAC 222-16-085(1).

"Threatened or endangered species" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington wildlife commission.

"Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"Watershed administrative unit (WAU)" means an area shown on the map specified in WAC 222-22-020(1).

"Watershed analysis" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

"Western Washington" means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"Wetland functions" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"Wetland management zone" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"Wildlife reserve trees" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"Young forest marginal habitat" see WAC 222-16-085 (1)(b).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species. (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of wildlife.

(h) Northern spotted owl - the following shall apply through June 30, 1996: Harvesting, road construction, or aerial application of pesticides on the most suitable 500 acres of nesting, roosting, and foraging habitat surrounding the northern spotted owl site center. The most suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife, tribes, and others with applicable expertise. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable 500 acres of habitat.

Beginning July 1, 1996, the following shall apply for the northern spotted owl:

(i) **Within a SOSEA boundary** (see maps in WAC 222-16-086), except as indicated in (h)(ii) of this subsection, harvesting, road construction, or aerial application of

pesticides on suitable spotted owl habitat within a median home range circle that is centered within the SOSEA or on adjacent federal lands.

(ii) **Within the Entiat SOSEA**, harvesting, road construction, or aerial application of pesticides within the areas indicated for demographic support (see WAC 222-16-086(2)) on suitable spotted owl habitat located within a median home range circle that is centered within the demographic support area.

(iii) **Outside of a SOSEA**, harvesting, road construction, or aerial application of pesticides, between March 1 and August 31 on the seventy acres of highest quality suitable spotted owl habitat surrounding a northern spotted owl site center located outside a SOSEA. The highest quality suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife. Consideration shall be given to habitat quality, proximity to the activity center and contiguity.

(iv) **Small parcel northern spotted owl exemption.** Forest practices proposed on the lands owned or controlled by a landowner whose forest land ownership within the SOSEA is less than or equal to 500 acres and where the forest practice is not within 0.7 mile of a northern spotted owl site center shall not be considered to be on lands designated as critical wildlife habitat (state) for northern spotted owls.

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet.

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Operation of heavy equipment, during the critical nesting season, within an occupied marbled murrelet site.

(iii) Use of aircraft below 1,300 feet above ground level, during the critical nesting season, over an occupied marbled murrelet site or the required managed buffer zone adjacent to that site.

(iv) Harvesting within a 300 foot wide managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stem stand density of 75 trees per acre greater than 6 inches dbh; provided that 25 of which shall be greater than 12 inches dbh including five trees greater than 20 inches dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to a maximum of 400 feet as long as an average of 300 feet is maintained.

(v) Blasting and slash burning, during the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(vi) Harvesting, road construction, operation of heavy equipment, timber hauling, or use of aircraft below 1,300 feet above ground level, during the daily peak activity periods within the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(vii) Marbled murrelet critical wildlife habitat (state) shall not include habitat where a current marbled murrelet

survey has been conducted and no use of the suitable marbled murrelet habitat by a bird has been detected. Surveys shall be conducted utilizing a survey protocol which is acceptable to the department of fish and wildlife.

(viii) Site status determination and completion of marbled murrelet surveys shall not be a landowner responsibility.

(ix) This rule is intended to be interim and shall be changed as necessary, such as upon completion of a state or federal recovery plan for the marbled murrelet or significant new information.

(2) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

None listed.

(3) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington fish and wildlife commission and/or the United States Secretary of the Interior, the department shall after consultation with the department of fish and wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(4) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of fish and wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (2) of this section. See WAC 222-16-050 (1)(b)(ii).

(5)(a) Except for bald eagles under subsection (1)(a) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington fish and wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and

recommend a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of fish and wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(6) Regardless of any other provision in this section, forest practices applications shall not be classified as Class IV-Special based on critical wildlife habitat (state) (WAC 222-16-080(1)) or critical habitat (federal) (WAC 222-16-050(1)(b)(ii)) for a species if the forest practices are consistent with one of the following proposed for protection of the species:

(a) A habitat conservation plan and permit or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. §1536 (b) or 1539 (a); an "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or a "no-take letter" or other cooperative or conservation agreement entered into with a federal or state fish and wildlife agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species and that is subject to review under the National Environmental Protection Act, 42 U.S.C. §4321 et seq., or the State Environmental Policy Act, chapter 43.21C RCW, as applicable;

(b) A rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d);

(c) A special wildlife management plan (SWMP) developed by the landowner and approved by the department in consultation with the department of fish and wildlife;

(d) A bald eagle management plan approved under WAC 232-12-292;

(e) A landowner option plan (LOP) for northern spotted owls developed pursuant to WAC 222-16-100(1); or

(f) A cooperative spotted owl habitat enhancement agreement (CHEA) developed pursuant to WAC 222-16-100(2).

In those situations where one of the options above has been used, forest practices applications may still be classified as Class IV-Special based upon the presence of one or more of the factors listed in WAC 222-16-050(1), other than critical wildlife habitat (state) or critical habitat (federal) for the species covered by the existing plan.

(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, the department shall recommend to the board the suspension, deletion, modification or reestablishment of the applicable SOSEA from the rules. The department shall

conduct a review for a particular SOSEA upon approval of a landowner option plan, a petition from a landowner in the SOSEA, or under its own initiative.

(8) The department, in consultation with the department of fish and wildlife, shall report annually to the board on the status of the northern spotted owl to determine whether circumstances exist that substantially interfere with meeting the goals of the SOSEAs.

WSR 97-10-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-69—Filed April 28, 1997, 2:59 p.m., effective May 1, 1997, 12:01 a.m.]

Date of Adoption: April 28, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-44-05000E; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

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 regulations are necessary for conservation and to maintain consistency between state and federal regulations.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: May 1, 1997, 12:01 a.m.

April 28, 1997

Bern Shanks

Director

NEW SECTION

WAC 220-44-05000F Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. May 1, 1997 until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting

Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. **Cumulative limit** - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

b. **Two-month cumulative limit** is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two, fixed calendar months, without a limit on the number of landings or trips. The fixed two-month periods are January-February, March-April, May-June, July-August, September-October and November-December, except for vessels that have elected to be endorsed in the "B-platoon" on their trawl federal limited entry permit. Two-month cumulative limits for B-platoon vessels begin on the 16th of the calendar month. These periods are: January 16th-March 15, March 16-May 15, May 16-July 15, July 16-September 15, September 16-November 15, November 16-December 31. It is unlawful for vessels in the B-platoon to land groundfish during 1997 prior to January 16, 1997. No more than sixty percent of any two-month cumulative limit may be taken and retained, possessed or landed per vessel in either calendar month of the fixed, two-month period, except for vessels in the B-platoon during the final period of the calendar year. The cumulative 2-month limit for this shortened period (November 16-December 31) may be taken in any number of trips during the period with no sixty percent per month restriction. The first calendar month for purposes of the 60 percent restriction for B-platoon vessels in other periods shall be defined as the period beginning on the 16th of the month in which the trip limit begins through the 15th of the following month. The second calendar month period shall be defined as beginning on the 16th of the second month in the period through the end of the cumulative period. The two-month cumulative limit includes all fish harvested by a vessel during the two-month period, whether taken in limited entry or open access fisheries. Once a two-month cumulative limit has been achieved, an operator may begin fishing on the next two-month cumulative limit so long as the fish are not landed until after the beginning of the next two-month cumulative period.

c. **Daily trip limit** - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

d. **Groundfish limited entry fishery** - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

e. **Groundfish open access fishery** - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

f. **Vessel trip** - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

g. **Vessel trip limit** - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

h. **Dressed length** - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

2. **Groundfish limited entry fishery limits.** The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29 (notwithstanding the provisions of WAC 220-44-030):

a. **Pacific ocean perch** - Two-month cumulative limit of 8,000 pounds. No minimum size.

b. **Widow rockfish** - Two-month cumulative limit of 60,000 pounds.

c. **Shortbelly rockfish** - No minimum size. No maximum poundage.

d. **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

e. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.) Two-month cumulative limit of 30,000 pounds, of which no more than 6,000 pounds may be yellowtail rockfish and no more than 14,000 pounds may be canary rockfish.

f. **DTS Complex - (Sablefish, Dover sole and thornyhead rockfish)** - Two-month cumulative limit of 57,000 pounds, of which not more than 30,000 pounds may be Dover sole; not more than 12,000 pounds may be sablefish and not more than 15,000 pounds may be thornyhead rockfish. Of the thornyhead rockfish, not more than 3,000 pounds may be shortspine thornyhead.

g. **Sablefish** -

(1) **Trawl vessels** - Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

(2) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight) not to exceed 5,100 pounds in any calendar month. No minimum size.

h. **Pacific Whiting** - 10,000 pound vessel trip limit. No minimum size. Effective 12:01 a.m., May 15, 1997, no maximum poundage.

i. **Lingcod** - Two-month cumulative limit of 40,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To

convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 22 inches taken in the trawl fishery only.

3. **Groundfish open access fishery limits.** The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29 (notwithstanding the provisions of WAC 220-44-030). Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit:

(a) **Sablefish** - Daily trip limit of 300 pounds (round weight) not to exceed 1500 pounds in any calendar month. No minimum size.

(b) **Rockfish** - Vessel trip limit of 10,000 pounds. Cumulative limit of 40,000 pounds.

(c) **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(d) **Lingcod** - cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(e) **Thornyhead rockfish** - Illegal to take, possess, transport or land thornyhead rockfish.

(f) Setline gear in Area 29.

It is lawful to use setline gear in Area 29, except that it is unlawful to retain rockfish and lingcod with a cumulative weight greater than thirty percent of all fish a board not to exceed 100 pounds. Maximum one vessel trip per day.

4. It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

5. The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 1, 1997:

WAC 220-44-05000E Coastal bottomfish catch limits.

WSR 97-10-029 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE (Fisheries)

[Order 97-71—Filed April 30, 1997, 3:05 p.m.]

Date of Adoption: April 30, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000D; and amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 75.08.080.

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: A harvestable quota of chinook salmon is available for troll fishermen. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council and is consistent with federal law.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

April 30, 1997
Bern Shanks
Director

NEW SECTION

WAC 220-24-02000D Commercial salmon troll. Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1) Effective 12:01 a.m., May 1, 1997 it is lawful to fish for and possess salmon except coho salmon taken from these waters, except for Washington waters in a closed control zone at the mouth of the Columbia River, described as those waters inside a line projected six miles due west from North Head along 46°18'00" N latitude to 124°13'18" W longitude, then southerly along a line 167° true to 46°11'06" N latitude and 124°11'00" W (the Columbia River Buoy) then northeast along the red buoy line to the tip of the south jetty.

(2) This season will close when a chinook quota of 11,500 is taken or June 15, 1997, whichever is earlier.

(3) All salmon taken during this fishery must be sold within 24 hours of the closure of this fishery and must be landed into SMCRA's 1, 2, 3, 4 or 5, or an immediately adjacent Oregon port if the later is allowed by Oregon.

(4) Lawful terminal gear is restricted to single point, single shank barbless hooks.

(5) No chinook salmon smaller than 28 inches in total length may be taken or retained in the fishery provided for herein. Except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(6) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(7) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook taken south of Cape Falcon that are less than 26 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. June 15, 1997:

WAC 220-24-02000D Commercial salmon troll.

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

**WSR 97-10-036
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)**

[Filed April 30, 1997, 4:30 p.m., effective May 1, 1997]

Date of Adoption: April 30, 1997.

Purpose: Pass along the 2.9 percent federal cost-of-living adjustment (COLA) for the supplemental security income (SSI) program and move from the "total expenditure method" of computing the SSI state supplement payment to the "payment levels method."

Citation of Existing Rules Affected by this Order: Amending WAC 388-250-1700.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.630.

Other Authority: Social Security Act COLA changes at FR pages 55346-51.

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 order will extend the emergency rule in effect since January 1, 1997, to allow time for the department to complete the permanent rule adoption process.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Effective Date of Rule: May 1, 1997.

April 30, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3972, filed 4/26/96, effective 5/27/96)

WAC 388-250-1700 Standards of assistance—Supplemental security income. Effective January 1, ((1996)) 1997, the standards of SSI assistance paid to an eligible individual and couple are:

(1) Living alone (own household or alternate care, except nursing homes or medical institutions).

	Federal Standard	SSI Benefit	State Supplement
Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties			
Individual	(\$495.42) \$512.00	\$470.00 \$484.00	\$ 25.42) \$ 28.00
Individual with one essential person	((724.98) 748.00	705.00 726.00	19.98)) 22.00
Couple:			
Both eligible	((724.98) 748.00	705.00 726.00	19.98)) 22.00
Includes one essential person	((724.98) 748.00	705.00 726.00	19.98)) 22.00
Includes ineligible spouse	((622.73) 652.20	470.00 484.00	152.73)) 168.20
Area II: All Counties Other Than the Above			
Individual	(\$476.86) \$491.55	470.00 484.00	6.86)) 7.55
Individual with one essential person	((705.00) 726.00	705.00) 726.00	0
Couple:			
Both eligible	((705.00) 726.00	705.00) 726.00	0
Includes one essential person	((705.00) 726.00	705.00) 726.00	0

EMERGENCY

Includes ineligible spouse ~~(\$595.53 - 470.00 - 125.53)~~
622.25 484.00 138.25

Areas I and II:

Eligible individual with more than one essential person: ~~\$(470.00)~~ 484.00 for eligible individual plus ~~\$(235.00)~~ 242.00 for each essential person (no state supplement).

Eligible couple with one or more essential persons: ~~\$(705.00)~~ 726.00 for eligible couple plus ~~\$(235.00)~~ 242.00 for each essential person (no state supplement).

(2) Shared living (Supplied shelter): Area I and II

	Standard	Federal SSI Benefit	State Supplement
Individual	(\$318.62) <u>\$328.48</u>	\$313.34 <u>\$322.67</u>	\$ 5.28) <u>\$ 5.81</u>
Individual with one essential person	(475.72) <u>490.30</u>	470.00 <u>484.00</u>	5.72) <u>6.30</u>
Couple:			
Both eligible	(475.72) <u>490.30</u>	470.00 <u>484.00</u>	5.72) <u>6.30</u>
Includes one essential person	(475.72) <u>490.30</u>	470.00 <u>484.00</u>	5.72) <u>6.30</u>
Includes ineligible spouse	(407.55) <u>426.43</u>	313.34 <u>322.67</u>	94.21) <u>103.76</u>

Area I and II:

Eligible individual with more than one essential person: ~~\$(313.34)~~ 322.67 for eligible individual plus ~~\$(156.66)~~ 161.33 for each essential person (no state supplement).

Eligible couple with one or more essential persons: ~~\$(470.00)~~ 484.00 for eligible couple plus ~~\$(156.66)~~ 161.33 for each essential person (no state supplement).

(3) Residing in a medical institution: Area I and II

	Standard	Federal SSI Benefit	State Supplement
No change	\$41.62	\$30.00	\$11.62

(4) Mandatory income level (MIL) for grandfathered claimant. Increased by ~~((two))~~ three dollars and ~~((nineteen))~~ seventy-eight cents for all MIL clients, except for those converted in a "D" living arrangement (residing in a medical institution at the time of conversion).

**WSR 97-10-043
 EMERGENCY RULES
 DEPARTMENT OF
 FISH AND WILDLIFE**

(Fisheries)
 (Wildlife)

[Order 97-74—Filed April 30, 1997, 4:47 p.m.]

Date of Adoption: April 30, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-128 and 232-28-619.

Statutory Authority for Adoption: RCW 75.08.080 and 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A fish barrier has been installed at the Columbia Irrigation District drain (wasteway) in Kennewick. The drain concentrates fish, which are vulnerable to snagging and other unlawful harvest. A closure of fishing activity within a 400-foot radius above and below the barrier will protect Yakima River-origin fish. 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 2, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

April 30, 1997
 Evan Jacoby
 for Bern Shanks
 Director

NEW SECTION

WAC 220-56-12800A Food fish fishing—Closed areas. Notwithstanding the provisions of WAC 220-56-128, effective immediately until further notice it is unlawful to fish for or possess food fish taken from waters within 400-foot radius of the fish barrier screen below the Columbia Drive Bridge at Camp Kiwanis in Columbia Park in Kennewick. The closed waters include the entire Columbia Irrigation District drain (wasteway).

NEW SECTION

WAC 232-28-61900J Exceptions to statewide rules—Columbia Irrigation District drain (wasteway) in Kennewick. Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice it is unlawful to fish for or possess game fish or unclassified fish taken from waters within 400-foot radius of the fish barrier screen below the Columbia Drive Bridge at Camp Kiwanis in Columbia Park in Kennewick. The closed waters include the entire Columbia Irrigation District drain (wasteway).

EMERGENCY

WSR 97-10-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

(Fisheries)

[Order 97-72—Filed April 30, 1997, 4:50 p.m., effective May 1, 1997, 12:01 a.m.]

Date of Adoption: April 30, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-88A-07000K; and amending WAC 220-88A-070.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules are necessary to comply with a recently negotiated state/tribal Puget Sound shrimp harvest management plan and meet treaty 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 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: May 1, 1997, 12:01 a.m.

April 30, 1997

Evan Jacoby
for Bern Shanks
Director

NEW SECTION

WAC 220-88A-07000L Emerging commercial fishery—Puget Sound shrimp pot experimental fishery—Seasons and gear—Spot prawn restrictions. Notwithstanding the provisions of WAC 220-88A-070, effective immediately until further notice:

(1) It is unlawful to commercially fish for shrimp with shellfish pot gear in Marine Fish Shellfish Management and Catch Reporting Areas 20B, 24A, 24B, 24C, 24D, 26A and those waters of Area 22A east of San Juan Island, north of a line projected true east from Cattle Point, west of a line from the Number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island, and west of a line projected true north-south through the western tip of Crane Island.

(2) In all waters open to commercial shrimp fishing, it is unlawful to retain spot shrimp taken with shellfish pot gear that have a carapace length less than 30 millimeters. Carapace length is defined as the length between the posterior middorsal margin to the posterior-most part of the eye stalk orbit.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-88A-07000K Emerging commercial fishery—Puget Sound shrimp pot experimental fishery—Seasons and gear—Spot prawn restrictions. (97-69)

WSR 97-10-063
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

(Fisheries)

[Order 97-70—Filed May 2, 1997, 3:23 p.m., effective May 5, 1997, 12:01 a.m.]

Date of Adoption: April 30, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-285.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule will keep sturgeon harvest to the 200-fish catch guideline established by the Washington-Oregon sturgeon management agreement. Additional harvest would impact brood stock. There is insufficient time to promulgate a permanent rule without adversely affecting sturgeon.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: May 5, 1997, 12:01 a.m.

April 30, 1997
Bern Shanks
Director

Effective Date of Rule: Immediately.

May 2, 1997
Gary Moore
Director

NEW SECTION

WAC 220-56-28500K Sturgeon—Areas and seasons. Notwithstanding the provisions of WAC 220-56-285, effective 12:01 a.m. May 5, 1997 until further notice it is unlawful to retain sturgeon from the Columbia River and its tributaries from the Dalles Dam to John Day Dam.

**WSR 97-10-064
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed May 2, 1997, 3:27 p.m.]

Date of Adoption: May 2, 1997.

Purpose: In order to protect the residents of Washington state and to further the conservation of electricity, a reduced inspection fee is established for the inspection of residential water heater load control devices installed as part of an energy conservation program funded through the conservation resource acquisition agreement program. The savings from the reduced permit fee shall be deposited into a fund to be used to correct existing code violations on the circuit which is altered.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46-910 Inspection fees.

Statutory Authority for Adoption: RCW 19.28.060.

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 safety of Washington residents is jeopardized due to hazardous wiring conditions on existing circuits which will be modified as part of an electrical energy conservation program. A reduced permit fee will allow program sponsors to upgrade existing substandard wiring to meet current safety code requirements and to ensure the goals of the electricity conservation program will be met.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

AMENDATORY SECTION (Amending WSR 92-08-102, filed 4/1/92, effective 5/2/92)

WAC 296-46-910 Inspection fees. To calculate the inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating.

(1) RESIDENTIAL

(a) Single and two family residential (new construction)

(i) First 1300 sq. ft. or less \$60

Each additional 500 sq. ft. or portion of \$20

(ii) Each outbuilding or detached garage inspected with the service (see note) \$25

Note: When not inspected at same time as service, refer to (b) of this subsection

(b) Multifamily residential (new construction)

Each service and or feeder

Service Ampacity	Service	Feeder
0 to 200	65	\$ 20
201 to 400	80	40
401 to 600	110	55
601 to 800	140	75
801 and over	200	150

(c) Single family or multifamily altered services including circuits

Service Ampacity	Service or Feeder
0 to 200	\$ 55
201 to 600	80
over 600	120

(ii) Maintenance or repair of meter or mast (no alterations to service or feeder) \$30

(d) Single or multi-family residential circuits only (no service inspection)

(i) 1 to 4 circuits (see note) \$40

Except: Water heater load control devices installed in residences as part of an energy conservation program funded through the Conservation Resource Acquisition Agreement Program \$25

If a water heater load control device is installed on an existing circuit, as part of a specified energy conservation program, the permit fee shall be \$25 instead of \$40. The \$15 difference must be deposited into a fund, established and controlled by the conservation program manager, to be used to correct existing code violations on the altered circuit in which the water heater load control equipment is installed.

(ii) Each additional circuit 5

Note: Total fee per panel not to exceed (c)(i) of this subsection Service/Feeder

EMERGENCY

- (e) Mobile homes; mobile home parks; and RV parks
 - (i) Mobile home service or feeder only \$40
 - (ii) Mobile home service and feeder 65
 - (iii) Mobile home park sites and RV park sites
 - (A) First service or feeder 40
 - (B) Each additional service; or a feeder inspected at same time as service 25

Note: For master service installations, see subsection (2).

(2) COMMERCIAL/INDUSTRIAL

- (a) Service/feeder; and feeders inspected at the same time as service (circuits included)
 - (i)

Service/ Feeder Ampacity	Service/ Feeder	Additional Feeder inspected at the same time
0 to 100	\$ 65	\$ 40
101 to 200	80	50
201 to 400	150	60
401 to 600	175	70
601 to 800	225	95
801 to 1000	275	115
Over 1000	300	160

 - (ii) Over 600 volts surcharge \$50
 - (b) Altered services or feeders (no circuits)
 - (i)

Service Ampacity	Service/ Feeder
0 to 200	\$ 65
201 to 600	150
601 to 1000	225
Over 1000	250

 - (ii) Over 600 volts surcharge \$50
 - (iii) Maintenance or repair of meter or mast (no alteration of service equipment) 55
 - (c) Circuits only
 - (i) First five circuits per branch circuit panel \$50
 - (ii) Each additional circuit per branch circuit panel 5

Note: Total fee per panel not to exceed (a)(i) of this subsection service/feeder

(3) TEMPORARY SERVICES

- (a) Residential \$35
- (b) Commercial/industrial
 - Service or Feeder Ampacity
 - 0 to 100 \$40
 - 101 to 200 50
 - 201 to 400 60
 - 401 to 600 80
 - Over 600 90

Each additional feeder inspected at the same time as service or first feeder add 50% of the fee above.

(4) IRRIGATION MACHINES, PUMPS AND EQUIPMENT

- Irrigation machines
 - (a) Each tower when inspected at same time as service and feeder \$5
 - (b) When not inspected at same time as service and feeders - first 6 60
 - Each additional tower per (a) of this subsection 5

(5) MISCELLANEOUS - commercial/industrial and residential

- (a) Thermostats
 - (i) First thermostat \$30
 - (ii) Each additional thermostat inspected at the same time as first thermostat 10
- (b) Low voltage fire alarm and burglar alarm
 - (i) First 2500 sq. ft. or less. Includes nurse call intercom, security systems and similar low energy circuits and equipment \$35
 - (ii) Each additional 500 sq. ft. or portion thereof 10
- (c) Signs and outline lighting
 - (i) First sign (no service) \$30
 - (ii) Each additional sign inspected at the same time on the same bldg. or structure 15
- (d) Berth at a marina or dock \$40
 - Each additional berth inspected at the same time 25
- (e) Yard pole meter loops only \$40
 - Meters installed remote from service equipment: Inspected at same time as service, temporary service or other installations 10
- (f) Emergency inspections requested outside normal work hours. Regular fee plus surcharge of \$75
- (g) Generators
 - (i) 50 KVA or less \$50
 - (ii) Each additional 50 KVA or portion thereof 10
- (h) Annual permit fee for plant location employing regular electrical maintenance staff - Each inspection two hour maximum.

	Fee	Inspections
1 to 3 plant electricians	\$1,430	12
4 to 6 plant electricians	2,860	24
7 to 12 plant electricians	4,290	36
13 to 25 plant electricians	5,720	52
more than 25 plant electricians	7,150	52
(i) Carnival inspections		
(i) First field inspection each year		
(A) Each ride and generator truck	\$15	
(B) Each remote distribution equipment, concession or gaming show		5

EMERGENCY

- (C) Minimum fee 75
- (ii) Subsequent inspections
- (A) First 10 rides, concessions, generators, remote distribution equipment or gaming show \$75
- (B) Each additional ride, concession, generator, remote distribution equipment or gaming show 5
- (j) Trip fees
- (i) Requests to inspect existing installations \$60
- (ii) Submitter notifies the department that work is ready for inspection when it is not 30
- (iii) Additional inspection required because submitter has provided wrong address 30
- (iv) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work 30
- (v) Each trip necessary to remove a noncompliance notice 30
- (vi) Corrections have not been made in the prescribed time, unless an exception has been requested and granted 30
- (k) Double fees will be charged for:
 - (i) Installations that are covered or concealed before inspection.
 - (ii) Failure to obtain an electrical work permit prior to beginning the installation or alteration.

Exception: Electrical work permits for emergency repairs to existing electrical systems shall be obtained the next business day.

- (l) Progress inspections
On partial or progress inspections, each one-half hour \$30
- (m) Plan review fee
 - (i) Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46-495, plus a plan submission fee of \$50
 - (ii) Supplemental submissions of plans per hour or fraction of an hour \$60
- (n) Other inspections
Inspections not covered by above inspection fees shall be charged portal to portal per hour \$60

**WSR 97-10-065
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-75—Filed May 2, 1997, 4:38 p.m., effective May 4, 1997, 12:01 a.m.]

Date of Adoption: May 2, 1997.
Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-31000P.

Statutory Authority for Adoption: RCW 75.08.080.

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 prevent conflict with 1997 permanent sport rules.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: May 4, 1997, 12:01 a.m.

May 2, 1997
Bern Shanks
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 4, 1997:

WAC 220-56-31000P Shellfish—Daily limits. (97-15)

**WSR 97-10-070
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-76—Filed May 5, 1997, 2:58 p.m.]

Date of Adoption: May 5, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-310, 220-56-315, 220-56-320, 220-56-325, and 220-56-330.

Statutory Authority for Adoption: RCW 75.08.080.

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: Stock assessment has shown there are sufficient shrimp available for recreational harvest. Recreational harvest scheduling has been agreed to under the shellfish subproceeding in *United States v. Washington*.

EMERGENCY

There is insufficient time to promulgate permanent rules and still allow for a recreational fishery.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 5, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

May 5, 1997

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-56-32500M Shrimp and crab—Hood Canal. Notwithstanding the provisions of WAC 220-56-310, 220-56-315, 220-56-320, 220-56-325 and 220-56-330, effective May 17, 1997 until further notice it is unlawful to fish for or possess shrimp from those waters of Hood Canal south of the Hood Canal floating bridge except as provided for in this section:

(1) Fishing for shrimp is allowed between 9:00 a.m. and 1:00 p.m. on the following dates: May 17, 21, 24, and 28, 1997.

(2) No shrimp fisher may use more than one shrimp pot on any one day. All shrimp pots must conform to the Hood Canal shrimp pot requirements set forth in WAC 220-56-320(4). It shall be unlawful for the owner/operator of any boat to have on board or to fish more than four shrimp pots at any time from one boat. A boat is defined as a vessel in the water from which shrimp pots are set and pulled. No shrimp fishers may leave shrimp fishing gear in the water between:

1:00 p.m. May 17 and 9:00 a.m. May 21;

1:00 p.m. May 21 and 9:00 a.m. May 24;

1:00 p.m. May 24 and 9:00 a.m. May 28;

or after 1:00 p.m. May 28, 1997.

(3) All unattended shrimp gear must be marked with a buoy, and the buoy must conform with the requirements and be marked as provided for in WAC 220-56-320(1). It is unlawful to have more than one shrimp pot attached to one line.

(4) It is unlawful for any one person to take in any one day more than eighty shrimp. The first eighty shrimp taken must be retained. After the eightieth shrimp has been retained by a fisher, the fisher must stop fishing and release all additional shrimp immediately to the water unharmed.

(5) The use of all crab pot gear is prohibited. No crab fisher may use more than two ring nets or two star traps, or more than one ring net and one star trap. No crab fisher

may set or pull ring nets or star traps between one hour after official sunset to one hour before official sunrise.

(6) All unattended crab gear must be marked with a buoy, and the buoy must conform with the requirements and be marked as provided for in WAC 220-56-320(1).

**WSR 97-10-081
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-77—Filed May 6, 1997, 3:44 p.m., effective May 7, 1997, 12:01 a.m.]

Date of Adoption: May 6, 1997.

Purpose: Amend commercial use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-88A-070.

Statutory Authority for Adoption: RCW 75.08.080.

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 harvestable surplus of shrimp in Areas 26B and 26C will have been harvested by midnight, May 6, 1997. The remaining shrimp are needed for brood stock. The harvest guidelines have been agreed upon under the shellfish management plan of the subproceeding in *United States v. Washington*. 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 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: May 7, 1997, 12:01 a.m.

May 6, 1997

Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-88A-07000M Emerging commercial fishery—Puget Sound shrimp pot experimental fishery—Seasons and gear—Spot prawn restrictions. Notwithstanding the provisions of WAC 220-88A-070, effective immediately until further notice:

(1) It is unlawful to commercially fish for shrimp with shellfish pot gear in Marine Fish Shellfish Management and Catch Reporting Areas 20B, 24A, 24B, 24C, 24D, 26A, 26B, 26C, and those waters of Area 22A east of San Juan Island, north of a line projected true east from Cattle Point, west of a line from the Number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island, and west of a line projected true north-south through the western tip of Crane Island.

(2) In all waters open to commercial shrimp fishing, it is unlawful to retain spot shrimp taken with shellfish pot gear that have a carapace length less than 30 millimeters. Carapace length is defined as the length between the posterior middorsal margin to the posterior-most part of the eye stalk orbit.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-88A-07000L Emerging commercial fishery—Puget Sound shrimp pot experimental fishery—Seasons and gear—Spot prawn restrictions. (97-72)

WSR 97-10-091

EMERGENCY RULES

DEPARTMENT OF ECOLOGY

[Order 97-10—Filed May 7, 1997, 10:46 a.m.]

Date of Adoption: May 7, 1997.

Purpose: Establish criteria under which the department may prioritize processing of certain applications for water right or applications to change or transfer a water right in order to address a public health or safety emergency.

Statutory Authority for Adoption: RCW 43.21A.064(8) and 43.27A.090(11).

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 Washington State Supreme Court in, *Hillis v. Ecology*, found the policies and procedures adopted by ecology for workload organization and management were within agency statutory authority, but subject to rule making. This rule will establish a priority for action for certain applications to address a public health or safety emergency while permanent rule making is being completed.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 5, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

May 2, 1997

Thomas Fitzsimmons
Director

Chapter 173-152 WAC

PRIORITIZING CERTAIN WATER RIGHT APPLICATIONS

NEW SECTION

WAC 173-152-010 Purpose. These rules establish criteria under which the department can provide priority for processing of applications for new water rights and applications to change or transfer existing water rights necessary for the preservation of public health or safety.

NEW SECTION

WAC 173-152-020 Definitions. For the purposes of this chapter the following definitions apply:

(1) "Department" means the department of ecology.

(2) "Public water system" means a water supply system as defined in RCW 70.119A.020.

(3) "Applications to change or transfer" means applications made under RCW 90.03.380 or 90.44.100.

(4) "Competing applications" means all existing applications for a new water right and applications to change or transfer water rights from the same source of water.

NEW SECTION

WAC 173-152-030 Applications may be prioritized. An application for a water right or an application to change or transfer an existing water right may be processed by the department prior to competing applications if one or more of the criteria in WAC 173-152-040 are satisfied. Any other application will be evaluated and a decision made based on the date it was received in relation to other applications from the same water source or aquifer.

NEW SECTION

WAC 173-152-040 Criteria for priority processing.

(1) An application may be processed prior to competing applications if the application resolves or alleviates a public health or safety emergency caused by a failing public water supply system currently providing potable water to existing users. The inability of any public water system to accommodate future population growth or other future uses does not constitute a public health or safety emergency. The application must be filed specifically to correct the actual or anticipated cause(s) of the public water system failure. To

be considered a failing public water system, the system must meet one or more of the following conditions:

(a) The department, upon notification by and in consultation with the department of health or local health authority, determines a public water system has failed, or is in danger of failing within one year, to meet state board of health standards for the delivery of potable water to existing users in adequate quantity or quality to meet basic human drinking, cooking and sanitation needs;

(b) The current water source has failed or will fail so the public water system is or will become incapable of exercising its existing water right to meet existing needs for drinking, cooking and sanitation purposes after all reasonable conservation efforts have been implemented; or

(c) A change in source is required to meet drinking water quality standards and avoid unreasonable treatment costs, or the state department of health determines that the existing source of supply is unacceptable for human use.

(2) An application for a change or transfer to an existing water right may be processed prior to competing applications if a sufficient investigation has been completed as of the effective date of this chapter to issue a final decision, delay in issuing the final decision would cause undue costs, and issuing the final decision would not delay processing of other applications or affect other existing water rights.

(3) Immediate processing of the application is necessary for preservation of public health or safety.

NEW SECTION

WAC 173-152-050 Exceptions. Nothing in this chapter precludes the department from making decisions on applications or requests filed pursuant to RCW 43.83B.410, 90.03.383(7), or 90.03.390 where the law provides a specific process for evaluation of an application and issuance of a decision.



WSR 97-10-001
**DEPARTMENT OF COMMUNITY,
 TRADE AND ECONOMIC DEVELOPMENT**
 [Filed April 24, 1997, 1:43 p.m.]

The Washington State Department of Community, Trade and Economic Development plans to hold a public hearing on the proposed Washington state plan for the 1998 low-income home energy assistance program (LIHEAP).

The hearing will be held Thursday, July 10, 1997, at the Department of Community, Trade and Economic Development, 906 Columbia Street S.W., 4th Floor Conference Room, Olympia, WA 98504-8300. The hearing will begin at 10:00 a.m. and close at noon unless taking testimony requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m., July 10, 1997. Written testimony should be sent to the attention of Bruce Yasutake, Community Services, Department of Community, Trade and Economic Development, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300.

The state plan is available in alternate format upon request. Meetings sponsored by CTED shall be accessible to persons with disabilities. Accommodations may be arranged with a minimum of ten working days notice, to Bruce Yasutake, or TDD (360) 753-2200.

If you have any questions or need additional information, please contact Bruce Yasutake at (360) 586-0498 or by e-mail at brucey@cted.wa.gov.

Steve Asher, Managing Director
 Community Programs Unit

WSR 97-10-002
NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION
 [Memorandum—April 21, 1997]

The Washington State Conservation Commission holds regular bimonthly meetings on the third Thursday of the month at various locations in the state of Washington (WAC 135-04-020).

The following are changes in this schedule for the remainder of 1997.

- The Conservation Commission will meet Thursday, September 11, 1997, in Omak, Washington.
- The Conservation Commission's last meeting for 1997 will be December 3-4, 1997, in Spokane, Washington.

For further information, contact Vicki Flynn, Conservation Commission, P.O. Box 47721, Olympia, WA 98504-7721, phone (360) 407-6202.

WSR 97-10-004
POLICY STATEMENT
DEPARTMENT OF LICENSING
 [Filed April 25, 1997, 9:00 a.m.]

Date: April 24, 1997.

Agency: Department of Licensing, Driver Services Division.

Title of Statement: Policy #97-04-001—Permissible Reasons for Removing Documents from a License Service Office.

Subject Matter: Sets forth the guidelines for proper safeguarding of documentation and information produced by the licensing service representatives of the Driver Services Division, and the permissible reasons for employee removal of documents from an office.

Effective Date: April 21, 1997.

Contact Person: Clark J. Holloway, Licensing Services Manager, Driver Services Division, Department of Licensing, P.O. Box 9030, Olympia, WA 98507-9030, (360) 902-3846.

Clark J. Holloway
 Licensing Services Manager

WSR 97-10-019
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
 [Memorandum—April 25, 1997]

SPECIAL MEETING

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE
 2405 East College Way
 Mount Vernon, WA 98273
 April 29, 1997 - 4:00 p.m.
 Campus Center Annex
 Small Conference Room

Chairperson, Debbie Aldrich, has called a special meeting of the board of trustees on Tuesday, April 29, 1997, 4:00 p.m. in the Campus Center Annex, Small Conference Room at the Skagit Valley College Mount Vernon Campus.

Skagit Valley College will schedule meetings in locations that are free of mobility barriers, and interpreters for deaf individuals and brailled or taped information for blind individuals can be provided when adequate notice is given to the president's office at the college.

WSR 97-10-020
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—April 24, 1997]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

MISCELLANEOUS

Student Activities and Union Facilities

Spring ASUW Student Senate Governance

Meeting Dates	Location	Time
Tuesdays through the academic calendar	Gowen 301 Gowen 301 Gowen 301 Gowen 301	5 p.m. 5 p.m. 5 p.m. 5 p.m.

Subject Matter: This revises the current division policy. The policy is intended to create a uniform policy and procedure for verifying the educational and licensure, registration or certification credentials for all applicants.

Effective Date: April 16, 1997.

Contact Person: Linda McCue, Project Manager, Department of Health, Health Policy and Constituent Relations, Health Professions Quality Assurance Division, P.O. Box 47860, 1300 S.E. Quince Street, Olympia, WA 98504-7860, (360) 664-3908.

WSR 97-10-030
POLICY STATEMENT
DEPARTMENT OF HEALTH

[Filed April 30, 1997, 3:47 p.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Brief Adjudicative Proceedings.
Issuing Entity: Board of Nursing Home Administrators.
Subject Matter: Adoption of Department of Health, Health Professions Quality Assurance Division policy titled "Brief Adjudicative Proceedings," dated effective December 26, 1996.

Effective Date: January 31, 1997.

Contact Person: Barbara A. Hayes, Program Manager, Department of Health, Board of Nursing Home Administrators, P.O. Box 47869, Olympia, WA 98504-7869, (360) 664-3245, FAX (360) 664-0412, Internet address bah0303@hub.doc.wa.gov.

WSR 97-10-031
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH

[Filed April 30, 1997, 3:49 p.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: As an IV nurse consultant, [I] am requesting approval of my training for suturing PICC or midline catheters to Washington RNs.

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from Harriet Walker, RN of Springfield, Oregon.

Effective Date: March 14, 1997.

Contact Person: Jeanne E. Vincent, RN, MS, Associate Nurse Practice Manager, Department of Health, Nursing Care Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 664-2881.

WSR 97-10-032
POLICY STATEMENT
DEPARTMENT OF HEALTH

[Filed April 30, 1997, 3:50 p.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Verification of Credentials G05.02.
Issuing Entity: Health Professions Quality Assurance Division, Department of Health.

WSR 97-10-056
ATTORNEY GENERAL'S OFFICE

[Filed May 1, 1997, 4:00 p.m.]

NOTICE OF REQUEST FOR
ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by May 28, 1997. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by May 28, 1997, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

97-04-05 Request by Brian Sonntag
State Auditor

1. Does the requirement in RCW 43.09.210 that a government entity receive full value for property transferred to another government entity apply when surplus property is being disposed of pursuant to RCW 39.33.010?
2. Does the public hearing requirement contained in RCW 39.33.020 for disposal of surplus property with a value in excess of \$50,000 apply only to intergovernmental transfers or to transfers to any party, public or private?

MISCELLANEOUS

**97-04-06 Request by Steve E. Kolodney
Director, Department of Information Services**

Olympia, WA 98507 or phone (360) 586-6102, FAX (360) 586-0998.

Questions related to the participation by private nonprofit baccalaureate institutions and other private education entities on the K-20 educational telecommunications network. Specifically, does the state constitution allow the Telecommunications Oversight and Policy Committee to provide connections to these entities, and if so, under what terms and conditions?

**WSR 97-10-057
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY**
[Memorandum—April 25, 1997]

Please publish in the Washington State Register the following dates and locations for the 1998 board of regents meetings:

January 16, 1998	Pullman
March 6, 1998	Pullman
May 8, 1998	Pullman
June 26, 1998	Location to be determined
September 4, 1998	Pullman
November 20, 1998	Spokane

In addition, please note that the location of the June 27, 1997, regents' meeting will be at WSU Tri-Cities in Richland, Washington.

**WSR 97-10-058
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**
[Memorandum—May 1, 1997]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, May 15, 1997, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105, ext. 334 for information.

**WSR 97-10-059
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Real Estate Commission)**
[Memorandum—April 30, 1997]

Please accept this memorandum as our official notice for changing the date of the previously scheduled meeting of the Washington Real Estate Commission from June 27, 1997, in Moses Lake, Washington, to **June 20, 1997**, at the WestCoast Bellevue Hotel, 625 116th Avenue N.E., Bellevue, WA 98004.

The meeting will begin at 9:00 a.m. until conclusion of business.

Questions regarding this session may be directed to Bob Mitchell, Real Estate Program Manager, P.O. Box 9015,

**WSR 97-10-061
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR**
[EO 97-03]

QUALITY IMPROVEMENT

WHEREAS, "quality improvement", as described herein, is a proven approach that has demonstrated improved performance in a wide range of public and private organizations.

WHEREAS, successful quality efforts require effective leadership, strategic planning, customer focus, employee involvement, continuous improvement, and self-assessment of results.

WHEREAS, enhanced customer service, efficiency gains and cost savings throughout state government can be best achieved by engaging state agency management and employees in the use of continuous quality improvement management systems, work processes and quality tools.

WHEREAS, quality improvement can help to deliver the goals and commitments of this Administration.

NOW THEREFORE, I, Gary Locke, Governor of the State of Washington, by virtue of the power vested in me, hereby order and direct the following action.

Quality Improvement

1. Each agency shall develop and implement a program to improve the quality, efficiency, and effectiveness of the public services it provides through quality improvement, business process redesign, employee involvement, and other quality improvement techniques. These efforts shall be conducted with the assistance of the front line employees. Employees shall be provided the training to enable them to successfully implement and complete their efforts in quality improvements. The establishment and operations of these programs shall include the involvement of recognized collective bargaining representatives.

2. Upon the effective date of this executive order, each state agency shall designate a person responsible for improvement of the quality of the systems and work processes within the agency. That person shall report to the agency head and serve as the agency's contact for quality improvement with the Subcabinet on Management Improvement and Results.

3. Each agency shall have a steering committee composed of appropriate senior management, mid-management, front line staff and support staff organizations.

4. Each agency shall identify immediate- and near-term opportunities to improve services and or reduce costs.

5. Agencies should utilize the tools of strategic business planning and performance measures to establish their priorities and measure their progress toward their stated goals. Each agency shall develop performance measures to assess customer satisfaction, progress toward accomplishing outcomes specified in agency budgets per RCW 43.88.090 and necessary to provide feedback on the impact of quality

MISCELLANEOUS

improvement, employee involvement and management improvement initiatives. Those agencies which have already begun quality improvement efforts, shall incorporate the requirements of this executive order into their existing initiatives.

6. Each agency shall report the results of its quality improvement/employee involvement programs to the Governor on a quarterly basis. The reports shall specify improved outcomes for public service, efficiency and effectiveness. The reports may also describe how customer service and stakeholder satisfaction is measured, methods used to engage agency employees in the program and how agency business processes have been changed to improve efficiency, effectiveness and quality.

7. Each agency shall evaluate the results of its quality, service and management improvement programs including, but not limited to, leadership, information and analysis, strategic planning, human resource development and management, process improvement, business results, and customer focus and satisfaction.

8. Each state agency shall develop a plan for quality improvement that documents efforts to date and addresses the above areas. These plans shall be submitted to the Governor no later than July 1, 1997. State agencies shall document the results of their quality efforts and report quarterly to the Subcabinet on their progress.

9. The Governor's Council on Service Improvement and Performance shall be established to advise the Governor on quality improvements. The membership shall include representatives from the business, labor, media, and higher education communities and the Governor's Executive Cabinet. The council shall be chaired by the Governor or the Governor's Chief of Staff.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 30th day of April A.D., Nineteen hundred and ninety-seven.

Gary Locke
Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting
Assistant Secretary of State

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

WSR 97-10-066
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
[Memorandum—May 1, 1997]

The Seattle Community College District board of trustees have [has] scheduled an executive session to be held Tuesday, May 6, 1997, beginning at 5:00 p.m. The session

will precede the regular board of trustees meeting, beginning at 6:00 p.m.

The executive session will be held in the Rose Room, the regular meeting will reconvene in the President's Board Room. North Seattle Community College, 9600 College Way North, Seattle, WA 98103, is the site where the meetings will be held.

WSR 97-10-067
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Memorandum—April 30, 1997]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

SCHEDULE OF SENATE AND EXECUTIVE COMMITTEE MEETINGS 1997-98

Autumn Quarter, 1997

Executive Committee Agenda Deadline	September 26
Executive Committee Meeting	October 6*
SENATE Meeting	October 23*
Executive Committee Agenda Deadline	November 7
Executive Committee Meeting	November 17*
SENATE Meeting	December 4*

Winter Quarter, 1998

Executive Committee Agenda Deadline	January 2
Executive Committee Meeting	January 12**
SENATE Meeting	January 29*
Executive Committee Agenda Deadline	February 13
Executive Committee Meeting	February 23*
SENATE Meeting	March 12*

Spring Quarter, 1998

Executive Committee Agenda Deadline	March 27
Executive Committee Meeting	April 6*
(Senate elections begin)	April 20
SENATE Meeting	April 23*
Executive Committee Agenda Deadline	May 1
Executive Committee Meeting -	
Nominations	May 4
Executive Committee Meeting	May 11*
SENATE Meeting	May 28*

* A continuation meeting may be held on the same day of the following week.

** A continuation meeting may be held on the following Tuesday.

Senate meetings will be held at 2:30 p.m. in 301 Gowen Hall.

Executive committee meetings will be held at 2:30 p.m. in 142 Gerberding Hall.

MISCELLANEOUS

WSR 97-10-078
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR
(Clemency and Pardons Board)
[Memorandum—May 5, 1997]

The Washington State Clemency and Pardons Board hereby files with the code reviser the following change of meeting time:

The June 6, September 5, and December 5, meetings of the board will be held in the John A. Cherberg Building, Olympia, Washington, starting at 10:00 a.m. (originally scheduled for 9:00 a.m.) in Senate Hearing Room No. 4.

WSR 97-10-085
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Commission)
[Memorandum—May 6, 1997]

The Washington State Library Commission has elected to meet on:

DATE: Thursday, May 8, 1997
TIME: 8:45 to 9:15
SUBJECT: WSL Update
LOCATION: Washington State Library
Joel Pritchard Building
P.O. Box 42460
Olympia, WA 98504
Conference Room
via Telephone Conference Call

DATE: Friday, May 16, 1997
TIME: 9:00 a.m. to noon
SUBJECT: WSL Commission Workshop
LOCATION: Washington State Library
Joel Pritchard Building
P.O. Box 42460
Olympia, WA 98504
Conference Room

For additional information or for reasonable accommodations, please contact Cathy M. Stussy at (360) 753-2914, FAX (360) 586-7575 or INTERNET cstussy@statelib.wa.gov.

MISCELLANEOUS



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
- OBJEC = 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 previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited repeal

Note: These filings will appear in a special section of Issue 97-14

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 #
16-08-031	AMD-P	97-08-086	16-324-620	REP-P	97-07-075	16-675-040	AMD-P	97-09-103
16-08-141	AMD-P	97-08-086	16-324-630	REP-P	97-07-075	16-695-005	NEW-E	97-04-020
16-08-171	AMD-P	97-08-086	16-324-650	REP-P	97-07-075	16-695-010	NEW-E	97-04-020
16-162	PREP	97-04-065	16-324-660	REP-P	97-07-075	16-695-015	NEW-E	97-04-020
16-218-02001	AMD	97-05-003	16-324-670	REP-P	97-07-075	16-695-020	NEW-E	97-04-020
16-230-835	AMD-P	97-02-094	16-324-680	REP-P	97-07-075	16-695-025	NEW-E	97-04-020
16-230-835	AMD-W	97-06-003	16-409-020	AMD-S	97-02-098	16-695-030	NEW-E	97-04-020
16-230-862	AMD-P	97-02-094	16-409-020	AMD	97-05-054	16-695-035	NEW-E	97-04-020
16-230-862	AMD-W	97-06-003	16-459-010	AMD-E	97-03-063	16-695-040	NEW-E	97-04-020
16-324-360	REP-P	97-07-075	16-470-100	AMD-P	97-04-089	16-695-045	NEW-E	97-04-020
16-324-361	NEW-P	97-07-075	16-470-100	AMD	97-09-098	16-695-050	NEW-E	97-04-020
16-324-370	AMD-P	97-07-075	16-473-001	NEW-P	97-04-090	16-695-055	NEW-E	97-04-020
16-324-375	AMD-P	97-07-075	16-473-001	NEW-W	97-05-058	16-695-060	NEW-E	97-04-020
16-324-380	REP-P	97-07-075	16-473-001	NEW-P	97-05-059	16-695-065	NEW-E	97-04-020
16-324-381	NEW-P	97-07-075	16-473-010	NEW-P	97-04-090	16-695-070	NEW-E	97-04-020
16-324-382	NEW-P	97-07-075	16-473-010	NEW-W	97-05-058	16-695-075	NEW-E	97-04-020
16-324-390	REP-P	97-07-075	16-473-010	NEW-P	97-05-059	16-695-080	NEW-E	97-04-020
16-324-391	NEW-P	97-07-075	16-473-015	NEW-P	97-04-090	16-700-010	AMD	97-04-078
16-324-392	NEW-P	97-07-075	16-473-015	NEW-W	97-05-058	16-700-021	AMD-S	97-04-077
16-324-393	NEW-P	97-07-075	16-473-015	NEW-P	97-05-059	16-700-021	AMD	97-04-078
16-324-394	NEW-P	97-07-075	16-473-020	NEW-P	97-04-090	16-700-021	AMD-C	97-09-025
16-324-395	NEW-P	97-07-075	16-473-020	NEW-W	97-05-058	16-700-040	AMD	97-04-078
16-324-396	NEW-P	97-07-075	16-473-020	NEW-P	97-05-059	16-700-050	AMD	97-04-078
16-324-397	NEW-P	97-07-075	16-473-025	NEW-P	97-04-090	16-700-060	AMD	97-04-078
16-324-398	NEW-P	97-07-075	16-473-025	NEW-W	97-05-058	16-700-080	AMD	97-04-078
16-324-400	REP-P	97-07-075	16-473-025	NEW-P	97-05-059	16-750-003	AMD	97-06-108
16-324-401	NEW-P	97-07-075	16-532	PREP	97-05-067	16-750-011	AMD	97-06-108
16-324-402	NEW-P	97-07-075	16-532-010	AMD-P	97-09-095	16-750-015	AMD	97-06-108
16-324-409	NEW-P	97-07-075	16-532-040	AMD-P	97-09-095	16-750-020	AMD	97-06-108
16-324-410	REP-P	97-07-075	16-532-110	AMD-P	97-09-095	16-750-130	AMD	97-06-108
16-324-420	AMD-P	97-07-075	16-532-120	AMD-P	97-09-095	51-11-1210	AMD	97-03-017
16-324-430	REP-P	97-07-075	16-536-040	PREP	97-08-083	51-11-1301	AMD	97-03-017
16-324-431	NEW-P	97-07-075	16-580	PREP	97-10-098	51-26	PREP	97-06-107
16-324-435	REP-P	97-07-075	16-662	AMD-P	97-09-080	51-27	PREP	97-06-107
16-324-445	REP-P	97-07-075	16-662-070	REP-P	97-09-080	51-32	PREP	97-03-086
16-324-446	NEW-P	97-07-075	16-662-071	REP-P	97-09-080	51-32-1119	NEW-W	97-09-042
16-324-450	REP-P	97-07-075	16-662-100	NEW-P	97-09-080	51-34	PREP	97-03-086
16-324-460	REP-P	97-07-075	16-662-105	NEW-P	97-09-080	82-50-021	AMD-P	97-10-079
16-324-470	REP-P	97-07-075	16-662-110	NEW-P	97-09-080	131-16	AMD-C	97-07-007
16-324-480	REP-P	97-07-075	16-662-115	NEW-P	97-09-080	131-16-010	AMD-E	97-07-006
16-324-490	REP-P	97-07-075	16-664-010	NEW-P	97-09-102	131-16-010	AMD	97-10-069
16-324-500	REP-P	97-07-075	16-664-020	NEW-P	97-09-102	131-16-011	AMD-E	97-07-006
16-324-510	REP-P	97-07-075	16-664-030	NEW-P	97-09-102	131-16-011	AMD	97-10-069
16-324-520	REP-P	97-07-075	16-664-040	NEW-P	97-09-102	131-16-021	AMD-E	97-07-006
16-324-530	REP-P	97-07-075	16-664-050	NEW-P	97-09-102	131-16-021	AMD	97-10-069
16-324-540	REP-P	97-07-075	16-664-060	NEW-P	97-09-102	131-16-050	AMD-E	97-07-006
16-324-600	REP-P	97-07-075	16-675-010	AMD-P	97-09-103	131-16-050	AMD	97-10-069
16-324-605	REP-P	97-07-075	16-675-020	AMD-P	97-09-103	131-16-060	AMD-E	97-07-006
16-324-610	REP-P	97-07-075	16-675-030	AMD-P	97-09-103	131-16-060	AMD	97-10-069

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132E-111-010	PREP	97-08-080	132V-12-045	REP	97-07-048	132V-12-216	REP-P	97-03-128
132E-121-010	PREP	97-08-080	132V-12-048	REP-P	97-03-128	132V-12-216	REP	97-07-048
132E-133-020	PREP	97-08-081	132V-12-048	REP	97-07-048	132V-12-219	REP-P	97-03-128
132K-04	AMD-P	97-07-018	132V-12-051	REP-P	97-03-128	132V-12-219	REP	97-07-048
132K-04-001	AMD-P	97-07-018	132V-12-051	REP	97-07-048	132V-12-222	REP-P	97-03-128
132K-04-010	AMD-P	97-07-018	132V-12-054	REP-P	97-03-128	132V-12-222	REP	97-07-048
132K-04-020	AMD-P	97-07-018	132V-12-054	REP	97-07-048	132V-12-225	REP-P	97-03-128
132K-04-030	AMD-P	97-07-018	132V-12-057	REP-P	97-03-128	132V-12-225	REP	97-07-048
132K-04-050	AMD-P	97-07-018	132V-12-057	REP	97-07-048	132V-12-228	REP-P	97-03-128
132K-04-070	REP-P	97-07-018	132V-12-060	REP-P	97-03-128	132V-12-228	REP	97-07-048
132K-04-080	AMD-P	97-07-018	132V-12-060	REP	97-07-048	132V-12-231	REP-P	97-03-128
132K-04-110	AMD-P	97-07-018	132V-12-063	REP-P	97-03-128	132V-12-231	REP	97-07-048
132K-04-130	AMD-P	97-07-018	132V-12-063	REP	97-07-048	132V-12-234	REP-P	97-03-128
132K-08-010	REP-P	97-07-017	132V-12-066	REP-P	97-03-128	132V-12-234	REP	97-07-048
132N-20	PREP	97-06-008	132V-12-066	REP	97-07-048	132V-12-237	REP-P	97-03-128
132N-20-010	REP-P	97-10-018	132V-12-069	REP-P	97-03-128	132V-12-237	REP	97-07-048
132N-20-020	REP-P	97-10-018	132V-12-069	REP	97-07-048	132V-12-240	REP-P	97-03-128
132N-20-030	REP-P	97-10-018	132V-12-072	REP-P	97-03-128	132V-12-240	REP	97-07-048
132N-20-040	REP-P	97-10-018	132V-12-072	REP	97-07-048	132V-12-243	REP-P	97-03-128
132N-20-050	REP-P	97-10-018	132V-12-075	REP-P	97-03-128	132V-12-243	REP	97-07-048
132N-20-060	REP-P	97-10-018	132V-12-075	REP	97-07-048	132V-12-246	REP-P	97-03-128
132N-20-070	REP-P	97-10-018	132V-12-078	REP-P	97-03-128	132V-12-246	REP	97-07-048
132N-20-080	REP-P	97-10-018	132V-12-078	REP	97-07-048	132V-12-249	REP-P	97-03-128
132N-20-090	REP-P	97-10-018	132V-12-084	REP-P	97-03-128	132V-12-249	REP	97-07-048
132N-120-010	NEW-P	97-10-018	132V-12-084	REP	97-07-048	132V-12-252	REP-P	97-03-128
132N-120-020	NEW-P	97-10-018	132V-12-087	REP-P	97-03-128	132V-12-252	REP	97-07-048
132N-120-030	NEW-P	97-10-018	132V-12-087	REP	97-07-048	132V-12-255	REP-P	97-03-128
132N-120-040	NEW-P	97-10-018	132V-12-096	REP-P	97-03-128	132V-12-255	REP	97-07-048
132N-120-050	NEW-P	97-10-018	132V-12-096	REP	97-07-048	132V-12-258	REP-P	97-03-128
132N-120-060	NEW-P	97-10-018	132V-12-120	REP-P	97-03-128	132V-12-258	REP	97-07-048
132N-120-065	NEW-P	97-10-018	132V-12-120	REP	97-07-048	132V-12-261	REP-P	97-03-128
132N-120-070	NEW-P	97-10-018	132V-12-144	REP-P	97-03-128	132V-12-261	REP	97-07-048
132N-120-080	NEW-P	97-10-018	132V-12-144	REP	97-07-048	132V-12-264	REP-P	97-03-128
132N-120-090	NEW-P	97-10-018	132V-12-147	REP-P	97-03-128	132V-12-264	REP	97-07-048
132N-120-100	NEW-P	97-10-018	132V-12-147	REP	97-07-048	132V-12-267	REP-P	97-03-128
132N-120-110	NEW-P	97-10-018	132V-12-150	REP-P	97-03-128	132V-12-267	REP	97-07-048
132N-120-120	NEW-P	97-10-018	132V-12-150	REP	97-07-048	132V-12-270	REP-P	97-03-128
132N-120-130	NEW-P	97-10-018	132V-12-153	REP-P	97-03-128	132V-12-270	REP	97-07-048
132N-120-140	NEW-P	97-10-018	132V-12-153	REP	97-07-048	132V-12-273	REP-P	97-03-128
132N-120-150	NEW-P	97-10-018	132V-12-165	REP-P	97-03-128	132V-12-273	REP	97-07-048
132N-120-160	NEW-P	97-10-018	132V-12-165	REP	97-07-048	132V-12-276	REP-P	97-03-128
132N-120-170	NEW-P	97-10-018	132V-12-168	REP-P	97-03-128	132V-12-276	REP	97-07-048
132N-120-180	NEW-P	97-10-018	132V-12-168	REP	97-07-048	132V-12-279	REP-P	97-03-128
132P-116	PREP	97-10-076	132V-12-171	REP-P	97-03-128	132V-12-279	REP	97-07-048
132V-12-003	REP-P	97-03-128	132V-12-171	REP	97-07-048	132V-12-281	REP-P	97-03-128
132V-12-003	REP	97-07-048	132V-12-174	REP-P	97-03-128	132V-12-281	REP	97-07-048
132V-12-006	REP-P	97-03-128	132V-12-174	REP	97-07-048	132V-12-284	REP-P	97-03-128
132V-12-006	REP	97-07-048	132V-12-177	REP-P	97-03-128	132V-12-284	REP	97-07-048
132V-12-009	REP-P	97-03-128	132V-12-177	REP	97-07-048	132V-12-287	REP-P	97-03-128
132V-12-009	REP	97-07-048	132V-12-180	REP-P	97-03-128	132V-12-287	REP	97-07-048
132V-12-012	REP-P	97-03-128	132V-12-180	REP	97-07-048	132V-12-290	REP-P	97-03-128
132V-12-012	REP	97-07-048	132V-12-183	REP-P	97-03-128	132V-12-290	REP	97-07-048
132V-12-015	REP-P	97-03-128	132V-12-183	REP	97-07-048	132V-12-293	REP-P	97-03-128
132V-12-015	REP	97-07-048	132V-12-186	REP-P	97-03-128	132V-12-293	REP	97-07-048
132V-12-018	REP-P	97-03-128	132V-12-186	REP	97-07-048	132V-12-296	REP-P	97-03-128
132V-12-018	REP	97-07-048	132V-12-189	REP-P	97-03-128	132V-12-296	REP	97-07-048
132V-12-021	REP-P	97-03-128	132V-12-189	REP	97-07-048	132V-12-299	REP-P	97-03-128
132V-12-021	REP	97-07-048	132V-12-192	REP-P	97-03-128	132V-12-299	REP	97-07-048
132V-12-024	REP-P	97-03-128	132V-12-192	REP	97-07-048	132V-12-302	REP-P	97-03-128
132V-12-024	REP	97-07-048	132V-12-195	REP-P	97-03-128	132V-12-302	REP	97-07-048
132V-12-027	REP-P	97-03-128	132V-12-195	REP	97-07-048	132V-12-305	REP-P	97-03-128
132V-12-027	REP	97-07-048	132V-12-198	REP-P	97-03-128	132V-12-305	REP	97-07-048
132V-12-030	REP-P	97-03-128	132V-12-198	REP	97-07-048	132V-12-308	REP-P	97-03-128
132V-12-030	REP	97-07-048	132V-12-201	REP-P	97-03-128	132V-12-308	REP	97-07-048
132V-12-033	REP-P	97-03-128	132V-12-201	REP	97-07-048	132V-12-311	REP-P	97-03-128
132V-12-033	REP	97-07-048	132V-12-204	REP-P	97-03-128	132V-12-311	REP	97-07-048
132V-12-036	REP-P	97-03-128	132V-12-204	REP	97-07-048	132V-12-314	REP-P	97-03-128
132V-12-036	REP	97-07-048	132V-12-207	REP-P	97-03-128	132V-12-314	REP	97-07-048
132V-12-039	REP-P	97-03-128	132V-12-207	REP	97-07-048	132V-12-317	REP-P	97-03-128
132V-12-039	REP	97-07-048	132V-12-210	REP-P	97-03-128	132V-12-317	REP	97-07-048
132V-12-042	REP-P	97-03-128	132V-12-210	REP	97-07-048	132V-12-320	REP-P	97-03-128
132V-12-042	REP	97-07-048	132V-12-213	REP-P	97-03-128	132V-12-320	REP	97-07-048
132V-12-045	REP-P	97-03-128	132V-12-213	REP	97-07-048	132V-12-323	REP-P	97-03-128

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132V-12-323	REP	97-07-048	136-130-060	AMD	97-06-006	174-276	PREP	97-05-044
132V-12-326	REP-P	97-03-128	137-28-140	AMD	97-03-041	174-276	AMD-P	97-09-084
132V-12-326	REP	97-07-048	137-28-160	AMD	97-03-041	174-276-005	NEW-P	97-09-084
132V-12-329	REP-P	97-03-128	137-28-220	AMD	97-03-041	174-276-010	AMD-P	97-09-084
132V-12-329	REP	97-07-048	137-28-260	AMD	97-03-041	174-276-040	AMD-P	97-09-084
132V-12-332	REP-P	97-03-128	137-28-350	AMD	97-03-041	174-276-050	AMD-P	97-09-084
132V-12-332	REP	97-07-048	137-55-010	NEW	97-03-041	174-276-060	AMD-P	97-09-084
132V-12-335	REP-P	97-03-128	137-55-020	NEW	97-03-041	174-276-080	AMD-P	97-09-084
132V-12-335	REP	97-07-048	137-55-030	NEW	97-03-041	174-276-090	AMD-P	97-09-084
132V-12-338	REP-P	97-03-128	137-55-040	NEW	97-03-041	174-276-095	NEW-P	97-09-084
132V-12-338	REP	97-07-048	137-55-050	NEW	97-03-041	180-16	PREP	97-10-014
132V-12-341	REP-P	97-03-128	137-55-060	NEW	97-03-041	180-16-221	AMD	97-04-083
132V-12-341	REP	97-07-048	172-120-015	NEW	97-06-095	180-16-222	AMD	97-04-083
132V-12-344	REP-P	97-03-128	172-120-020	AMD	97-06-095	180-16-223	REP	97-04-083
132V-12-344	REP	97-07-048	172-120-030	AMD	97-06-095	180-16-224	REP	97-04-083
132V-12-347	REP-P	97-03-128	172-120-040	AMD	97-06-095	180-16-236	PREP	97-10-008
132V-12-347	REP	97-07-048	172-120-050	AMD	97-06-095	180-24	PREP	97-09-032
132V-12-350	REP-P	97-03-128	172-120-060	AMD	97-06-095	180-27-056	PREP	97-09-115
132V-12-350	REP	97-07-048	172-120-070	AMD	97-06-095	180-33-025	PREP	97-09-116
132V-12-353	REP-P	97-03-128	172-120-080	AMD	97-06-095	180-40-260	AMD-P	97-04-067
132V-12-353	REP	97-07-048	172-120-090	AMD	97-06-095	180-40-260	AMD	97-08-019
132V-12-356	REP-P	97-03-128	172-120-100	AMD	97-06-095	180-40-310	AMD-P	97-04-067
132V-12-356	REP	97-07-048	172-120-110	AMD	97-06-095	180-40-310	AMD	97-08-019
132V-12-359	REP-P	97-03-128	172-120-120	AMD	97-06-095	180-51-050	AMD-P	97-04-066
132V-12-359	REP	97-07-048	172-120-130	AMD	97-06-095	180-51-050	AMD	97-08-020
132V-12-362	REP-P	97-03-128	172-120-140	AMD	97-06-095	180-75-003	REP	97-04-088
132V-12-362	REP	97-07-048	172-120-150	REP	97-06-095	180-75-005	REP	97-04-088
132V-12-365	REP-P	97-03-128	173-22	AMD-C	97-03-129	180-75-016	REP	97-04-088
132V-12-365	REP	97-07-048	173-22	AMD	97-04-076	180-75-017	REP	97-04-088
132V-12-368	REP-P	97-03-128	173-22-015	REP	97-04-076	180-75-045	REP	97-04-088
132V-12-368	REP	97-07-048	173-22-030	AMD	97-04-076	180-75-047	REP	97-04-088
132V-12-371	REP-P	97-03-128	173-22-035	NEW	97-04-076	180-75-048	REP	97-04-088
132V-12-371	REP	97-07-048	173-22-040	AMD	97-04-076	180-75-050	REP	97-04-088
132V-12-374	REP-P	97-03-128	173-22-070	AMD	97-04-076	180-75-055	REP	97-04-088
132V-12-374	REP	97-07-048	173-22-080	NEW	97-04-076	180-75-060	REP	97-04-088
132V-12-377	REP-P	97-03-128	173-152-010	NEW-E	97-10-091	180-75-061	REP	97-04-088
132V-12-377	REP	97-07-048	173-152-020	NEW-E	97-10-091	180-75-065	REP	97-04-088
132V-12-380	REP-P	97-03-128	173-152-030	NEW-E	97-10-091	180-75-070	REP	97-04-088
132V-12-380	REP	97-07-048	173-152-040	NEW-E	97-10-091	180-75-081	DECOD	97-04-082
132V-12-383	REP-P	97-03-128	173-152-050	NEW-E	97-10-091	180-75-082	REP	97-04-088
132V-12-383	REP	97-07-048	173-160	PREP	97-10-093	180-75-083	DECOD	97-04-082
132V-12-386	REP-P	97-03-128	173-162	PREP	97-10-093	180-75-085	REP	97-04-088
132V-12-386	REP	97-07-048	173-202-020	AMD-E	97-05-039	180-75-087	REP	97-04-088
132V-12-389	REP-P	97-03-128	173-202-020	PREP	97-08-038	180-75-088	REP	97-04-088
132V-12-389	REP	97-07-048	173-303	PREP	97-04-062	180-75-089	REP	97-04-088
132V-12-392	REP-P	97-03-128	173-401-735	AMD-P	97-04-061	180-75-090	REP	97-04-088
132V-12-392	REP	97-07-048	173-401-735	AMD	97-08-084	180-75-091	REP	97-04-088
132V-12-398	REP-P	97-03-128	173-430-040	AMD	97-03-021	180-75-092	REP	97-04-088
132V-12-398	REP	97-07-048	173-490	PREP	97-09-018	180-75-100	REP	97-04-088
132V-12-401	REP-P	97-03-128	173-491	PREP	97-09-018	180-75-110	REP	97-04-088
132V-12-401	REP	97-07-048	173-491-020	AMD	97-04-012	180-77	PREP	97-10-016
132V-12-404	REP-P	97-03-128	173-491-040	AMD	97-04-012	180-77-003	AMD	97-04-085
132V-12-404	REP	97-07-048	173-491-050	AMD	97-04-012	180-77-031	AMD	97-04-085
132V-12-407	REP-P	97-03-128	174-116	PREP	97-05-044	180-77-041	AMD	97-04-085
132V-12-407	REP	97-07-048	174-122	PREP	97-05-044	180-77-120	AMD	97-04-085
132V-12-410	REP-P	97-03-128	174-122-010	REP-P	97-09-084	180-77A-003	NEW	97-04-087
132V-12-410	REP	97-07-048	174-122-020	REP-P	97-09-084	180-77A-004	NEW	97-04-087
132V-12-413	REP-P	97-03-128	174-122-030	REP-P	97-09-084	180-77A-006	NEW	97-04-087
132V-12-413	REP	97-07-048	174-122-040	REP-P	97-09-084	180-77A-012	NEW	97-04-087
132V-12-416	REP-P	97-03-128	174-130	PREP	97-05-044	180-77A-014	NEW	97-04-087
132V-12-416	REP	97-07-048	174-130-010	REP-P	97-09-084	180-77A-016	NEW	97-04-087
132V-12-419	REP-P	97-03-128	174-130-020	REP-P	97-09-084	180-77A-018	NEW	97-04-087
132V-12-419	REP	97-07-048	174-133	PREP	97-05-044	180-77A-020	NEW	97-04-087
132V-12-422	REP-P	97-03-128	174-133-020	AMD-P	97-09-084	180-77A-025	NEW	97-04-087
132V-12-422	REP	97-07-048	174-140	PREP	97-05-044	180-77A-026	NEW	97-04-087
132V-12-425	REP-P	97-03-128	174-140-010	NEW-P	97-09-084	180-77A-028	NEW	97-04-087
132V-12-425	REP	97-07-048	174-140-180	REP-P	97-09-084	180-77A-029	NEW	97-04-087
132V-12-428	REP-P	97-03-128	174-140-190	REP-P	97-09-084	180-77A-030	NEW	97-04-087
132V-12-428	REP	97-07-048	174-140-200	REP-P	97-09-084	180-77A-033	NEW	97-04-087
132V-12-431	REP-P	97-03-128	174-140-210	REP-P	97-09-084	180-77A-037	NEW	97-04-087
132V-12-431	REP	97-07-048	174-140-220	REP-P	97-09-084	180-77A-040	NEW	97-04-087
132V-12-434	REP-P	97-03-128	174-140-230	REP-P	97-09-084	180-77A-057	NEW	97-04-087
132V-12-434	REP	97-07-048	174-140-240	REP-P	97-09-084	180-77A-165	NEW	97-04-087

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-79A-360	NEW	97-04-088	196-12-010	PREP	97-03-029	208-630-021	NEW	97-09-035
180-79A-362	NEW	97-04-088	196-12-020	PREP	97-03-029	208-630-022	NEW-P	97-06-092
180-79A-364	NEW	97-04-088	196-12-030	PREP	97-03-029	208-630-022	NEW	97-09-035
180-79A-366	NEW	97-04-088	196-12-050	PREP	97-03-029	208-630-023	NEW-P	97-06-092
180-79A-368	NEW	97-04-088	196-12-060	PREP	97-03-029	208-630-023	NEW	97-09-035
180-79A-370	NEW	97-04-088	196-24-030	PREP	97-03-029	208-680D-050	AMD-W	97-04-071
180-79A-372	NEW	97-04-088	196-24-040	PREP	97-03-029	212-17	PREP	97-05-028
180-79A-374	NEW	97-04-088	196-24-050	PREP	97-03-029	220-20-020	AMD-P	97-04-080
180-79A-376	NEW	97-04-088	196-24-085	PREP	97-03-029	220-20-020	AMD	97-07-043
180-79A-378	NEW	97-04-088	196-24-100	PREP	97-03-029	220-20-021	AMD-P	97-04-080
180-79A-379	NEW	97-04-088	196-24-105	PREP	97-03-029	220-20-021	AMD	97-07-043
180-79A-380	NEW	97-04-088	197-11	PREP	97-03-130	220-20-038	AMD	97-08-078
180-79A-382	NEW	97-04-088	197-11-055	AMD-P	97-08-085	220-24-02000D	NEW-E	97-10-029
180-79A-384	NEW	97-04-088	197-11-060	AMD-P	97-08-085	220-24-02000D	REP-E	97-10-029
180-79A-386	NEW	97-04-088	197-11-070	AMD-P	97-08-085	220-32-05100X	NEW-E	97-04-046
180-79A-388	NEW	97-04-088	197-11-158	NEW-P	97-08-085	220-32-05100X	REP-E	97-04-046
180-79A-390	NEW	97-04-088	197-11-164	NEW-P	97-08-085	220-32-05100X	REP-E	97-07-044
180-79A-392	NEW	97-04-088	197-11-168	NEW-P	97-08-085	220-32-05100Y	NEW-E	97-07-044
180-79A-394	NEW	97-04-088	197-11-172	NEW-P	97-08-085	220-32-05500B	NEW-E	97-08-007
180-79A-396	NEW	97-04-088	197-11-210	AMD-P	97-08-085	220-32-05500B	REP-E	97-08-007
180-79A-398	NEW	97-04-088	197-11-238	NEW-P	97-08-085	220-32-05700U	REP-E	97-03-002
180-79A-403	NEW	97-04-088	197-11-259	AMD-P	97-08-085	220-32-05700U	NEW-E	97-03-002
180-79A-405	NEW	97-04-088	197-11-300	AMD-P	97-08-085	220-32-05700V	REP-E	97-09-009
180-79A-415	NEW	97-04-088	197-11-310	AMD-P	97-08-085	220-32-05700V	NEW-E	97-09-009
180-79A-417	NEW	97-04-088	197-11-315	AMD-P	97-08-085	220-33-01000M	NEW-E	97-04-013
180-79A-420	NEW	97-04-088	197-11-330	AMD-P	97-08-085	220-33-01000M	REP-E	97-04-013
180-79A-422	NEW	97-04-088	197-11-340	AMD-P	97-08-085	220-33-01000N	NEW-E	97-05-042
180-79A-423	NEW	97-04-088	197-11-355	NEW-P	97-08-085	220-33-020	AMD-P	97-04-080
180-79A-424	NEW	97-04-088	197-11-390	AMD-P	97-08-085	220-33-020	AMD	97-07-043
180-79A-430	NEW	97-04-088	197-11-408	AMD-P	97-08-085	220-33-04000C	NEW-E	97-04-014
180-79A-433	NEW	97-04-088	197-11-502	AMD-P	97-08-085	220-33-04000C	REP-E	97-05-041
180-79A-435	NEW	97-04-088	197-11-508	AMD-P	97-08-085	220-33-04000D	NEW-E	97-05-041
180-79A-440	NEW	97-04-088	197-11-535	AMD-P	97-08-085	220-36-021	AMD-P	97-09-097
180-79A-445	NEW	97-04-088	197-11-600	AMD-P	97-08-085	220-36-023	AMD-P	97-09-097
180-79A-503	NEW	97-04-088	197-11-660	AMD-P	97-08-085	220-40-021	AMD-P	97-09-097
180-79A-510	NEW	97-04-088	197-11-680	AMD-P	97-08-085	220-40-027	AMD-P	97-09-097
180-79A-515	NEW	97-04-088	197-11-702	AMD-P	97-08-085	220-44-05000E	REP-E	97-10-021
180-79A-517	NEW	97-04-088	197-11-721	NEW-P	97-08-085	220-44-05000F	NEW-E	97-10-021
180-79A-520	NEW	97-04-088	197-11-728	AMD-P	97-08-085	220-47-301	AMD-P	97-09-104
180-85	PREP	97-10-011	197-11-775	NEW-P	97-08-085	220-47-302	AMD-P	97-09-104
180-85-025	AMD	97-04-086	197-11-790	AMD-P	97-08-085	220-47-304	AMD-P	97-09-104
180-85-030	AMD	97-04-086	197-11-800	AMD-P	97-08-085	220-47-307	AMD-P	97-09-104
180-85-110	REP	97-04-086	197-11-912	AMD-P	97-08-085	220-47-311	AMD-P	97-09-104
180-85-115	REP	97-04-086	197-11-914	AMD-P	97-08-085	220-47-319	AMD-P	97-09-104
180-85-120	REP	97-04-086	197-11-938	AMD-P	97-08-085	220-47-325	NEW-P	97-09-096
180-85-135	REP	97-04-086	197-11-940	AMD-P	97-08-085	220-47-326	NEW-P	97-09-096
180-85-200	AMD	97-04-086	197-11-948	AMD-P	97-08-085	220-47-401	AMD-P	97-09-104
180-85-210	AMD	97-04-086	197-11-970	AMD-P	97-08-085	220-47-410	NEW-P	97-09-104
180-85-211	NEW	97-04-086	204-10-035	NEW	97-03-087	220-47-411	AMD-P	97-09-104
180-85-215	AMD	97-04-086	204-10-045	PREP	97-03-042	220-47-427	AMD-P	97-09-104
180-86-011	NEW	97-04-082	204-10-045	NEW-P	97-07-036	220-47-428	AMD-P	97-09-104
180-86-013	RECOD	97-04-082	204-10-045	NEW	97-10-024	220-48-015	AMD	97-07-053
180-86-014	RECOD	97-04-082	204-41-060	PREP	97-03-043	220-52-03000K	NEW-E	97-07-050
180-86-080	NEW	97-05-008	204-41-060	NEW-P	97-07-037	220-52-03000K	REP-E	97-07-050
180-86-080	NEW-W	97-05-043	204-41-060	NEW	97-10-023	220-52-040	AMD	97-08-052
180-86-086	NEW-W	97-05-043	204-60	AMD	97-04-054	220-52-04000D	NEW-E	97-05-029
180-86-116	NEW	97-05-008	204-60-010	AMD	97-04-054	220-52-046	AMD	97-08-052
180-86-116	NEW-W	97-05-043	204-60-030	AMD	97-04-054	220-52-04600T	NEW-E	97-05-029
180-87-070	PREP	97-10-025	204-72-040	PREP	97-06-100	220-52-04600T	REP-E	97-06-054
180-97	PREP	97-10-010	204-72-040	AMD-P	97-09-069	220-52-04600U	NEW-E	97-06-054
180-110	PREP	97-05-027	204-90-040	AMD	97-04-055	220-52-07300L	REP-E	97-03-045
180-115	PREP	97-05-026	204-91A-060	AMD-S	97-04-053	220-52-07300M	NEW-E	97-03-045
182-08-160	AMD-E	97-06-071	204-91A-060	AMD-E	97-04-056	220-52-07300M	REP-E	97-03-101
182-08-175	AMD-E	97-06-071	294-91A-060	AMD	97-08-021	220-52-07300N	NEW-E	97-03-101
182-12-117	AMD-E	97-06-070	204-91A-140	AMD-S	97-04-053	220-52-07300N	REP-E	97-04-011
182-25-010	AMD-P	97-08-067	204-91A-140	AMD-E	97-04-056	220-52-07300P	NEW-E	97-04-011
182-25-020	AMD-P	97-08-067	294-91A-140	AMD	97-08-021	220-52-07300P	REP-E	97-04-049
182-25-030	AMD-E	97-06-069	204-95-030	NEW	97-03-127	220-52-07300Q	NEW-E	97-04-049
182-25-030	AMD-P	97-08-067	204-95-080	NEW	97-03-127	220-52-07300Q	REP-E	97-05-025
182-25-040	AMD-E	97-06-069	208-440-030	AMD-W	97-03-074	220-52-07300R	NEW-E	97-05-025
182-25-040	AMD-P	97-08-067	208-630-020	AMD-P	97-06-092	220-52-075	AMD	97-08-052
182-25-090	AMD-E	97-06-069	208-630-020	AMD	97-09-035	220-56	AMD-C	97-05-075
182-25-090	AMD-P	97-08-067	208-630-021	NEW-P	97-06-092	220-56-100	AMD	97-07-078

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-56-103	AMD	97-07-078	220-72-034	REP	97-08-078	230-02-520	AMD	97-09-073
220-56-105	AMD	97-07-078	220-72-037	REP	97-08-078	230-04-138	AMD-P	97-03-093
220-56-115	AMD-W	97-10-075	220-72-040	REP	97-08-078	230-04-138	AMD	97-09-073
220-56-128	AMD	97-07-078	220-72-043	REP	97-08-078	230-04-190	AMD-P	97-09-076
220-56-12800A	NEW-E	97-10-043	220-72-046	REP	97-08-078	230-04-202	AMD-P	97-09-077
220-56-180	AMD	97-07-078	220-72-049	REP	97-08-078	230-04-203	AMD-P	97-09-077
220-56-19100V	NEW-E	97-09-068	220-72-052	REP	97-08-078	230-04-260	AMD-P	97-09-076
220-56-19500B	NEW-E	97-09-068	220-72-055	REP	97-08-078	230-08-017	AMD-P	97-09-077
220-56-205	AMD	97-07-078	220-72-058	REP	97-08-078	230-08-040	AMD-P	97-09-077
220-56-225	AMD-C	97-07-052	220-72-061	REP	97-08-078	230-08-060	AMD-P	97-03-093
220-56-225	AMD	97-09-066	220-72-064	REP	97-08-078	230-08-060	AMD	97-09-073
220-56-235	AMD	97-07-078	220-72-067	REP	97-08-078	230-08-270	NEW-P	97-09-077
220-56-240	AMD	97-08-017	220-72-070	AMD	97-08-078	230-12-215	AMD-W	97-08-071
220-56-24000F	REP-E	97-03-001	220-72-073	AMD	97-08-078	230-12-230	AMD-P	97-03-093
220-56-24000G	NEW-E	97-03-001	220-72-076	AMD	97-08-078	230-12-230	AMD	97-09-073
220-56-255	AMD	97-07-078	220-72-082	REP	97-08-078	230-12-230	AMD-P	97-09-074
220-56-27000A	NEW-E	97-06-035	220-72-085	AMD	97-08-078	230-12-315	NEW-P	97-09-077
220-56-28500I	NEW-E	97-06-036	220-72-088	REP	97-08-078	230-20-060	AMD-P	97-09-076
220-56-28500I	REP-E	97-06-036	220-72-091	REP	97-08-078	230-20-062	AMD-P	97-09-076
220-56-28500J	NEW-E	97-09-001	220-72-094	REP	97-08-078	230-20-070	AMD-P	97-05-060
220-56-28500K	NEW-E	97-10-063	220-77-020	AMD	97-08-078	230-20-115	AMD-P	97-03-092
220-56-305	AMD	97-08-018	220-77-040	AMD	97-08-078	230-20-115	AMD	97-09-072
220-56-305	AMD-W	97-10-075	220-77-065	NEW	97-08-078	230-20-240	AMD	97-05-056
220-56-310	AMD	97-07-078	220-88A-070	AMD	97-08-052	230-20-242	AMD-P	97-09-076
220-56-31000N	REP-E	97-05-011	220-88A-07000J	NEW-E	97-09-044	230-20-247	AMD	97-05-061
220-56-31000P	NEW-E	97-05-011	220-88A-07000J	REP-E	97-09-067	230-20-600	AMD-P	97-03-093
220-56-31000P	REP-E	97-10-065	220-88A-07000K	NEW-E	97-09-067	230-20-600	AMD	97-09-073
220-56-315	AMD-W	97-10-075	220-88A-07000K	REP-E	97-10-044	230-20-630	AMD-P	97-03-093
220-56-320	AMD	97-07-078	220-88A-07000L	NEW-E	97-10-044	230-20-630	AMD	97-09-073
220-56-325	AMD	97-07-078	220-88A-07000L	REP-E	97-10-081	230-20-685	AMD-P	97-03-093
220-56-32500L	NEW-E	97-09-033	220-88A-07000M	NEW-E	97-10-081	230-20-700	AMD-P	97-03-093
220-56-32500M	NEW-E	97-10-070	220-88A-080	AMD	97-08-052	230-30-015	REP-P	97-09-075
220-56-330	AMD	97-07-078	220-88A-08000J	NEW-E	97-09-044	230-30-016	REP-P	97-09-075
220-56-336	NEW	97-07-078	220-95-013	AMD-W	97-03-075	230-30-018	REP-P	97-09-075
220-56-350	AMD	97-07-078	220-95-018	AMD-W	97-03-075	230-30-025	AMD-P	97-05-057
220-56-355	AMD	97-07-078	220-95-022	AMD-W	97-03-075	230-30-025	AMD-E	97-05-062
220-56-36000T	NEW-E	97-04-045	220-95-032	AMD-W	97-03-075	230-30-030	AMD-P	97-09-077
220-56-36000T	REP-E	97-04-045	220-110-010	AMD-P	97-07-077	230-30-040	AMD-P	97-09-077
220-56-36000U	NEW-E	97-07-051	220-110-020	AMD-P	97-07-077	230-30-050	AMD-P	97-09-077
220-56-36000U	REP-E	97-07-051	220-110-031	NEW-P	97-07-077	230-30-055	AMD-P	97-09-077
220-56-375	AMD	97-07-078	220-110-035	AMD-P	97-07-077	230-30-060	REP-P	97-09-075
220-56-380	AMD	97-07-078	220-110-331	NEW-P	97-07-077	230-30-065	REP-P	97-09-075
220-57	AMD-C	97-05-075	220-110-332	NEW-P	97-07-077	230-30-070	AMD-P	97-09-077
220-57-14000R	NEW-E	97-09-068	220-110-333	NEW-P	97-07-077	230-30-072	AMD-P	97-09-077
220-57-15500B	NEW-E	97-09-068	220-110-334	NEW-P	97-07-077	230-30-075	REP-P	97-09-075
220-57-160	AMD	97-07-078	220-110-335	NEW-P	97-07-077	230-30-080	AMD-P	97-09-077
220-57-16000H	NEW-E	97-06-036	220-110-336	NEW-P	97-07-077	230-30-100	REP-P	97-09-075
220-57-16000I	NEW-E	97-09-008	220-110-337	NEW-P	97-07-077	230-30-102	AMD-P	97-09-077
220-57-17500G	NEW-E	97-06-036	220-110-338	NEW-P	97-07-077	230-30-103	AMD-P	97-09-077
220-57-27000C	NEW-E	97-09-068	220-130-020	AMD-W	97-09-040	230-30-104	AMD-P	97-09-077
220-57-29000U	NEW-E	97-09-008	220-130-070	AMD-W	97-09-040	230-30-105	REP-P	97-09-075
220-57-31000U	NEW-E	97-06-036	220-140-010	AMD-W	97-09-040	230-30-106	AMD-P	97-09-077
220-57-31500C	NEW-E	97-08-048	220-140-040	NEW-W	97-09-040	230-30-110	REP-P	97-09-075
220-57-31500C	REP-E	97-09-001	222-10-042	NEW-S	97-08-077	230-30-130	REP-P	97-09-075
220-57-31500D	NEW-E	97-09-001	222-12-090	AMD-E	97-07-054	230-30-210	AMD-P	97-09-077
220-57-31900M	NEW-E	97-09-008	222-12-090	AMD-S	97-08-077	230-30-215	REP-P	97-09-075
220-57-32100B	NEW-E	97-08-048	222-16-010	AMD-S	97-08-077	230-30-300	AMD-P	97-09-077
220-57-37700A	NEW-E	97-09-068	222-16-010	AMD-E	97-10-005	230-50-005	NEW	97-03-095
220-57-38500Z	NEW-E	97-09-068	222-16-030	PREP	97-05-033	230-50-010	AMD-P	97-09-076
220-57-46000D	NEW-E	97-09-068	222-16-030	AMD-E	97-07-054	230-50-012	AMD-P	97-09-076
220-57-50500Z	NEW-E	97-08-048	222-16-080	AMD-S	97-08-077	232-12	AMD-C	97-05-075
220-57-51500M	NEW-E	97-08-048	222-16-080	AMD-E	97-10-005	232-12-001	AMD	97-07-076
220-69-240	AMD	97-08-052	222-16-081	NEW-W	97-09-041	232-12-011	AMD-P	97-06-115
220-72-002	AMD	97-08-078	222-16-087	NEW-S	97-08-077	232-12-018	AMD	97-07-076
220-72-011	NEW	97-08-078	222-24-030	AMD-S	97-08-077	232-12-019	AMD-W	97-10-074
220-72-013	REP	97-08-078	222-30-050	AMD-S	97-08-077	232-12-024	AMD-W	97-06-084
220-72-015	NEW	97-08-078	222-30-060	AMD-S	97-08-077	232-12-147	AMD-W	97-10-074
220-72-016	REP	97-08-078	222-30-065	AMD-S	97-08-077	232-12-619	AMD	97-07-076
220-72-019	REP	97-08-078	222-30-070	AMD-S	97-08-077	232-28	AMD-C	97-05-075
220-72-022	REP	97-08-078	222-30-100	AMD-S	97-08-077	232-28-02201	AMD	97-06-050
220-72-025	REP	97-08-078	230-02-020	AMD	97-03-094	232-28-02202	AMD	97-06-049
220-72-028	REP	97-08-078	230-02-126	AMD-W	97-08-071	232-28-02203	AMD	97-06-048
220-72-031	REP	97-08-078	230-02-520	AMD-P	97-03-093	232-28-02204	AMD	97-06-044

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232-28-02205	AMD	97-06-043	242-02-550	AMD	97-04-008	246-321-045	REP	97-03-080
232-28-02206	AMD	97-06-041	242-02-554	REP	97-04-008	246-321-050	REP	97-03-080
232-28-02210	AMD	97-06-042	242-02-560	AMD	97-04-008	246-321-055	REP	97-03-080
232-28-02220	AMD	97-06-059	242-02-570	AMD	97-04-008	246-321-990	REP	97-03-080
232-28-02230	AMD	97-06-061	242-02-634	AMD-W	97-04-009	246-828-015	NEW	97-04-042
232-28-02240	AMD	97-06-060	242-02-650	AMD	97-04-008	246-828-990	AMD	97-04-043
232-28-02250	AMD	97-06-058	242-02-660	AMD	97-04-008	246-838	PREP-W	97-03-066
232-28-02260	AMD	97-06-057	242-02-670	AMD	97-04-008	246-838	PREP-W	97-03-067
232-28-02270	AMD	97-06-056	242-02-710	AMD	97-04-008	246-838-010	REP-P	97-07-074
232-28-02280	AMD-W	97-06-084	242-02-820	REP	97-04-008	246-838-020	REP-P	97-07-074
232-28-02290	AMD	97-06-055	242-02-830	AMD	97-04-008	246-838-026	REP-P	97-07-074
232-28-02290	AMD-P	97-06-127	242-02-832	NEW	97-04-008	246-838-030	REP-P	97-07-074
232-28-240	AMD	97-06-047	242-02-834	NEW	97-04-008	246-838-040	REP-P	97-07-074
232-28-240	AMD-P	97-06-116	242-02-840	REP	97-04-008	246-838-050	REP-P	97-07-074
232-28-242	AMD	97-06-053	242-02-850	REP	97-04-008	246-838-060	REP-P	97-07-074
232-28-242	AMD-P	97-06-117	242-02-860	REP	97-04-008	246-838-070	REP-P	97-07-074
232-28-248	AMD	97-06-052	242-02-870	REP	97-04-008	246-838-080	REP-P	97-07-074
232-28-249	AMD	97-06-051	242-02-880	AMD	97-04-008	246-838-090	REP-P	97-07-074
232-28-252	AMD-P	97-06-118	242-02-890	AMD-W	97-04-009	246-838-100	REP-P	97-07-074
232-28-253	AMD-P	97-06-119	242-02-892	AMD	97-04-008	246-838-110	REP-P	97-07-074
232-28-254	AMD-P	97-06-120	242-04-050	AMD	97-04-008	246-838-120	REP-P	97-07-074
232-28-260	AMD	97-06-038	246-08-400	AMD-P	97-09-092	246-838-121	REP-P	97-07-074
232-28-260	AMD-P	97-06-121	246-10-102	AMD-P	97-08-092	246-838-130	REP-P	97-07-074
232-28-262	AMD	97-06-039	246-10-108	AMD-P	97-08-092	246-838-250	REP-P	97-07-074
232-28-263	AMD	97-06-037	246-10-109	AMD-P	97-08-092	246-838-260	REP-P	97-07-074
232-28-264	NEW	97-06-045	246-10-121	AMD-P	97-08-092	246-838-270	REP-P	97-07-074
232-28-265	NEW	97-06-046	246-10-122	AMD-P	97-08-092	246-838-280	REP-P	97-07-074
232-28-265	AMD-P	97-06-122	246-10-203	AMD-P	97-08-092	246-838-290	REP-P	97-07-074
232-28-266	NEW	97-05-074	246-10-205	AMD-P	97-08-092	246-838-300	REP-P	97-07-074
232-28-267	NEW-P	97-06-123	246-10-401	AMD-P	97-08-092	246-838-310	REP-P	97-07-074
232-28-268	NEW-P	97-06-124	246-10-403	AMD-P	97-08-092	246-838-330	REP-P	97-07-074
232-28-269	NEW-P	97-06-125	246-10-605	AMD-P	97-08-092	246-838-340	REP-P	97-07-074
232-28-270	NEW-P	97-06-126	246-10-608	AMD-P	97-08-092	246-838-350	REP-P	97-07-074
232-28-619	AMD	97-07-076	246-10-701	AMD-P	97-08-092	246-838-360	REP-P	97-07-074
232-28-61900A	REP-E	97-04-001	246-10-704	AMD-P	97-08-092	246-839	PREP-W	97-03-066
232-28-61900B	NEW-E	97-03-039	246-10-707	AMD-P	97-08-092	246-839	PREP-W	97-03-067
232-28-61900C	NEW-E	97-03-099	246-11-010	AMD-P	97-08-092	246-839-010	REP-P	97-07-074
232-28-61900C	REP-E	97-03-099	246-11-070	AMD-P	97-08-092	246-839-020	REP-P	97-07-074
232-28-61900D	NEW-E	97-03-100	246-11-080	AMD-P	97-08-092	246-839-030	REP-P	97-08-093
232-28-61900D	REP-E	97-03-100	246-11-200	AMD-P	97-08-092	246-839-040	REP-P	97-07-074
232-28-61900E	NEW-E	97-04-001	246-11-210	AMD-P	97-08-092	246-839-050	REP-P	97-07-074
232-28-61900F	NEW-E	97-06-034	246-11-270	AMD-P	97-08-092	246-839-060	REP-P	97-07-074
232-28-61900F	REP-E	97-06-034	246-11-290	AMD-P	97-08-092	246-839-070	REP-P	97-07-074
232-28-61900G	NEW-E	97-07-056	246-11-380	AMD-P	97-08-092	246-839-080	REP-P	97-07-074
232-28-61900G	REP-E	97-07-056	246-11-510	AMD-P	97-08-092	246-839-090	REP-P	97-07-074
232-28-61900H	NEW-E	97-08-047	246-11-540	AMD-P	97-08-092	246-839-100	REP-P	97-07-074
232-28-61900H	REP-E	97-08-047	246-11-550	AMD-P	97-08-092	246-839-105	REP-P	97-07-074
232-28-61900I	NEW-E	97-09-068	246-11-580	AMD-P	97-08-092	246-839-110	REP-P	97-07-074
232-28-61900J	NEW-E	97-10-043	246-11-610	AMD-P	97-08-092	246-839-115	REP-P	97-07-074
236-48-198	AMD	97-04-025	246-100-011	AMD-P	97-06-110	246-839-120	REP-P	97-07-074
242-02-010	AMD	97-04-008	246-100-036	AMD-P	97-06-110	246-839-130	REP-P	97-07-074
242-02-030	AMD	97-04-008	246-100-072	AMD-P	97-06-110	246-839-300	REP-P	97-07-074
242-02-040	AMD	97-04-008	246-100-206	AMD-P	97-06-110	246-839-305	REP-P	97-07-074
242-02-060	AMD	97-04-008	246-100-207	AMD	97-04-041	246-839-310	REP-P	97-07-074
242-02-070	AMD	97-04-008	246-100-209	AMD-P	97-06-110	246-839-315	REP-P	97-07-074
242-02-074	AMD	97-04-008	246-232-060	AMD-P	97-03-126	246-839-320	REP-P	97-07-074
242-02-110	AMD	97-04-008	246-232-060	AMD	97-08-095	246-839-330	REP-P	97-07-074
242-02-130	AMD	97-04-008	246-235-075	AMD-P	97-03-126	246-839-340	REP-P	97-07-074
242-02-210	AMD	97-04-008	246-235-075	AMD	97-08-095	246-839-345	REP-P	97-07-074
242-02-220	AMD	97-04-008	246-282-990	AMD-P	97-08-025	246-839-350	REP-P	97-07-074
242-02-240	AMD-W	97-04-009	246-290-990	AMD-P	97-07-073	246-839-360	REP-P	97-07-074
242-02-250	AMD	97-04-008	246-321-001	REP	97-03-080	246-839-365	REP-P	97-07-074
242-02-260	AMD	97-04-008	246-321-010	REP	97-03-080	246-839-370	REP-P	97-07-074
242-02-270	AMD	97-04-008	246-321-012	REP	97-03-080	246-839-400	REP-P	97-07-074
242-02-310	AMD	97-04-008	246-321-014	REP	97-03-080	246-839-410	REP-P	97-07-074
242-02-510	AMD	97-04-008	246-321-015	REP	97-03-080	246-839-420	REP-P	97-07-074
242-02-520	AMD	97-04-008	246-321-017	REP	97-03-080	246-839-430	REP-P	97-07-074
242-02-52001	NEW	97-04-008	246-321-018	REP	97-03-080	246-839-440	REP-P	97-07-074
242-02-52002	NEW	97-04-008	246-321-020	REP	97-03-080	246-839-450	REP-P	97-07-074
242-02-521	AMD	97-04-008	246-321-025	REP	97-03-080	246-839-700	REP-P	97-07-074
242-02-522	AMD	97-04-008	246-321-030	REP	97-03-080	246-839-710	REP-P	97-07-074
242-02-532	AMD	97-04-008	246-321-035	REP	97-03-080	246-839-720	REP-P	97-07-074
242-02-533	AMD	97-04-008	246-321-040	REP	97-03-080	246-839-730	REP-P	97-07-074

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
260-32	PREP	97-04-059	284-51-050	PREP	97-04-074	296-11-380	DECOD	97-08-042
260-48	PREP	97-04-058	286-13-040	PREP	97-08-079	296-11-390	DECOD	97-08-042
262-01-030	PREP	97-06-112	286-13-045	AMD-P	97-04-006	296-11-400	DECOD	97-08-042
262-01-030	AMD-P	97-09-091	286-13-045	AMD	97-08-003	296-11-410	DECOD	97-08-042
262-01-030	AMD-W	97-10-060	286-13-085	AMD-P	97-04-006	296-11-420	DECOD	97-08-042
262-02-020	PREP	97-06-112	286-13-085	AMD	97-08-003	296-11-430	DECOD	97-08-042
262-02-020	AMD-P	97-09-090	286-13-110	AMD-P	97-04-006	296-11-440	DECOD	97-08-042
262-02-020	AMD-W	97-10-060	286-13-110	AMD	97-08-003	296-11-450	DECOD	97-08-042
262-02-030	PREP	97-06-112	286-13-110	PREP	97-08-079	296-11-460	DECOD	97-08-042
262-02-030	AMD-P	97-09-090	286-13-115	PREP	97-08-079	296-11-470	DECOD	97-08-042
262-02-030	AMD-W	97-10-060	286-26-080	AMD-P	97-03-006	296-11-480	DECOD	97-08-042
262-03	PREP	97-07-068	286-26-080	AMD	97-08-003	296-11-490	DECOD	97-08-042
275-27-023	AMD-E	97-03-033	286-27-040	AMD-P	97-03-006	296-11-500	DECOD	97-08-042
275-27-023	AMD-P	97-08-007	286-27-040	AMD	97-08-003	296-11-510	DECOD	97-08-042
275-27-220	AMD-E	97-03-033	286-27-050	REP-P	97-03-006	296-11-520	DECOD	97-08-042
275-27-220	AMD-P	97-08-007	286-27-050	REP	97-08-003	296-11-530	DECOD	97-08-042
275-27-221	REP-E	97-03-033	286-35-030	AMD-P	97-03-006	296-11-540	DECOD	97-08-042
275-27-221	REP-P	97-08-007	286-35-030	AMD	97-08-003	296-11-550	DECOD	97-08-042
275-27-222	NEW-P	97-08-007	286-35-040	REP-P	97-03-006	296-11-560	DECOD	97-08-042
275-27-223	AMD-E	97-03-033	286-35-040	REP	97-08-003	296-11-570	DECOD	97-08-042
275-27-223	AMD-P	97-08-007	286-40-020	AMD-P	97-03-006	296-11-580	DECOD	97-08-042
275-27-400	AMD-E	97-03-033	286-40-020	AMD	97-08-003	296-11-590	DECOD	97-08-042
275-27-400	AMD-P	97-08-007	292-09-010	AMD-P	97-05-022	296-17-45003	AMD	97-06-007
284-04	NEW-C	97-03-023	292-11-010	NEW-S	97-05-023	296-17-45003	AMD-E	97-08-043
284-04	NEW-C	97-03-120	292-11-020	NEW-S	97-05-023	296-17-45003	AMD-P	97-08-051
284-04	NEW-C	97-08-091	292-11-030	NEW-W	97-09-057	296-17-45006	NEW	97-06-007
284-04	NEW-W	97-10-072	292-120-010	NEW-P	97-03-133	296-17-45006	AMD-E	97-08-043
284-13-505	NEW	97-05-012	292-120-010	NEW	97-07-058	296-17-45006	AMD-P	97-08-051
284-13-515	NEW	97-05-012	292-120-020	NEW-P	97-03-133	296-17-52107	REP	97-06-007
284-13-520	AMD	97-05-012	292-120-020	NEW	97-07-058	296-17-52112	REP	97-06-007
284-13-530	NEW	97-05-012	292-120-030	NEW-P	97-03-133	296-17-52114	NEW	97-06-007
284-13-535	NEW	97-05-012	292-120-030	NEW	97-07-058	296-17-52114	REP-E	97-08-043
284-13-540	AMD	97-05-012	292-120-040	NEW-P	97-03-133	296-17-52114	REP-P	97-08-051
284-13-550	AMD	97-05-012	292-120-040	NEW	97-07-058	296-17-52115	NEW	97-06-007
284-13-560	AMD	97-05-012	296-11-001	DECOD	97-08-042	296-17-52115	REP-E	97-08-043
284-13-570	AMD	97-05-012	296-11-003	DECOD	97-08-042	296-17-52115	REP-P	97-08-051
284-13-590	AMD	97-05-012	296-11-010	DECOD	97-08-042	296-17-52116	NEW	97-06-007
284-13-595	NEW	97-05-012	296-11-020	DECOD	97-08-042	296-17-52117	NEW	97-06-007
284-30-395	NEW-S	97-03-090	296-11-030	DECOD	97-08-042	296-17-52117	REP-E	97-08-043
284-30-395	NEW-C	97-08-045	296-11-040	DECOD	97-08-042	296-17-52117	REP-P	97-08-051
284-43-110	NEW-W	97-08-044	296-11-050	DECOD	97-08-042	296-17-52118	NEW-E	97-08-043
284-43-120	NEW-W	97-08-044	296-11-060	DECOD	97-08-042	296-17-52118	NEW-P	97-08-051
284-43-130	NEW-W	97-08-044	296-11-070	DECOD	97-08-042	296-17-52119	NEW-E	97-08-043
284-43-200	NEW-W	97-08-044	296-11-080	DECOD	97-08-042	296-17-52119	NEW-P	97-08-051
284-43-210	NEW-W	97-08-044	296-11-090	DECOD	97-08-042	296-17-52120	NEW-E	97-08-043
284-43-300	NEW-W	97-08-044	296-11-100	DECOD	97-08-042	296-17-52120	NEW-P	97-08-051
284-43-310	NEW-W	97-08-044	296-11-110	DECOD	97-08-042	296-17-52121	NEW-E	97-08-043
284-43-320	NEW-W	97-08-044	296-11-120	DECOD	97-08-042	296-17-52121	NEW-P	97-08-051
284-43-330	NEW-W	97-08-044	296-11-130	DECOD	97-08-042	296-17-52122	NEW-E	97-08-043
284-43-340	NEW-W	97-08-044	296-11-140	DECOD	97-08-042	296-17-52122	NEW-P	97-08-051
284-43-350	NEW-W	97-08-044	296-11-150	DECOD	97-08-042	296-17-52123	NEW-E	97-08-043
284-43-360	NEW-W	97-08-044	296-11-160	DECOD	97-08-042	296-17-52123	NEW-P	97-08-051
284-43-400	NEW-W	97-08-044	296-11-170	DECOD	97-08-042	296-17-52124	NEW-E	97-08-043
284-43-410	NEW-W	97-08-044	296-11-180	DECOD	97-08-042	296-17-52124	NEW-P	97-08-051
284-43-420	NEW-W	97-08-044	296-11-190	DECOD	97-08-042	296-17-52125	NEW-E	97-08-043
284-43-500	NEW-W	97-08-044	296-11-200	DECOD	97-08-042	296-17-52125	NEW-P	97-08-051
284-43-510	NEW-W	97-08-044	296-11-210	DECOD	97-08-042	296-17-52126	NEW-E	97-08-043
284-43-520	NEW-W	97-08-044	296-11-220	DECOD	97-08-042	296-17-52126	NEW-P	97-08-051
284-43-530	NEW-W	97-08-044	296-11-230	DECOD	97-08-042	296-17-89502	NEW	97-06-007
284-43-540	NEW-W	97-08-044	296-11-240	DECOD	97-08-042	296-17-89502	AMD-E	97-08-043
284-43-550	NEW-W	97-08-044	296-11-250	DECOD	97-08-042	296-17-89502	AMD-P	97-08-051
284-43-560	NEW-W	97-08-044	296-11-260	DECOD	97-08-042	296-20	PREP	97-02-096
284-43-600	NEW-W	97-08-044	296-11-270	DECOD	97-08-042	296-20-125	PREP	97-02-097
284-43-610	NEW-W	97-08-044	296-11-280	DECOD	97-08-042	296-20-135	PREP	97-02-097
284-43-620	NEW-W	97-08-044	296-11-290	DECOD	97-08-042	296-20-135	AMD-P	97-05-076
284-43-630	NEW-W	97-08-044	296-11-300	DECOD	97-08-042	296-20-135	AMD	97-10-017
284-43-640	NEW-W	97-08-044	296-11-310	DECOD	97-08-042	296-20-200	AMD	97-09-036
284-43-650	NEW-W	97-08-044	296-11-320	DECOD	97-08-042	296-20-210	AMD	97-09-036
284-43-700	NEW-C	97-05-006	296-11-330	DECOD	97-08-042	296-20-220	AMD	97-09-036
284-43-700	NEW-C	97-08-046	296-11-340	DECOD	97-08-042	296-23	PREP	97-02-096
284-44-240	REP-W	97-08-044	296-11-350	DECOD	97-08-042	296-23-220	PREP	97-02-097
284-44-410	REP-W	97-08-044	296-11-360	DECOD	97-08-042	296-23-220	AMD-P	97-05-076
284-46-575	REP-W	97-08-044	296-11-370	DECOD	97-08-042	296-23-220	AMD	97-10-017

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-23-230	PREP	97-02-097	296-23A-185	REP	97-06-066	296-62-075	AMD-P	97-09-079
296-23-230	AMD-P	97-05-076	296-23A-190	REP	97-06-066	296-62-07501	AMD-P	97-09-079
296-23-230	AMD	97-10-017	296-23A-200	REP	97-06-066	296-62-07510	AMD-P	97-09-079
296-23-265	AMD	97-09-036	296-23A-205	REP	97-06-066	296-62-07515	AMD-P	97-09-079
296-23-26501	NEW	97-09-036	296-23A-210	REP	97-06-066	296-62-07711	AMD-P	97-09-079
296-23-26502	NEW	97-09-036	296-23A-215	REP	97-06-066	296-62-07712	AMD-P	97-09-079
296-23-26503	NEW	97-09-036	296-23A-220	REP	97-06-066	296-62-07715	AMD-P	97-09-079
296-23-26504	NEW	97-09-036	296-23A-225	REP	97-06-066	296-62-07717	AMD-P	97-09-079
296-23-26505	NEW	97-09-036	296-23A-230	REP	97-06-066	296-62-07721	AMD-P	97-09-079
296-23-26506	NEW	97-09-036	296-23A-235	REP	97-06-066	296-62-07725	AMD-P	97-09-079
296-23-267	NEW	97-09-036	296-23A-300	REP	97-06-066	296-62-07728	AMD-P	97-09-079
296-23A	PREP	97-02-097	296-23A-310	REP	97-06-066	296-62-07761	REP-P	97-09-079
296-23A-0100	NEW	97-06-066	296-23A-315	REP	97-06-066	296-65-001	AMD-P	97-09-079
296-23A-0110	NEW	97-06-066	296-23A-320	REP	97-06-066	296-65-030	AMD-P	97-09-079
296-23A-0120	NEW	97-06-066	296-23A-400	REP	97-06-066	296-86-020	AMD-P	97-03-132
296-23A-0130	NEW	97-06-066	296-23A-430	REP	97-06-066	296-86-030	AMD-P	97-03-132
296-23A-0140	NEW	97-06-066	296-24-07801	AMD-P	97-03-085	296-86-050	AMD-P	97-03-132
296-23A-0150	NEW	97-06-066	296-24-084	AMD-P	97-03-085	296-86-060	AMD-P	97-03-132
296-23A-0160	NEW	97-06-066	296-24-088	AMD-P	97-03-085	296-86-070	AMD-P	97-03-132
296-23A-0170	NEW	97-06-066	296-27-15503	AMD-P	97-03-085	296-86-075	AMD-P	97-03-132
296-23A-0180	NEW	97-06-066	296-46	PREP	97-02-095	296-86-080	AMD-P	97-03-132
296-23A-0190	NEW	97-06-066	296-46-090	AMD-P	97-03-083	296-86-090	NEW-P	97-03-132
296-23A-0195	NEW	97-06-066	296-46-130	AMD-P	97-03-083	296-93-300	AMD-P	97-03-132
296-23A-0200	NEW	97-06-066	296-46-140	AMD-P	97-03-083	296-93-320	REP-P	97-03-132
296-23A-0210	NEW	97-06-066	296-46-150	REP-P	97-03-083	296-93-330	AMD-P	97-03-132
296-23A-0220	NEW	97-06-066	296-46-21008	AMD-P	97-03-083	296-99-010	AMD-P	97-09-079
296-23A-0230	NEW	97-06-066	296-46-21052	AMD-P	97-03-083	296-99-015	AMD-P	97-09-079
296-23A-0240	NEW	97-06-066	296-46-225	AMD-P	97-03-083	296-99-020	AMD-P	97-09-079
296-23A-0250	NEW	97-06-066	296-46-23028	AMD-P	97-03-083	296-99-025	AMD-P	97-09-079
296-23A-0300	NEW	97-06-066	296-46-23062	AMD-P	97-03-083	296-99-030	AMD-P	97-09-079
296-23A-0310	NEW	97-06-066	296-46-30001	AMD-P	97-03-083	296-99-035	AMD-P	97-09-079
296-23A-0350	NEW	97-06-066	296-46-360	AMD-P	97-03-083	296-99-040	AMD-P	97-09-079
296-23A-0360	NEW	97-06-066	296-46-370	AMD-P	97-03-083	296-99-045	AMD-P	97-09-079
296-23A-0400	NEW	97-06-066	296-46-514	AMD-P	97-03-083	296-99-050	AMD-P	97-09-079
296-23A-0410	NEW	97-06-066	296-46-553	NEW-P	97-03-083	296-99-055	AMD-P	97-09-079
296-23A-0420	NEW	97-06-066	296-46-700	AMD-P	97-03-083	296-99-060	AMD-P	97-09-079
296-23A-0430	NEW	97-06-066	296-46-725	AMD-P	97-03-083	296-99-065	AMD-P	97-09-079
296-23A-0440	NEW	97-06-066	296-46-910	AMD-P	97-03-083	296-99-070	AMD-P	97-09-079
296-23A-0450	NEW	97-06-066	296-46-910	AMD-E	97-10-064	296-99-075	AMD-P	97-09-079
296-23A-0460	NEW	97-06-066	296-46-915	AMD-P	97-03-083	296-99-080	AMD-P	97-09-079
296-23A-0470	NEW	97-06-066	296-46-920	AMD-P	97-03-083	296-99-085	AMD-P	97-09-079
296-23A-0480	NEW	97-06-066	296-49	PREP	97-03-082	296-99-090	AMD-P	97-09-079
296-23A-0490	NEW	97-06-066	296-49-005	REP-P	97-09-039	296-99-093	AMD-P	97-09-079
296-23A-0500	NEW	97-06-066	296-49-010	REP-P	97-09-039	296-99-095	AMD-P	97-09-079
296-23A-0520	NEW	97-06-066	296-49-015	REP-P	97-09-039	296-116-010	DECOD	97-08-042
296-23A-0530	NEW	97-06-066	296-49-020	REP-P	97-09-039	296-116-020	DECOD	97-08-042
296-23A-0540	NEW	97-06-066	296-49-025	REP-P	97-09-039	296-116-030	DECOD	97-08-042
296-23A-0550	NEW	97-06-066	296-49-030	REP-P	97-09-039	296-116-050	DECOD	97-08-042
296-23A-0560	NEW	97-06-066	296-49-035	REP-P	97-09-039	296-116-060	DECOD	97-08-042
296-23A-0570	NEW	97-06-066	296-49-040	REP-P	97-09-039	296-116-070	AMD	97-06-105
296-23A-0575	NEW	97-06-066	296-49-045	REP-P	97-09-039	296-116-070	DECOD	97-08-042
296-23A-0580	NEW	97-06-066	296-49-050	REP-P	97-09-039	296-116-075	DECOD	97-08-042
296-23A-0600	NEW	97-06-066	296-49-055	REP-P	97-09-039	296-116-080	DECOD	97-08-042
296-23A-0610	NEW	97-06-066	296-49-060	REP-P	97-09-039	296-116-081	DECOD	97-08-042
296-23A-0620	NEW	97-06-066	296-49-065	REP-P	97-09-039	296-116-082	PREP	97-06-102
296-23A-100	REP	97-06-066	296-49A-010	NEW-P	97-09-039	296-116-082	AMD-E	97-08-040
296-23A-105	REP	97-06-066	296-49A-020	NEW-P	97-09-039	296-116-082	DECOD	97-08-042
296-23A-106	REP	97-06-066	296-49A-030	NEW-P	97-09-039	296-116-083	DECOD	97-08-042
296-23A-110	REP	97-06-066	296-49A-040	NEW-P	97-09-039	296-116-085	DECOD	97-08-042
296-23A-115	REP	97-06-066	296-49A-050	NEW-P	97-09-039	296-116-110	DECOD	97-08-042
296-23A-120	REP	97-06-066	296-49A-060	NEW-P	97-09-039	296-116-115	DECOD	97-08-042
296-23A-125	REP	97-06-066	296-49A-070	NEW-P	97-09-039	296-116-120	DECOD	97-08-042
296-23A-130	REP	97-06-066	296-49A-080	NEW-P	97-09-039	296-116-140	DECOD	97-08-042
296-23A-135	REP	97-06-066	296-49A-090	NEW-P	97-09-039	296-116-150	DECOD	97-08-042
296-23A-140	REP	97-06-066	296-49A-100	NEW-P	97-09-039	296-116-170	DECOD	97-08-042
296-23A-145	REP	97-06-066	296-49A-110	NEW-P	97-09-039	296-116-175	DECOD	97-08-042
296-23A-150	REP	97-06-066	296-54	PREP	97-10-071	296-116-185	DECOD	97-08-042
296-23A-155	REP	97-06-066	296-62	PREP	97-05-047	296-116-200	AMD	97-06-106
296-23A-160	REP	97-06-066	296-62	PREP	97-06-101	296-116-200	DECOD	97-08-042
296-23A-165	REP	97-06-066	296-62	PREP	97-09-078	296-116-205	DECOD	97-08-042
296-23A-170	REP	97-06-066	296-62-05413	AMD-P	97-03-085	296-116-2051	DECOD	97-08-042
296-23A-175	REP	97-06-066	296-62-07113	AMD-P	97-09-079	296-116-300	AMD-P	97-08-041
296-23A-180	REP	97-06-066	296-62-07460	NEW-P	97-09-079	296-116-300	DECOD	97-08-042

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-116-315	DECOD	97-08-042	296-150R-0120	AMD-P	97-09-039	296-306A-08018	AMD-P	97-03-131
296-116-35001	DECOD	97-08-042	296-150R-0130	AMD-P	97-09-039	296-306A-08018	AMD	97-08-051A
296-116-360	AMD-P	97-06-103	296-150R-0200	AMD-P	97-09-039	296-306A-08018	DECOD	97-09-013
296-116-360	AMD-E	97-06-104	296-150R-0250	AMD-P	97-09-039	296-306A-08021	DECOD	97-09-013
296-116-360	DECOD	97-08-042	296-150R-0280	AMD-P	97-09-039	296-306A-085	DECOD	97-09-013
296-116-370	DECOD	97-08-042	296-150R-0400	AMD-P	97-09-039	296-306A-090	DECOD	97-09-013
296-116-400	DECOD	97-08-042	296-150R-0640	AMD-P	97-09-039	296-306A-095	DECOD	97-09-013
296-116-410	DECOD	97-08-042	296-150R-0850	AMD-P	97-09-039	296-306A-09503	DECOD	97-09-013
296-116-420	DECOD	97-08-042	296-150R-1000	AMD-P	97-09-039	296-306A-09506	DECOD	97-09-013
296-116-500	DECOD	97-08-042	296-150R-2000	AMD-P	97-09-039	296-306A-09509	DECOD	97-09-013
296-128-013	NEW-W	97-03-073	296-150R-2020	AMD-P	97-09-039	296-306A-09512	DECOD	97-09-013
296-150C-0040	AMD-P	97-09-039	296-150R-3000	AMD-P	97-03-132	296-306A-09515	DECOD	97-09-013
296-150C-0090	NEW-W	97-04-070	296-150R-3000	AMD-P	97-09-039	296-306A-09518	DECOD	97-09-013
296-150C-0100	AMD-P	97-09-039	296-155	PREP	97-10-095	296-306A-100	DECOD	97-09-013
296-150C-1010	NEW-W	97-04-070	296-155-527	AMD-P	97-03-085	296-306A-10005	DECOD	97-09-013
296-150C-3000	AMD-P	97-03-132	296-200	PREP	97-03-081	296-306A-10010	DECOD	97-09-013
296-150F-0040	AMD-P	97-09-039	296-200-025	AMD-P	97-03-132	296-306A-10015	DECOD	97-09-013
296-150F-0100	AMD-P	97-09-039	296-200-050	AMD-P	97-03-132	296-306A-10020	DECOD	97-09-013
296-150F-3000	AMD-P	97-03-132	296-200-900	AMD-P	97-03-132	296-306A-10025	DECOD	97-09-013
296-150M-0040	AMD-P	97-09-039	296-306-060	REP-P	97-03-131	296-306A-107	DECOD	97-09-013
296-150M-0100	AMD-P	97-09-039	296-306-060	REP-E	97-06-040	296-306A-110	DECOD	97-09-013
296-150M-3000	AMD-P	97-03-132	296-306-060	REP	97-08-051A	296-306A-11005	DECOD	97-09-013
296-150P-0010	NEW-P	97-09-039	296-306-330	REP-P	97-03-131	296-306A-11010	DECOD	97-09-013
296-150P-0020	NEW-P	97-09-039	296-306-330	REP-E	97-06-040	296-306A-11015	DECOD	97-09-013
296-150P-0030	NEW-P	97-09-039	296-306-330	REP	97-08-051A	296-306A-120	DECOD	97-09-013
296-150P-0040	NEW-P	97-09-039	296-306-400	REP-P	97-03-131	296-306A-12005	DECOD	97-09-013
296-150P-0060	NEW-P	97-09-039	296-306-400	REP-E	97-06-040	296-306A-12010	DECOD	97-09-013
296-150P-0100	NEW-P	97-09-039	296-306-400	REP	97-08-051A	296-306A-12015	DECOD	97-09-013
296-150P-0110	NEW-P	97-09-039	296-306-40007	REP-P	97-03-131	296-306A-12020	DECOD	97-09-013
296-150P-0120	NEW-P	97-09-039	296-306-40007	REP-E	97-06-040	296-306A-12025	DECOD	97-09-013
296-150P-0130	NEW-P	97-09-039	296-306-40007	REP	97-08-051A	296-306A-12030	DECOD	97-09-013
296-150P-0200	NEW-P	97-09-039	296-306-40009	REP-P	97-03-131	296-306A-12035	DECOD	97-09-013
296-150P-0210	NEW-P	97-09-039	296-306-40009	REP-E	97-06-040	296-306A-12040	DECOD	97-09-013
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296-150P-0250	NEW-P	97-09-039	296-306A-003	DECOD	97-09-013	296-306A-12050	DECOD	97-09-013
296-150P-0280	NEW-P	97-09-039	296-306A-006	DECOD	97-09-013	296-306A-12055	DECOD	97-09-013
296-150P-0290	NEW-P	97-09-039	296-306A-009	DECOD	97-09-013	296-306A-130	DECOD	97-09-013
296-150P-0300	NEW-P	97-09-039	296-306A-012	DECOD	97-09-013	296-306A-13005	DECOD	97-09-013
296-150P-0310	NEW-P	97-09-039	296-306A-015	DECOD	97-09-013	296-306A-13010	DECOD	97-09-013
296-150P-0320	NEW-P	97-09-039	296-306A-018	DECOD	97-09-013	296-306A-13015	DECOD	97-09-013
296-150P-0330	NEW-P	97-09-039	296-306A-021	DECOD	97-09-013	296-306A-13020	DECOD	97-09-013
296-150P-0340	NEW-P	97-09-039	296-306A-024	DECOD	97-09-013	296-306A-13025	DECOD	97-09-013
296-150P-0350	NEW-P	97-09-039	296-306A-030	DECOD	97-09-013	296-306A-13030	DECOD	97-09-013
296-150P-0400	NEW-P	97-09-039	296-306A-033	DECOD	97-09-013	296-306A-13035	DECOD	97-09-013
296-150P-0410	NEW-P	97-09-039	296-306A-036	DECOD	97-09-013	296-306A-13040	DECOD	97-09-013
296-150P-0420	NEW-P	97-09-039	296-306A-039	DECOD	97-09-013	296-306A-13045	DECOD	97-09-013
296-150P-0440	NEW-P	97-09-039	296-306A-042	DECOD	97-09-013	296-306A-13050	DECOD	97-09-013
296-150P-0450	NEW-P	97-09-039	296-306A-045	DECOD	97-09-013	296-306A-13055	DECOD	97-09-013
296-150P-0600	NEW-P	97-09-039	296-306A-050	DECOD	97-09-013	296-306A-145	DECOD	97-09-013
296-150P-0610	NEW-P	97-09-039	296-306A-055	DECOD	97-09-013	296-306A-14505	DECOD	97-09-013
296-150P-0620	NEW-P	97-09-039	296-306A-05501	DECOD	97-09-013	296-306A-14510	DECOD	97-09-013
296-150P-0630	NEW-P	97-09-039	296-306A-05503	DECOD	97-09-013	296-306A-14520	DECOD	97-09-013
296-150P-0640	NEW-P	97-09-039	296-306A-05505	DECOD	97-09-013	296-306A-150	DECOD	97-09-013
296-150P-0700	NEW-P	97-09-039	296-306A-05507	DECOD	97-09-013	296-306A-15003	DECOD	97-09-013
296-150P-0710	NEW-P	97-09-039	296-306A-060	DECOD	97-09-013	296-306A-15006	DECOD	97-09-013
296-150P-0720	NEW-P	97-09-039	296-306A-061	DECOD	97-09-013	296-306A-15009	DECOD	97-09-013
296-150P-1000	NEW-P	97-09-039	296-306A-065	DECOD	97-09-013	296-306A-15012	DECOD	97-09-013
296-150P-1010	NEW-P	97-09-039	296-306A-070	DECOD	97-09-013	296-306A-160	DECOD	97-09-013
296-150P-1020	NEW-P	97-09-039	296-306A-07001	DECOD	97-09-013	296-306A-16001	DECOD	97-09-013
296-150P-2000	NEW-P	97-09-039	296-306A-07003	DECOD	97-09-013	296-306A-16003	AMD-P	97-03-131
296-150P-2010	NEW-P	97-09-039	296-306A-07005	DECOD	97-09-013	296-306A-16003	AMD-E	97-06-040
296-150P-2020	NEW-P	97-09-039	296-306A-07007	DECOD	97-09-013	296-306A-16003	AMD	97-08-051A
296-150P-2030	NEW-P	97-09-039	296-306A-07009	DECOD	97-09-013	296-306A-16003	DECOD	97-09-013
296-150P-3000	NEW-P	97-09-039	296-306A-07011	DECOD	97-09-013	296-306A-16005	DECOD	97-09-013
296-150R	PREP	97-03-082	296-306A-07013	DECOD	97-09-013	296-306A-16007	DECOD	97-09-013
296-150R-0010	AMD-P	97-09-039	296-306A-073	DECOD	97-09-013	296-306A-16009	DECOD	97-09-013
296-150R-0020	AMD-P	97-09-039	296-306A-076	DECOD	97-09-013	296-306A-16011	DECOD	97-09-013
296-150R-0030	AMD-P	97-09-039	296-306A-080	DECOD	97-09-013	296-306A-16013	AMD-P	97-03-131
296-150R-0040	AMD-P	97-09-039	296-306A-08003	DECOD	97-09-013	296-306A-16013	AMD-E	97-04-048
296-150R-0060	AMD-P	97-09-039	296-306A-08006	DECOD	97-09-013	296-306A-16013	AMD	97-08-051A
296-150R-0100	AMD-P	97-09-039	296-306A-08009	DECOD	97-09-013	296-306A-16013	DECOD	97-09-013
296-150R-0110	AMD-P	97-09-039	296-306A-08012	DECOD	97-09-013	296-306A-16015	DECOD	97-09-013
			296-306A-08015	DECOD	97-09-013	296-306A-16017	DECOD	97-09-013

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-50003	RECOD	97-09-013	296-400A-110	NEW-P	97-03-084	308-30-180	NEW	97-10-052
296-307-50005	RECOD	97-09-013	296-400A-120	NEW-P	97-03-084	308-30-190	NEW-P	97-07-029
296-307-50007	RECOD	97-09-013	296-400A-121	NEW-P	97-03-084	308-30-190	NEW	97-10-052
296-307-50009	RECOD	97-09-013	296-400A-130	NEW-P	97-03-084	308-32-100	NEW-P	97-07-027
296-307-50011	RECOD	97-09-013	296-400A-140	NEW-P	97-03-084	308-32-100	NEW	97-10-050
296-307-50013	RECOD	97-09-013	296-400A-300	NEW-P	97-03-084	308-32-110	NEW-P	97-07-027
296-307-50015	RECOD	97-09-013	296-400A-400	NEW-P	97-03-084	308-32-110	NEW	97-10-050
296-307-50017	RECOD	97-09-013	296-400A-425	NEW-P	97-03-084	308-32-120	NEW-P	97-07-027
296-307-50019	RECOD	97-09-013	296-401	PREP	97-02-095	308-32-120	NEW	97-10-050
296-307-50021	RECOD	97-09-013	296-401-080	AMD-P	97-03-083	308-33-110	NEW-P	97-07-030
296-307-50023	RECOD	97-09-013	296-401-090	AMD-P	97-03-083	308-33-110	NEW	97-10-054
296-307-50025	RECOD	97-09-013	296-401-100	AMD-P	97-03-083	308-33-120	NEW-P	97-07-030
296-307-50027	RECOD	97-09-013	296-401-120	AMD-P	97-03-083	308-33-120	NEW	97-10-054
296-307-50029	RECOD	97-09-013	296-401-165	AMD-P	97-03-083	308-33-130	NEW-P	97-07-030
296-307-520	RECOD	97-09-013	296-401-175	AMD-P	97-03-083	308-33-130	NEW	97-10-054
296-307-52001	RECOD	97-09-013	308-11-140	NEW-P	97-07-035	308-56A-060	AMD-P	97-09-002
296-307-52003	RECOD	97-09-013	308-11-140	NEW	97-10-046	308-56A-065	AMD	97-03-076
296-307-52005	RECOD	97-09-013	308-11-150	NEW-P	97-07-035	308-56A-070	AMD	97-03-076
296-307-52007	RECOD	97-09-013	308-11-150	NEW	97-10-046	308-56A-075	AMD	97-03-076
296-307-52009	RECOD	97-09-013	308-11-160	NEW-P	97-07-035	308-56A-150	AMD	97-07-014
296-307-52011	RECOD	97-09-013	308-11-160	NEW	97-10-046	308-56A-160	AMD	97-07-014
296-307-52013	RECOD	97-09-013	308-12-025	AMD	97-03-121	308-56A-200	AMD-P	97-09-002
296-307-52015	RECOD	97-09-013	308-12-031	AMD	97-03-121	308-56A-205	AMD-P	97-09-002
296-307-52017	RECOD	97-09-013	308-12-040	AMD	97-03-121	308-56A-210	AMD-P	97-09-002
296-307-52019	RECOD	97-09-013	308-12-050	AMD	97-03-121	308-56A-215	AMD-P	97-09-002
296-307-52021	RECOD	97-09-013	308-12-140	REP	97-03-121	308-56A-250	AMD-P	97-09-002
296-307-52023	RECOD	97-09-013	308-12-145	REP	97-03-121	308-56A-255	REP-P	97-09-002
296-307-52025	RECOD	97-09-013	308-12-210	NEW	97-03-121	308-56A-265	AMD-P	97-09-002
296-307-52027	RECOD	97-09-013	308-12-220	NEW	97-03-121	308-56A-270	AMD-P	97-09-002
296-307-52029	RECOD	97-09-013	308-12-230	NEW	97-03-121	308-56A-275	AMD-P	97-09-002
296-307-52031	RECOD	97-09-013	308-12-240	NEW-W	97-03-065	308-56A-280	AMD-P	97-09-002
296-307-52033	RECOD	97-09-013	308-12-240	NEW	97-03-121	308-56A-285	AMD-P	97-09-002
296-307-52035	RECOD	97-09-013	308-12-250	NEW-W	97-03-065	308-56A-300	AMD-P	97-09-002
296-307-52037	RECOD	97-09-013	308-12-260	NEW-W	97-03-065	308-56A-305	AMD-P	97-09-002
296-307-52039	RECOD	97-09-013	308-12-320	AMD	97-06-064	308-56A-310	AMD-P	97-09-002
296-307-52041	RECOD	97-09-013	308-12-324	AMD	97-03-121	308-56A-315	AMD-P	97-09-002
296-307-52043	RECOD	97-09-013	308-12-326	AMD	97-06-064	308-56A-320	AMD-P	97-09-002
296-307-52045	RECOD	97-09-013	308-12-326	AMD-P	97-10-080	308-56A-325	AMD-P	97-09-002
296-307-52047	RECOD	97-09-013	308-13-045	NEW-P	97-03-022	308-56A-330	AMD-P	97-09-002
296-307-530	RECOD	97-09-013	308-13-045	NEW	97-06-065	308-56A-335	AMD-P	97-09-002
296-307-53001	RECOD	97-09-013	308-13-160	AMD-P	97-03-022	308-56A-340	REP-P	97-09-002
296-307-53003	RECOD	97-09-013	308-13-160	AMD	97-06-065	308-56A-345	REP-P	97-09-002
296-307-53005	RECOD	97-09-013	308-13-210	NEW	97-10-026	308-56A-350	AMD-P	97-09-002
296-307-53007	RECOD	97-09-013	308-13-220	NEW	97-10-026	308-56A-355	REP-P	97-09-002
296-307-53009	RECOD	97-09-013	308-13-230	NEW	97-10-026	308-56A-360	AMD-P	97-09-002
296-307-53011	RECOD	97-09-013	308-13-240	NEW	97-10-026	308-56A-365	AMD-P	97-09-002
296-307-53013	RECOD	97-09-013	308-14-210	NEW-P	97-07-031	308-56A-370	NEW-P	97-09-002
296-307-53015	RECOD	97-09-013	308-14-210	NEW	97-10-053	308-56A-400	REP-P	97-09-002
296-307-53017	RECOD	97-09-013	308-14-220	NEW-P	97-07-031	308-56A-405	REP-P	97-09-002
296-400-005	REP-P	97-03-084	308-14-220	NEW	97-10-053	308-56A-410	REP-P	97-09-002
296-400-020	REP-P	97-03-084	308-14-230	NEW-P	97-07-031	308-56A-415	REP-P	97-09-002
296-400-030	REP-P	97-03-084	308-14-230	NEW	97-10-053	308-56A-470	AMD	97-07-014
296-400-035	REP-P	97-03-084	308-19-400	NEW-P	97-07-026	308-56A-610	AMD-P	97-06-028
296-400-045	REP-P	97-03-084	308-19-400	NEW	97-10-047	308-56A-610	AMD-S	97-09-038
296-400-050	REP-P	97-03-084	308-19-410	NEW-P	97-07-026	308-56A-620	AMD-P	97-06-028
296-400-070	REP-P	97-03-084	308-19-410	NEW	97-10-047	308-56A-620	AMD-S	97-09-038
296-400-100	REP-P	97-03-084	308-19-420	NEW-P	97-07-026	308-56A-630	REP-P	97-06-028
296-400-110	REP-P	97-03-084	308-19-420	NEW	97-10-047	308-56A-630	REP-S	97-09-038
296-400-120	REP-P	97-03-084	308-20-710	NEW-P	97-07-032	308-56A-640	AMD-P	97-06-028
296-400-130	REP-P	97-03-084	308-20-710	NEW	97-10-049	308-56A-640	AMD-S	97-09-038
296-400-140	REP-P	97-03-084	308-20-720	NEW-P	97-07-032	308-56A-650	AMD-P	97-06-028
296-400-300	REP-P	97-03-084	308-20-720	NEW	97-10-049	308-56A-650	AMD-S	97-09-038
296-400A-005	NEW-P	97-03-084	308-20-730	NEW-P	97-07-032	308-56A-660	AMD-P	97-06-028
296-400A-020	NEW-P	97-03-084	308-20-730	NEW	97-10-049	308-56A-660	AMD-S	97-09-038
296-400A-030	NEW-P	97-03-084	308-29-090	NEW-P	97-07-033	308-56A-670	AMD-P	97-06-028
296-400A-031	NEW-P	97-03-084	308-29-090	NEW-W	97-09-022	308-56A-670	AMD-S	97-09-038
296-400A-032	NEW-P	97-03-084	308-29-100	NEW-P	97-07-033	308-56A-680	AMD-P	97-06-028
296-400A-033	NEW-P	97-03-084	308-29-100	NEW-W	97-09-022	308-56A-680	AMD-S	97-09-038
296-400A-035	NEW-P	97-03-084	308-29-110	NEW-P	97-07-033	308-56A-690	AMD-P	97-06-028
296-400A-045	NEW-P	97-03-084	308-29-110	NEW-W	97-09-022	308-56A-690	AMD-S	97-09-038
296-400A-050	NEW-P	97-03-084	308-30-170	NEW-P	97-07-029	308-57-005	AMD-P	97-07-069
296-400A-070	NEW-P	97-03-084	308-30-170	NEW	97-10-052	308-57-010	AMD-P	97-07-069
296-400A-100	NEW-P	97-03-084	308-30-180	NEW-P	97-07-029	308-57-020	AMD-P	97-07-069

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-57-030	AMD-P	97-07-069	308-330-370	AMD	97-10-068	317-50-020	NEW-P	97-07-064
308-57-110	AMD-P	97-07-069	308-330-375	REP-P	97-07-015	317-50-020	NEW	97-10-096
308-57-120	AMD-P	97-07-069	308-330-375	REP	97-10-068	317-50-030	NEW-P	97-07-064
308-57-130	AMD-P	97-07-069	308-330-400	AMD-P	97-07-015	317-50-030	NEW	97-10-096
308-57-135	NEW-P	97-07-069	308-330-400	AMD	97-10-068	317-50-040	NEW-P	97-07-064
308-57-140	AMD-P	97-07-069	308-330-406	AMD-P	97-07-015	317-50-040	NEW	97-10-096
308-57-210	AMD-P	97-07-069	308-330-406	AMD	97-10-068	317-50-050	NEW-P	97-07-064
308-57-220	REP-P	97-07-069	308-330-408	AMD-P	97-07-015	317-50-050	NEW	97-10-096
308-57-230	AMD-P	97-07-069	308-330-408	AMD	97-10-068	317-50-060	NEW-P	97-07-064
308-57-240	AMD-P	97-07-069	308-330-415	AMD-P	97-07-015	317-50-060	NEW	97-10-096
308-57-250	REP-P	97-07-069	308-330-415	AMD	97-10-068	317-50-070	NEW-P	97-07-064
308-57-310	REP-P	97-07-069	308-330-421	AMD-P	97-07-015	317-50-070	NEW	97-10-096
308-57-320	REP-P	97-07-069	308-330-421	AMD	97-10-068	317-50-080	NEW-P	97-07-064
308-57-410	REP-P	97-07-069	308-330-425	AMD-P	97-07-015	317-50-080	NEW	97-10-096
308-57-420	REP-P	97-07-069	308-330-425	AMD	97-10-068	317-50-900	NEW-P	97-07-064
308-57-430	REP-P	97-07-069	308-330-436	AMD-P	97-07-015	317-50-900	NEW	97-10-096
308-57-440	REP-P	97-07-069	308-330-436	AMD	97-10-068	326-02-034	AMD-P	97-09-094
308-58-010	AMD-P	97-03-096	308-330-462	AMD-P	97-07-015	326-02-041	PREP	97-09-093
308-58-010	AMD-S	97-08-005	308-330-462	AMD	97-10-068	332-24-221	AMD-P	97-09-065
308-58-030	AMD-P	97-03-096	308-330-800	AMD-P	97-07-015	332-24-720	AMD	97-05-066
308-58-030	AMD-S	97-08-005	308-330-800	AMD	97-10-068	332-24-730	AMD	97-05-066
308-58-040	AMD-P	97-03-096	308-330-825	AMD-P	97-07-015	352-32-235	PREP	97-06-063
308-58-040	AMD-S	97-08-005	308-330-825	AMD	97-10-068	352-32-235	AMD-P	97-09-081
308-58-050	NEW-P	97-03-096	308-420-250	NEW-P	97-07-034	352-32-235	AMD-W	97-09-113
308-58-050	NEW-S	97-08-005	308-420-250	NEW	97-10-048	352-32-235	AMD-P	97-09-114
308-96A-005	AMD-P	97-06-027	308-420-260	NEW-P	97-07-034	356-05-055	AMD-P	97-08-089
308-96A-005	AMD	97-10-003	308-420-260	NEW	97-10-048	356-05-055	AMD-W	97-10-088
308-96A-046	AMD-P	97-03-028	308-420-270	NEW-P	97-07-034	356-06-020	AMD-P	97-08-089
308-96A-046	AMD	97-07-013	308-420-270	NEW	97-10-048	356-06-020	AMD-W	97-10-088
308-96A-056	AMD-P	97-03-028	315-10-010	AMD	97-04-047	356-06-060	AMD-P	97-08-089
308-96A-056	AMD	97-07-013	315-10-020	AMD	97-04-047	356-06-060	AMD-W	97-10-088
308-96A-057	AMD-P	97-03-028	315-10-022	NEW	97-04-047	356-06-070	REP-P	97-08-089
308-96A-057	AMD	97-07-013	315-10-025	NEW	97-04-047	356-06-070	REP-W	97-10-088
308-96A-072	AMD-P	97-03-028	315-10-030	AMD	97-04-047	356-06-080	REP-P	97-08-089
308-96A-072	AMD	97-07-013	315-10-035	NEW	97-04-047	356-06-080	REP-W	97-10-088
308-96A-073	AMD	97-07-014	315-10-055	NEW	97-04-047	356-06-090	REP-P	97-08-089
308-96A-074	AMD	97-07-014	315-10-060	AMD	97-04-047	356-06-090	REP-W	97-10-088
308-96A-075	REP	97-07-014	315-10-062	NEW	97-04-047	356-10-030	AMD-P	97-08-089
308-96A-136	AMD-P	97-03-028	315-10-065	NEW	97-04-047	356-10-030	AMD-W	97-10-088
308-96A-136	AMD	97-07-013	315-10-070	AMD	97-04-047	356-30-065	AMD-E	97-09-028
308-96A-161	AMD-P	97-06-027	315-10-075	NEW	97-04-047	356-30-065	AMD-P	97-10-090
308-96A-161	AMD	97-09-003	315-11A-184	AMD-P	97-03-123	356-30-067	AMD-E	97-09-028
308-96A-162	AMD-P	97-06-027	315-11A-184	AMD	97-07-063	356-30-067	AMD-P	97-10-090
308-96A-162	AMD	97-09-003	315-11A-187	NEW-P	97-03-123	363-11-001	RECOD	97-08-042
308-125-120	PREP	97-09-082	315-11A-187	NEW	97-07-063	363-11-003	RECOD	97-08-042
308-125-120	PREP	97-09-083	315-11A-188	NEW-P	97-03-123	363-11-010	RECOD	97-08-042
308-127-310	NEW-P	97-07-028	315-11A-188	NEW	97-07-063	363-11-020	RECOD	97-08-042
308-127-310	NEW	97-10-051	315-11A-189	NEW-P	97-03-123	363-11-030	RECOD	97-08-042
308-127-320	NEW-P	97-07-028	315-11A-189	NEW	97-07-063	363-11-040	RECOD	97-08-042
308-127-320	NEW	97-10-051	315-11A-190	NEW-P	97-03-123	363-11-050	RECOD	97-08-042
308-127-330	NEW-P	97-07-028	315-11A-190	NEW	97-07-063	363-11-060	RECOD	97-08-042
308-127-330	NEW	97-10-051	315-11A-191	NEW-P	97-03-123	363-11-070	RECOD	97-08-042
308-330-121	REP-P	97-07-015	315-11A-191	NEW	97-07-063	363-11-080	RECOD	97-08-042
308-330-121	REP	97-10-068	315-11A-192	NEW-P	97-07-062	363-11-090	RECOD	97-08-042
308-330-123	REP-P	97-07-015	315-11A-193	NEW-P	97-07-062	363-11-100	RECOD	97-08-042
308-330-123	REP	97-10-068	315-11A-194	NEW-P	97-07-062	363-11-110	RECOD	97-08-042
308-330-197	AMD-P	97-07-015	315-11A-195	NEW-P	97-07-062	363-11-120	RECOD	97-08-042
308-330-197	AMD	97-10-068	315-12-020	AMD-P	97-03-123	363-11-130	RECOD	97-08-042
308-330-200	AMD-P	97-07-015	315-12-020	AMD	97-07-063	363-11-140	RECOD	97-08-042
308-330-200	AMD	97-10-068	315-12-030	PREP	97-07-061	363-11-150	RECOD	97-08-042
308-330-300	AMD-P	97-07-015	315-12-080	AMD-P	97-03-123	363-11-160	RECOD	97-08-042
308-330-300	AMD	97-10-068	315-12-080	AMD	97-07-063	363-11-170	RECOD	97-08-042
308-330-305	AMD-P	97-07-015	315-12-090	AMD-P	97-03-123	363-11-180	RECOD	97-08-042
308-330-305	AMD	97-10-068	315-12-090	AMD	97-07-063	363-11-190	RECOD	97-08-042
308-330-307	AMD-P	97-07-015	317-31-200	AMD-P	97-07-065	363-11-200	RECOD	97-08-042
308-330-307	AMD	97-10-068	317-31-200	AMD	97-10-097	363-11-210	RECOD	97-08-042
308-330-316	AMD-P	97-07-015	317-31-220	AMD-P	97-07-065	363-11-220	RECOD	97-08-042
308-330-316	AMD	97-10-068	317-31-220	AMD	97-10-097	363-11-230	RECOD	97-08-042
308-330-322	AMD-P	97-07-015	317-31-230	AMD-P	97-07-065	363-11-240	RECOD	97-08-042
308-330-322	AMD	97-10-068	317-31-230	AMD	97-10-097	363-11-250	RECOD	97-08-042
308-330-329	REP-P	97-07-015	317-40	PREP	97-07-066	363-11-260	RECOD	97-08-042
308-330-329	REP	97-10-068	317-50-010	NEW-P	97-07-064	363-11-270	RECOD	97-08-042
308-330-370	AMD-P	97-07-015	317-50-010	NEW	97-10-096	363-11-280	RECOD	97-08-042

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
363-11-290	RECOD	97-08-042	374-70-020	AMD	97-06-080	388-49-190	AMD	97-09-031
363-11-300	RECOD	97-08-042	374-70-020	AMD-E	97-07-049	388-49-310	AMD	97-06-074
363-11-310	RECOD	97-08-042	374-70-030	AMD-P	97-03-113	388-49-310	AMD-P	97-09-107
363-11-320	RECOD	97-08-042	374-70-030	AMD	97-06-080	388-49-355	NEW	97-03-035
363-11-330	RECOD	97-08-042	374-70-030	AMD-E	97-07-049	388-49-360	AMD-E	97-05-052
363-11-340	RECOD	97-08-042	374-70-060	AMD-P	97-03-113	388-49-360	AMD-P	97-05-053
363-11-350	RECOD	97-08-042	374-70-060	AMD	97-06-080	388-49-360	AMD	97-09-012
363-11-360	RECOD	97-08-042	374-70-060	AMD-E	97-07-049	388-49-362	NEW-E	97-05-052
363-11-370	RECOD	97-08-042	374-70-070	AMD-P	97-03-113	388-49-362	NEW-P	97-05-053
363-11-380	RECOD	97-08-042	374-70-070	AMD	97-06-080	388-49-362	NEW	97-09-012
363-11-390	RECOD	97-08-042	374-70-070	AMD-E	97-07-049	388-49-364	NEW-E	97-05-052
363-11-400	RECOD	97-08-042	374-70-080	AMD-P	97-03-113	388-49-364	NEW-P	97-05-053
363-11-410	RECOD	97-08-042	374-70-080	AMD	97-06-080	388-49-364	NEW	97-09-012
363-11-420	RECOD	97-08-042	374-70-080	AMD-E	97-07-049	388-49-366	NEW-E	97-05-052
363-11-430	RECOD	97-08-042	374-70-090	AMD-P	97-03-113	388-49-366	NEW-P	97-05-053
363-11-440	RECOD	97-08-042	374-70-090	AMD	97-06-080	388-49-366	NEW	97-09-012
363-11-450	RECOD	97-08-042	374-70-090	AMD-E	97-07-049	388-49-368	NEW-E	97-05-052
363-11-460	RECOD	97-08-042	374-70-100	AMD-P	97-03-113	388-49-368	NEW-P	97-05-053
363-11-470	RECOD	97-08-042	374-70-100	AMD	97-06-080	388-49-368	NEW	97-09-012
363-11-480	RECOD	97-08-042	374-70-100	AMD-E	97-07-049	388-49-368	NEW-E	97-05-052
363-11-490	RECOD	97-08-042	374-70-110	REP-P	97-03-113	388-49-369	NEW-P	97-05-053
363-11-500	RECOD	97-08-042	374-70-110	REP	97-06-080	388-49-369	NEW	97-09-012
363-11-510	RECOD	97-08-042	374-70-110	REP-E	97-07-049	388-49-380	AMD-E	97-05-052
363-11-520	RECOD	97-08-042	374-70-120	AMD-P	97-03-113	388-49-380	AMD-P	97-05-053
363-11-530	RECOD	97-08-042	374-70-120	AMD	97-06-080	388-49-380	AMD	97-09-012
363-11-540	RECOD	97-08-042	374-70-120	AMD-E	97-07-049	388-49-385	NEW-E	97-05-052
363-11-550	RECOD	97-08-042	374-70-130	AMD-P	97-03-113	388-49-385	NEW-P	97-05-053
363-11-560	RECOD	97-08-042	374-70-130	AMD	97-06-080	388-49-385	NEW	97-09-012
363-11-570	RECOD	97-08-042	374-70-130	AMD-E	97-07-049	388-49-470	AMD	97-05-002
363-11-580	RECOD	97-08-042	388-11	PREP	97-09-109	388-49-640	AMD	97-04-024
363-11-590	RECOD	97-08-042	388-11-032	PREP	97-09-111	388-49-670	AMD	97-04-023
363-116-010	RECOD	97-08-042	388-11-045	PREP	97-09-111	388-87-020	AMD	97-04-005
363-116-020	RECOD	97-08-042	388-11-048	PREP	97-09-111	388-96-010	PREP	97-06-072
363-116-030	RECOD	97-08-042	388-11-285	AMD-P	97-09-019	388-96-220	PREP	97-06-072
363-116-050	RECOD	97-08-042	388-11-285	AMD-W	97-10-083	388-96-221	PREP	97-06-072
363-116-060	RECOD	97-08-042	388-14-020	AMD-P	97-09-020	388-96-224	PREP	97-06-072
363-116-070	RECOD	97-08-042	388-14-030	AMD-P	97-09-020	388-96-505	PREP	97-06-072
363-116-080	RECOD	97-08-042	388-14-030	PREP	97-09-110	388-96-534	PREP	97-06-072
363-116-081	RECOD	97-08-042	388-14-030	AMD-W	97-10-082	388-96-553	PREP	97-06-072
363-116-082	RECOD	97-08-042	388-14-260	AMD-P	97-09-020	388-96-554	PREP	97-06-072
363-116-082	AMD-P	97-10-084	388-14-270	AMD-P	97-09-020	388-96-559	PREP	97-06-072
363-116-083	RECOD	97-08-042	388-14-271	NEW-P	97-09-020	388-96-565	PREP	97-06-072
363-116-085	RECOD	97-08-042	388-14-272	NEW-P	97-09-020	388-96-585	PREP	97-06-072
363-116-110	RECOD	97-08-042	388-14-274	NEW-P	97-09-020	388-96-709	PREP	97-06-072
363-116-115	RECOD	97-08-042	388-14-276	NEW-P	97-09-020	388-96-745	PREP	97-06-072
363-116-120	RECOD	97-08-042	388-14-300	AMD-P	97-09-020	388-96-776	PREP	97-06-072
363-116-140	RECOD	97-08-042	388-14-375	NEW-P	97-09-020	388-97-027	PREP	97-06-131
363-116-150	RECOD	97-08-042	388-14-385	AMD-P	97-09-020	388-200-1400	NEW-E	97-03-046
363-116-170	RECOD	97-08-042	388-14-390	AMD-P	97-09-020	388-200-1400	NEW-P	97-03-053
363-116-175	RECOD	97-08-042	388-14-400	REP-P	97-09-020	388-200-1400	NEW	97-07-008
363-116-185	RECOD	97-08-042	388-14-405	REP-P	97-09-020	388-215-1000	AMD-E	97-04-050
363-116-185	AMD-P	97-10-062	388-14-415	AMD-P	97-09-020	388-215-1000	AMD-P	97-04-051
363-116-200	RECOD	97-08-042	388-14-420	AMD-P	97-09-020	388-215-1000	AMD	97-07-024
363-116-205	RECOD	97-08-042	388-14-425	REP-P	97-09-020	388-215-1115	NEW-P	97-05-068
363-116-205I	RECOD	97-08-042	388-14-430	REP-P	97-09-020	388-215-1115	NEW	97-08-032
363-116-300	RECOD	97-08-042	388-14-435	AMD-P	97-09-020	388-215-1115	NEW	97-10-041
363-116-315	RECOD	97-08-042	388-14-440	AMD-P	97-09-020	388-215-1375	AMD-P	97-09-108
363-116-3500I	RECOD	97-08-042	388-14-445	AMD-P	97-09-020	388-215-1400	AMD-P	97-05-071
363-116-360	RECOD	97-08-042	388-14-450	AMD-P	97-09-020	388-215-1400	AMD	97-08-033
363-116-370	RECOD	97-08-042	388-14-460	AMD-P	97-09-020	388-215-1400	AMD	97-10-042
363-116-400	RECOD	97-08-042	388-14-495	NEW-P	97-09-020	388-215-1550	NEW-E	97-03-049
363-116-410	RECOD	97-08-042	388-14-496	NEW-P	97-09-020	388-215-1550	NEW-P	97-03-052
363-116-420	RECOD	97-08-042	388-14-500	NEW-P	97-09-020	388-215-1550	NEW	97-06-077
363-116-500	RECOD	97-08-042	388-15-134	AMD-P	97-09-106	388-215-1570	NEW-P	97-05-069
365-135-010	AMD	97-02-093	388-15-196	PREP	97-08-072	388-215-1570	NEW	97-08-034
365-135-020	AMD	97-02-093	388-46-110	AMD-P	97-05-070	388-215-1570	NEW	97-10-040
365-135-035	NEW	97-02-093	388-46-110	AMD	97-10-038	388-215-1650	AMD-E	97-03-054
365-135-040	AMD	97-02-093	388-46-120	NEW-P	97-05-070	388-215-1650	AMD-P	97-03-055
365-135-050	AMD	97-02-093	388-49-020	NEW	97-10-038	388-215-1650	AMD	97-06-076
365-135-060	AMD	97-02-093	388-49-160	AMD	97-06-096	388-215-1660	NEW-P	97-05-072
365-135-070	AMD	97-02-093	388-49-160	AMD-P	97-06-098	388-215-1660	NEW-E	97-06-026
374-70-020	AMD-P	97-03-113	388-49-190	AMD	97-09-030	388-215-1660	NEW-S	97-06-073
				AMD-P	97-06-097		NEW	97-09-029

Table of WAC Sections Affected

TABLE

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-216-2500	AMD-E	97-03-048	415-112-414	REP	97-03-016	446-20-520	AMD	97-05-048
388-216-2500	AMD-P	97-03-050	415-112-444	NEW	97-03-016	446-20-530	AMD	97-05-048
388-216-2500	AMD	97-06-075	415-112-445	NEW	97-03-016	458-10-010	NEW	97-08-068
388-216-2900	AMD-E	97-03-047	415-112-450	NEW	97-03-016	458-10-020	NEW	97-08-068
388-216-2900	AMD-P	97-03-051	415-112-460	NEW	97-03-016	458-10-030	NEW	97-08-068
388-216-2900	AMD	97-06-078	415-112-4601	NEW	97-03-016	458-10-040	NEW	97-08-068
388-218-1530	AMD-E	97-03-047	415-112-4603	NEW	97-03-016	458-10-050	NEW	97-08-068
388-218-1530	AMD-P	97-03-051	415-112-4604	NEW	97-03-016	458-10-060	NEW	97-08-068
388-218-1530	AMD	97-06-078	415-112-4605	NEW	97-03-016	458-10-070	NEW	97-08-068
388-218-1820	AMD-E	97-03-047	415-112-4607	NEW	97-03-016	458-20-101	AMD	97-08-050
388-218-1820	AMD-P	97-03-051	415-112-4608	NEW	97-03-016	458-20-104	AMD	97-08-050
388-218-1820	AMD	97-06-078	415-112-4609	NEW	97-03-016	458-20-174	AMD-P	97-07-079
388-250-1700	AMD-P	97-10-035	415-112-470	NEW	97-03-016	458-20-17401	AMD-P	97-07-079
388-250-1700	AMD-E	97-10-036	415-112-471	NEW	97-03-016	458-20-263	NEW	97-03-027
388-265-1350	REP-P	97-05-071	415-112-473	NEW	97-03-016	458-40-540	AMD	97-07-041
388-265-1350	REP	97-08-033	415-112-475	NEW	97-03-016	458-40-660	PREP	97-06-111
388-265-1350	REP	97-10-042	415-112-477	NEW	97-03-016	458-40-660	AMD-P	97-10-027
388-265-1750	PREP	97-06-132	415-112-480	NEW	97-03-016	460-21B-050	AMD	97-03-122
388-265-1750	AMD-E	97-06-133	415-112-482	NEW	97-03-016	460-21B-080	REP	97-03-122
388-265-1750	AMD-P	97-10-039	415-112-483	NEW	97-03-016	460-22B-070	REP	97-03-122
388-320-225	AMD-E	97-03-046	415-112-485	NEW	97-03-016	460-22B-080	REP	97-03-122
388-320-225	AMD-P	97-03-053	415-112-487	NEW	97-03-016	460-24A	PREP	97-08-059
388-320-225	AMD	97-07-008	415-112-489	NEW	97-03-016	460-24A-046	REP	97-03-122
388-330-035	AMD-P	97-09-106	415-112-490	NEW	97-03-016	460-44A-300	NEW-P	97-08-061
388-501-0135	AMD	97-03-038	415-112-491	NEW	97-03-016	460-44A-506	PREP	97-08-057
388-503-0310	AMD	97-03-036	415-200-030	NEW-E	97-08-053	468-16-030	AMD-P	97-05-007
388-505-0520	AMD-E	97-08-074	415-200-040	NEW-E	97-08-053	468-16-030	AMD	97-09-045
388-505-0540	AMD	97-04-005	415-512-090	AMD	97-05-009	468-16-080	AMD-P	97-05-007
388-506-0630	AMD	97-10-022	434-24-065	NEW-P	97-09-099	468-16-080	AMD	97-09-045
388-507-0710	AMD-P	97-07-023	434-120-040	NEW-P	97-08-076	468-16-090	AMD-P	97-05-007
388-507-0710	AMD	97-09-112	434-120-105	AMD-P	97-08-076	468-16-090	AMD	97-09-045
388-507-0740	PREP	97-10-034	434-120-130	AMD-P	97-08-076	468-16-100	AMD-P	97-05-007
388-508-0805	AMD-E	97-08-031	434-120-215	AMD-P	97-08-076	468-16-100	AMD	97-09-045
388-509-0920	AMD-E	97-08-031	434-120-255	AMD-P	97-08-076	468-16-120	AMD-P	97-05-007
388-509-0960	AMD-E	97-08-031	440-22-005	AMD	97-03-062	468-16-120	AMD	97-09-045
388-511-1105	AMD	97-03-036	440-22-005	AMD-S	97-08-073	468-16-130	AMD-P	97-05-007
388-511-1130	AMD	97-10-022	440-22-180	AMD-S	97-08-073	468-16-130	AMD	97-09-045
388-511-1140	AMD	97-10-022	440-22-200	AMD-S	97-08-073	468-16-140	AMD-P	97-05-007
388-511-1160	AMD	97-03-034	440-22-220	AMD-S	97-08-073	468-16-140	AMD	97-09-045
388-511-1160	PREP	97-08-035	440-22-225	AMD-S	97-08-073	468-16-150	AMD-P	97-05-007
388-513-1330	AMD	97-10-022	440-22-230	AMD-S	97-08-073	468-16-150	AMD	97-09-045
388-513-1350	AMD-P	97-07-023	440-22-240	AMD-S	97-08-073	468-16-160	AMD-P	97-05-007
388-513-1350	AMD	97-09-112	440-22-250	AMD-S	97-08-073	468-16-160	AMD	97-09-045
388-513-1365	AMD	97-05-040	440-22-253	NEW-S	97-08-073	468-16-170	AMD-P	97-05-007
388-513-1380	AMD-E	97-08-031	440-22-255	NEW-S	97-08-073	468-16-170	AMD	97-09-045
388-517-1720	AMD-E	97-08-031	440-22-257	NEW-S	97-08-073	468-16-180	AMD-P	97-05-007
388-517-1740	AMD-E	97-08-031	440-22-260	AMD-S	97-08-073	468-16-180	AMD	97-09-045
388-517-1760	AMD-E	97-08-031	440-22-280	AMD-S	97-08-073	468-66	PREP	97-09-070
388-522-2205	AMD-E	97-08-030	440-22-300	AMD-S	97-08-073	468-86-010	NEW-P	97-06-005
388-524-2405	AMD-E	97-08-030	440-22-310	AMD-S	97-08-073	468-86-010	NEW	97-09-046
388-528-2810	REP	97-03-037	440-22-320	AMD-S	97-08-073	468-86-020	NEW-P	97-06-005
388-538-073	NEW-W	97-10-073	440-22-325	AMD-S	97-08-073	468-86-020	NEW	97-09-046
388-538-074	NEW-W	97-10-073	440-22-335	AMD-S	97-08-073	468-86-030	NEW-P	97-06-005
388-538-110	AMD	97-04-004	440-22-406	NEW	97-03-062	468-86-030	NEW	97-09-046
390-16-041	AMD-P	97-03-117	446-16-010	AMD	97-05-048	468-86-040	NEW-P	97-06-005
390-16-041	AMD	97-06-085	446-16-025	AMD	97-05-048	468-86-040	NEW	97-09-046
390-16-313	AMD-P	97-06-086	446-16-030	AMD	97-05-048	468-86-050	NEW-P	97-06-005
390-16-313	AMD	97-10-055	446-16-040	REP	97-05-048	468-86-050	NEW	97-09-046
392-121	PREP	97-09-010	446-16-050	REP	97-05-048	468-86-060	NEW-P	97-06-005
392-123-047	PREP	97-04-035	446-16-070	AMD	97-05-048	468-86-060	NEW	97-09-046
392-132-010	AMD	97-03-044	446-16-080	AMD	97-05-048	468-86-070	NEW-P	97-06-005
392-132-030	AMD	97-03-044	446-16-100	AMD	97-05-048	468-86-070	NEW	97-09-046
392-132-040	AMD	97-03-044	446-16-110	AMD	97-05-048	468-86-080	NEW-P	97-06-005
392-134	PREP	97-09-010	446-16-120	AMD	97-05-048	468-86-080	NEW	97-09-046
392-137	PREP	97-09-010	446-20-050	AMD	97-05-048	468-86-090	NEW-P	97-06-005
392-320	PREP	97-04-022	446-20-090	AMD	97-05-048	468-86-090	NEW	97-09-046
415-112-0160	NEW	97-03-016	446-20-100	AMD	97-05-048	468-86-100	NEW-P	97-06-005
415-112-330	AMD-S	97-05-010	446-20-110	REP	97-05-048	468-86-100	NEW	97-09-046
415-112-330	AMD	97-09-037	446-20-170	AMD	97-05-048	468-86-110	NEW-P	97-06-005
415-112-335	NEW-S	97-05-010	446-20-280	AMD	97-05-048	468-86-110	NEW	97-09-046
415-112-335	NEW	97-09-037	446-20-285	AMD	97-05-048	468-86-120	NEW-P	97-06-005
415-112-410	REP	97-03-016	446-20-500	AMD	97-05-048	468-86-120	NEW	97-09-046
415-112-411	REP	97-03-016	446-20-510	AMD	97-05-048	468-86-130	NEW-P	97-06-005

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
468-86-130	NEW	97-09-046	478-116-245	NEW-P	97-09-071	478-160-140	AMD-P	97-08-062
468-86-140	NEW-P	97-06-005	478-116-250	REP-P	97-09-071	478-160-160	AMD-P	97-08-062
468-86-140	NEW	97-09-046	478-116-251	NEW-P	97-09-071	478-160-162	AMD-P	97-08-062
468-86-150	NEW-P	97-06-005	478-116-253	NEW-P	97-09-071	478-160-175	AMD-P	97-08-062
468-86-150	NEW	97-09-046	478-116-255	NEW-P	97-09-071	478-160-210	AMD-P	97-08-062
468-86-160	NEW-P	97-06-005	478-116-260	REP-P	97-09-071	478-160-230	AMD-P	97-08-062
468-86-160	NEW	97-09-046	478-116-261	NEW-P	97-09-071	478-160-246	AMD-P	97-08-062
468-105	PREP	97-08-016	478-116-270	REP-P	97-09-071	478-160-290	AMD-P	97-08-062
468-200-080	AMD	97-03-064	478-116-271	NEW-P	97-09-071	478-160-295	AMD-P	97-08-062
468-200-160	AMD	97-03-064	478-116-280	REP-P	97-09-071	478-160-310	AMD-P	97-08-062
468-200-350	AMD	97-03-064	478-116-281	NEW-P	97-09-071	478-160-320	AMD-P	97-08-062
468-300-210	PREP	97-03-118	478-116-290	REP-P	97-09-071	478-250-050	AMD-P	97-08-062
468-500-001	NEW	97-06-002	478-116-291	NEW-P	97-09-071	478-250-060	AMD-P	97-08-062
478-04-020	AMD-P	97-08-062	478-116-300	REP-P	97-09-071	478-276-030	REP-P	97-08-062
478-108-020	AMD-P	97-08-062	478-116-301	NEW-P	97-09-071	478-276-040	REP-P	97-08-062
478-116-010	AMD-P	97-09-071	478-116-310	REP-P	97-09-071	478-276-060	AMD-P	97-08-062
478-116-020	AMD-P	97-09-071	478-116-311	NEW-P	97-09-071	478-276-070	AMD-P	97-08-062
478-116-030	AMD-P	97-09-071	478-116-320	REP-P	97-09-071	478-276-080	AMD-P	97-08-062
478-116-044	NEW-P	97-09-071	478-116-330	REP-P	97-09-071	478-276-100	AMD-P	97-08-062
478-116-046	NEW-P	97-09-071	478-116-340	REP-P	97-09-071	478-276-105	NEW-P	97-08-062
478-116-050	REP-P	97-09-071	478-116-345	REP-P	97-09-071	478-276-140	AMD-P	97-08-062
478-116-051	NEW-P	97-09-071	478-116-350	REP-P	97-09-071	480-31-010	NEW	97-08-037
478-116-055	REP-P	97-09-071	478-116-355	REP-P	97-09-071	480-31-020	NEW	97-08-037
478-116-060	REP-P	97-09-071	478-116-360	REP-P	97-09-071	480-31-030	NEW	97-08-037
478-116-061	NEW-P	97-09-071	478-116-370	REP-P	97-09-071	480-31-040	NEW	97-08-037
478-116-070	REP-P	97-09-071	478-116-380	REP-P	97-09-071	480-31-050	NEW	97-08-037
478-116-071	NEW-P	97-09-071	478-116-390	REP-P	97-09-071	480-31-060	NEW	97-08-037
478-116-080	REP-P	97-09-071	478-116-400	REP-P	97-09-071	480-31-070	NEW	97-08-037
478-116-088	REP-P	97-09-071	478-116-401	NEW-P	97-09-071	480-31-080	NEW	97-08-037
478-116-090	REP-P	97-09-071	478-116-411	NEW-P	97-09-071	480-31-090	NEW	97-08-037
478-116-095	REP-P	97-09-071	478-116-421	NEW-P	97-09-071	480-31-100	NEW	97-08-037
478-116-100	REP-P	97-09-071	478-116-431	NEW-P	97-09-071	480-31-110	NEW	97-08-037
478-116-101	NEW-P	97-09-071	478-116-440	REP-P	97-09-071	480-31-120	NEW	97-08-037
478-116-110	REP-P	97-09-071	478-116-450	REP-P	97-09-071	480-31-130	NEW	97-08-037
478-116-111	NEW-P	97-09-071	478-116-460	REP-P	97-09-071	480-31-140	NEW	97-08-037
478-116-114	NEW-P	97-09-071	478-116-501	NEW-P	97-09-071	480-75-002	NEW	97-07-042
478-116-116	NEW-P	97-09-071	478-116-520	AMD-P	97-09-071	480-75-005	NEW	97-07-042
478-116-120	REP-P	97-09-071	478-116-531	NEW-P	97-09-071	480-75-230	NEW	97-07-042
478-116-121	NEW-P	97-09-071	478-116-540	REP-P	97-09-071	480-120-137	PREP	97-08-036
478-116-125	NEW-P	97-09-071	478-116-541	NEW-P	97-09-071	480-120-138	PREP	97-08-036
478-116-130	REP-P	97-09-071	478-116-550	REP-P	97-09-071	480-120-141	PREP	97-08-036
478-116-131	NEW-P	97-09-071	478-116-551	NEW-P	97-09-071	480-120-142	PREP	97-08-036
478-116-140	REP-P	97-09-071	478-116-561	NEW-P	97-09-071	484-20-103	AMD	97-06-013
478-116-141	NEW-P	97-09-071	478-116-570	REP-P	97-09-071	484-20-120	AMD	97-06-013
478-116-145	NEW-P	97-09-071	478-116-580	REP-P	97-09-071	495A-120-041	NEW-P	97-07-003
478-116-147	NEW-P	97-09-071	478-116-582	REP-P	97-09-071	495A-120-042	NEW-P	97-07-003
478-116-151	NEW-P	97-09-071	478-116-584	REP-P	97-09-071	495A-120-043	NEW-P	97-07-003
478-116-160	REP-P	97-09-071	478-116-586	REP-P	97-09-071	495A-141-010	NEW-P	97-07-002
478-116-161	NEW-P	97-09-071	478-116-588	REP-P	97-09-071	495A-141-011	NEW-P	97-07-002
478-116-163	NEW-P	97-09-071	478-116-589	REP-P	97-09-071	495A-141-012	NEW-P	97-07-002
478-116-165	NEW-P	97-09-071	478-116-590	REP-P	97-09-071	495A-141-013	NEW-P	97-07-002
478-116-167	NEW-P	97-09-071	478-116-601	REP-P	97-09-071	495A-141-014	NEW-P	97-07-002
478-116-170	REP-P	97-09-071	478-116-605	NEW-P	97-09-071	495A-141-030	NEW-P	97-07-002
478-116-171	NEW-P	97-09-071	478-116-610	REP-P	97-09-071	495A-141-035	NEW-P	97-07-002
478-116-180	REP-P	97-09-071	478-116-611	NEW-P	97-09-071	495A-141-040	NEW-P	97-07-002
478-116-181	NEW-P	97-09-071	478-116-620	NEW-P	97-09-071	495A-141-045	NEW-P	97-07-002
478-116-184	NEW-P	97-09-071	478-116-630	NEW-P	97-09-071	495A-141-050	NEW-P	97-07-002
478-116-186	NEW-P	97-09-071	478-116-640	NEW-P	97-09-071	495A-141-055	NEW-P	97-07-002
478-116-190	REP-P	97-09-071	478-116-650	NEW-P	97-09-071	495A-141-060	NEW-P	97-07-002
478-116-191	NEW-P	97-09-071	478-116-660	NEW-P	97-09-071	495A-141-065	NEW-P	97-07-002
478-116-200	REP-P	97-09-071	478-116-670	NEW-P	97-09-071	495A-141-070	NEW-P	97-07-002
478-116-201	NEW-P	97-09-071	478-136	PREP	97-10-077	495A-141-080	NEW-P	97-07-002
478-116-210	REP-P	97-09-071	478-160-035	AMD-P	97-08-062	495A-141-090	NEW-P	97-07-002
478-116-211	NEW-P	97-09-071	478-160-040	AMD-P	97-08-062	495A-141-100	NEW-P	97-07-002
478-116-220	REP-P	97-09-071	478-160-050	AMD-P	97-08-062	495A-141-110	NEW-P	97-07-002
478-116-221	NEW-P	97-09-071	478-160-060	AMD-P	97-08-062	495A-141-120	NEW-P	97-07-002
478-116-223	NEW-P	97-09-071	478-160-065	AMD-P	97-08-062	495A-141-130	NEW-P	97-07-002
478-116-225	NEW-P	97-09-071	478-160-085	AMD-P	97-08-062	495A-141-140	NEW-P	97-07-002
478-116-227	NEW-P	97-09-071	478-160-105	AMD-P	97-08-062	495A-141-150	NEW-P	97-07-002
478-116-230	REP-P	97-09-071	478-160-110	AMD-P	97-08-062	495A-141-160	NEW-P	97-07-002
478-116-231	NEW-P	97-09-071	478-160-120	AMD-P	97-08-062	495A-141-165	NEW-P	97-07-002
478-116-240	REP-P	97-09-071	478-160-125	AMD-P	97-08-062	495A-141-170	NEW-P	97-07-002
478-116-241	NEW-P	97-09-071	478-160-130	AMD-P	97-08-062	495A-141-180	NEW-P	97-07-002

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
495B-120-035	NEW-P	97-03-071						
504-36-030	AMD-P	97-10-086						
516-12	PREP	97-06-014						

TABLE

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

AGRICULTURE, DEPARTMENT OF

Adjudicative proceedings PROP 97-08-086

Animal health
brucellosis vaccine PERM 97-01-067

Animals
import permits for animals
banned as pets PERM 97-01-068

Apples
apple maggot quarantine PROP 97-04-089
PERM 97-09-098
EMER 97-03-063

controlled atmosphere storage, resealing

Asparagus
standards PERM 97-01-081
PROP 97-02-098
PERM 97-05-054

Asparagus commission
meetings MISC 97-01-050
MISC 97-03-111

Barley commission
meetings MISC 97-01-120

Beef commission
meetings MISC 97-03-072
MISC 97-09-005

Cattle
brucellosis vaccine PERM 97-01-067

Dry peas
assessments PREP 97-08-083

Fairs
state fair fund allocation PROP 97-01-080
PROP 97-04-077
PERM 97-04-078
PROP 97-09-025

Farmed salmon commission
assessments PREP 97-10-098
membership PREP 97-10-098

Food products
quality standards, adoption of
federal regulations PERM 97-02-036

Ginseng management program EMER 97-04-020

Hop commission
assessments PREP 97-05-067
PROP 97-09-095
MISC 97-01-051
MISC 97-04-017
PREP 97-05-067

meetings
new varieties
spectrophotometric analysis of
hops, fees PERM 97-05-003
PROP 97-04-090
PROP 97-05-058
PROP 97-05-059

Lentil seed quarantine

Lentils
assessments PREP 97-08-083

Livestock identification program PREP 97-08-088

Metrology lab service fee PREP 97-05-037
PROP 97-09-103

Milk and milk products
raw milk PREP 97-06-011

Noxious weed control board
meetings MISC 97-01-045
PROP 97-01-044
PERM 97-06-108
PROP 97-01-044

schedule of penalties

Organic food
dairy products
standards PREP 97-04-065

meat products
standards PREP 97-04-065
producer certification PERM 97-02-008

Pesticide registration, commission on
meetings MISC 97-01-060
MISC 97-06-004

Pesticides
application permits PROP 97-02-094
PROP 97-06-003

Potatoes
seed potato certification PREP 97-01-125
PROP 97-07-075

Quarantine
apple maggot PROP 97-04-089
PERM 97-09-098
PROP 97-04-090
PROP 97-05-058
PROP 97-05-059
PROP 97-04-089
PERM 97-09-098

lentil seed

plum curculio

Red raspberry commission
meetings MISC 97-02-018

Seeds
lentil seed quarantine PROP 97-04-090
PROP 97-05-058
PROP 97-05-059

Weights and measures
equipment, compliance with national
standards PROP 97-09-102
standards update PREP 97-05-038
PROP 97-09-080

ARTS COMMISSION
Meetings MISC 97-03-040

ATTORNEY GENERAL'S OFFICE
Notice of request for attorney
general's opinion MISC 97-02-061
MISC 97-05-063
MISC 97-06-099
MISC 97-07-047
MISC 97-10-056

Opinions
criminal history record, effect of
completion of sentence conditions
(1997, No. 1) MISC 97-03-089

health, department of
diet information records (1997, No. 2) MISC 97-07-060

state convention and trade center,
bidding procedures (1996, No. 18) MISC 97-01-052

water system interties, water right
permit modification (1996, No. 19) MISC 97-01-119

BATES TECHNICAL COLLEGE
Parking and traffic regulation PREP 97-01-084
PROP 97-07-002
PROP 97-01-083
PROP 97-07-003

BELLEVUE COMMUNITY COLLEGE
Meetings MISC 97-01-121

BELLINGHAM TECHNICAL COLLEGE
Hazing policy PROP 97-03-071
Meetings MISC 97-01-006
MISC 97-03-012
MISC 97-03-019
MISC 97-05-005
MISC 97-06-017
MISC 97-09-006
MISC 97-10-058

BENTON COUNTY CLEAN AIR AUTHORITY
Meetings MISC 97-03-104

BIG BEND COMMUNITY COLLEGE
Meetings MISC 97-03-056

BUILDING CODE COUNCIL
Ammonia refrigerant discharge EMER 97-01-042
PERM 97-01-135
PROP 97-09-042

Building code
1997 edition PREP 97-05-065

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Energy code			earned early release time	MISC	97-03-041
personal wireless service facilities, insulation			infractions, penalties	MISC	97-03-041
Fire code	PERM	97-03-017	personal hygiene items, acquisition	MISC	97-03-041
review and update	PREP	97-05-065	tobacco products	MISC	97-03-041
Mechanical code					
1997 edition	PREP	97-05-065			
Plumbing			COUNTY ROAD ADMINISTRATION BOARD		
uniform plumbing code and plumbing code standards			Meetings	MISC	97-01-055
1997 edition	PREP	97-06-107	Project prioritization in southeast region	MISC	97-06-015
Refrigeration	PREP	97-03-086		PERM	97-06-006
Ventilation and indoor air quality	PREP	97-05-064			
CASCADIA COMMUNITY COLLEGE			CRIMINAL JUSTICE TRAINING COMMISSION		
Meetings	MISC	97-01-053	Meetings	MISC	97-03-060
				MISC	97-07-012
CENTRALIA COLLEGE			EASTERN WASHINGTON UNIVERSITY		
Meetings	MISC	97-01-071	Meetings	MISC	97-01-008
				MISC	97-03-107
CLARK COLLEGE				MISC	97-06-009
Code of student conduct	PREP	97-06-008	Student conduct code	MISC	97-09-003
	PROP	97-10-018		EMER	97-01-041
Meetings	MISC	97-02-042		PROP	97-01-078
				PERM	97-06-095
CLOVER PARK TECHNICAL COLLEGE			ECOLOGY, DEPARTMENT OF		
Rules coordinator	MISC	97-01-038	Agricultural burning	PROP	97-01-132
CODE REVISER'S OFFICE			Air quality		
Quarterly reports			environmental protection agency request to agency withdrawn	MISC	97-08-022
96-19 through 96-24 - See Issue 97-02 correction - see Issue 97-03			gasoline vapor recovery	PERM	97-04-012
			grass field burning limitation	PREP	97-09-018
COLUMBIA BASIN COLLEGE			new source review program for equipment changes	PERM	97-03-021
Meetings	MISC	97-02-020	Dangerous waste	MISC	97-06-088
			designating dangerous waste chemical test methods	MISC	97-05-032
COMMUNITY AND TECHNICAL COLLEGES, BOARD FOR			regulations update	PREP	97-04-062
TIAA/CREF retirement plan	EMER	97-01-007	Dangerous waste management facilities policy statement	MISC	97-01-134
	PREP	97-01-048	Flood control		
	PROP	97-01-077	assistance account program		
	EMER	97-07-006	hearings for grant awards	MISC	97-04-007
	EMER	97-07-007	Forest practices to protect water quality rules and regulations	EMER	97-05-039
	PERM	97-10-069	Model Toxics Control Act	PREP	97-08-038
COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF			hazardous waste site cleanup regulations update	PREP	97-10-092
Affordable housing advisory board			Permits	PREP	97-04-062
public hearings	MISC	97-05-077	operating permit regulations, appeals	PROP	97-04-061
Bond cap allocation	PERM	97-02-093		PERM	97-08-084
Community economic revitalization board meetings	MISC	97-04-027	Resource damage assessment committee meetings	MISC	97-01-133
	MISC	97-09-052	Shorelands and wetlands associated with shorelines, designation	PROP	97-03-129
Land use study commission				PERM	97-04-076
public records, accessibility	PERM	97-02-002	State Environmental Policy Act (SEPA)		
Low-income home energy assistance program hearing	MISC	97-10-001	categorical exemptions	PREP	97-03-130
Public works board meetings	MISC	97-01-026	comment period extended	MISC	97-09-048
			rules revised	PROP	97-08-085
CONSERVATION COMMISSION			Total petroleum hydrocarbons policy statement	MISC	97-05-031
Meetings	MISC	97-10-002	Water		
			surface water pollution control comments accepted for lists	MISC	97-09-055
CONVENTION AND TRADE CENTER			Water rights		
Meetings	MISC	97-01-040	application processing	EMER	97-10-091
	MISC	97-03-057		PREP	97-10-094
	MISC	97-05-034	Wells		
	MISC	97-06-089	construction and maintenance standards	PREP	97-10-093
	MISC	97-07-038	contractor and operator licensing	PREP	97-10-093
	MISC	97-08-049			
	MISC	97-09-034			
CORRECTIONS, DEPARTMENT OF					
Adult institutions					
contraband	MISC	97-03-041			

Subject/Agency Index

(Citation in bold type refer to material in this issue)

ECONOMIC DEVELOPMENT FINANCE AUTHORITY

Meetings MISC 97-03-103

EDMONDS COMMUNITY COLLEGE

Meetings MISC 97-01-005
MISC 97-01-074
MISC 97-03-005
MISC 97-03-059
MISC 97-05-018
MISC 97-05-019
MISC 97-07-004
MISC 97-07-021
MISC 97-07-022
MISC 97-07-045
MISC 97-09-014
MISC 97-09-026

EDUCATION, STATE BOARD OF

Definitions impact on student learning **PREP 97-10-006**
Early childhood education subject area endorsement **PREP 97-04-069**
Educational staff associates assignment **PREP 97-10-008**
certification standards **PREP 97-10-015**
Funding of schools accounting practices **PREP 97-09-115**
certificated staff requirements **PROP 97-01-103**
PERM 97-04-083
state support **PREP 97-10-014**
High school credit **PREP 97-01-010**
PROP 97-04-066
PERM 97-08-020
Literacy subject area endorsement **PREP 97-04-068**
School activities' driver's authorization **PROP 97-01-082**
School psychologists internship **PREP 97-10-007**
Schools for the twenty-first century **PREP 97-05-027**
Small school plants designation procedures **PREP 97-09-032**
Students due process rights **PREP 97-01-046**
PROP 97-04-067
PERM 97-08-019
PERM 97-01-047
suspensions
Teachers certification administrative policies and procedures **PROP 97-01-105**
PERM 97-04-082
lapsed certificates **PREP 97-10-025**
limited certificates **PREP 97-10-009**
continuing education **PROP 97-01-104**
PERM 97-04-086
PREP 97-10-011
PREP 97-10-010
excellence in teacher preparation award misconduct, investigation and discipline orders **PROP 97-01-011**
PERM 97-05-008
PROP 97-05-043
performance-based preparation programs, certification **PROP 97-01-100**
PROP 97-01-102
PERM 97-04-084
PERM 97-04-088
preparation programs **PROP 97-01-106**
PERM 97-04-081
PREP 97-10-013
professional standards, advisory councils **PREP 97-10-012**
standards **PREP 97-10-015**
student teaching pilot projects **PREP 97-05-026**
vocational certification **PROP 97-01-101**
PERM 97-04-085

vocational-technical certification

PREP 97-10-016
PROP 97-01-099
PERM 97-04-087

Vocational-technical institutes modernization financing

PREP 97-09-116

ENGINEERS AND LAND SURVEYORS (See DEPARTMENT OF LICENSING)

EVERETT COMMUNITY COLLEGE

Disclosure of student information **PREP 97-08-080**
Meetings **MISC 97-01-072**
Offices address and title clarification **PREP 97-08-081**

EVERGREEN STATE COLLEGE, THE

Environmental Policy Act **PREP 97-05-044**
PROP 97-09-084

Faculty mid-contract termination, procedures **PREP 97-05-044**
PROP 97-09-084
MISC 97-07-025

Meetings
Organization revision **PREP 97-05-044**
PROP 97-09-084

Parking **PREP 97-05-044**
PROP 97-09-084

Public records **PREP 97-05-044**
PROP 97-09-084
PREP 97-05-044
PROP 97-09-084

Tuition and fees **PREP 97-05-044**
PROP 97-09-084

EXECUTIVE ETHICS BOARD

Ethical standards civil penalties for violations **PROP 97-03-133**
PERM 97-07-058
Meetings **MISC 97-07-057**
MISC 97-09-100

FAMILY POLICY COUNCIL

Meetings **MISC 97-05-055**

FINANCIAL INSTITUTIONS, DEPARTMENT OF

Brokers, dealers and salespersons federal law compliance **PERM 97-03-122**
Certified Investment Management Act **PREP 97-08-058**
Check cashers and sellers licenses fees **PROP 97-06-092**
PERM 97-09-035

Credit unions Title 419 WAC **PROP 97-03-074**

Escrow agents interest-bearing trust accounts, use **PROP 97-04-071**

Escrow commission meetings **MISC 97-03-061**

Investment advisers and representatives dishonest and unethical practices **PREP 97-08-059**
PREP 97-08-060
PREP 97-08-058

"holding out" provisions sales of securities on premise of financial institutions **PREP 97-08-055**

Loan origination services computerized systems **PERM 97-01-003**

Mortgage commission meetings **MISC 97-03-061**
PREP 97-08-057

National Securities Markets Improvement Act North American securities administrators association world class foreign issuer exemption **PREP 97-08-056**

Securities interpretive statement offer and sale to certain investors **MISC 97-08-054**
PROP 97-08-061
policy statement **MISC 97-08-054**

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

FINANCIAL MANAGEMENT, OFFICE OF

Paydates for 1998

PREP 97-06-093
PROP 97-10-079

FISH AND WILDLIFE, DEPARTMENT OF

Aquaculture disease control

PROP 97-01-098
PROP 97-01-113
PERM 97-08-078

Fish and wildlife commission meetings

MISC 97-02-017

Fishing, commercial
coastal bottomfish
catch limits

EMER 97-01-128
EMER 97-10-021

Puget Sound bottomfish
take reduction
crab fishery

PERM 97-07-053
EMER 97-01-032
PROP 97-01-127
EMER 97-02-060
EMER 97-05-029
EMER 97-06-054
PERM 97-08-052

salmon

commercial troll
Grays Harbor fishery

EMER 97-10-029
PREP 97-06-129
PROP 97-09-097

Puget Sound net fishery

PREP 97-06-083
PREP 97-06-128
PROP 97-09-040
PROP 97-09-096
PROP 97-09-104

sale of eggs and carcasses by
volunteer groups
Willapa Bay fishery

PERM 97-01-086
PREP 97-06-129
PROP 97-09-097

sea urchins

areas and seasons

EMER 97-01-002
EMER 97-01-130
EMER 97-02-059
EMER 97-03-045
EMER 97-03-101
EMER 97-04-011
EMER 97-04-049
EMER 97-05-025

shellfish

razor clams

EMER 97-07-050

shrimp

coastal spot prawn fishery
emerging commercial fishery

PREP 97-06-130
PREP 97-04-079
EMER 97-09-044
EMER 97-09-067
EMER 97-10-044
EMER 97-10-081
PROP 97-01-127

seasons and gear

smelt

areas and seasons

EMER 97-04-014
EMER 97-05-041

sturgeon

areas and seasons

EMER 97-03-002
EMER 97-04-013
EMER 97-04-046
EMER 97-05-042
EMER 97-07-044
EMER 97-09-009
PROP 97-04-080
PERM 97-07-043
PROP 97-04-080
PERM 97-07-043

lead line weight

size requirement

Fishing, personal use

crawfish

areas and seasons

EMER 97-05-011

food fish

areas and seasons

EMER 97-03-001
EMER 97-10-043
EMER 97-01-034

limits

game fish seasons and catch limits

Chehalis River
Clearwater River
Columbia River

EMER 97-09-068
EMER 97-09-068
EMER 97-06-034

Cowlitz River

EMER 97-06-036
EMER 97-09-008
EMER 97-06-034

Dungeness River

Gray Wolf River

Hoh River

Icicle Creek

EMER 97-06-036
EMER 97-09-068
EMER 97-09-068
EMER 97-09-068

EMER 97-08-047
EMER 97-09-008
EMER 97-06-036

Kalama River

Klickitat River

EMER 97-08-047
EMER 97-09-001
EMER 97-06-034

Lewis River

EMER 97-09-008
EMER 97-08-047
EMER 97-09-068

Little White Salmon River

Queets River

Quillayute River

regional exceptions

EMER 97-08-047
EMER 97-09-068
EMER 97-01-129

EMER 97-06-034
EMER 97-09-068
EMER 97-08-047

Sol Duc River

Wind River

salmon

areas and seasons

EMER 97-09-068
EMER 97-08-047

Pacific Fisheries Management Council
recommendations adopted

PREP 97-09-085

shad

areas and seasons

EMER 97-06-036

shellfish

areas and seasons

native clams

razor clams

EMER 97-02-070
EMER 97-04-045
EMER 97-07-051

EMER 97-10-065

limits

shrimp

areas and seasons

EMER 97-09-033

EMER 97-10-070

smelt

areas and seasons

EMER 97-06-035

sport fishing rules

PROP 97-05-075

PROP 97-07-052

PERM 97-07-076

PERM 97-07-078

PERM 97-08-017

PERM 97-09-066

PROP 97-10-074

PROP 97-10-075

steelhead

areas and seasons

EMER 97-02-092

EMER 97-03-039

EMER 97-03-099

EMER 97-03-100

EMER 97-04-001

EMER 97-07-056

sturgeon

areas and seasons

EMER 97-01-034

PROP 97-01-126

EMER 97-03-001

PERM 97-08-018

EMER 97-09-001

EMER 97-10-063

Fishing, subsistence

Columbia River tributaries

EMER 97-09-007

Hunting

auctions

PREP 97-10-028

bear

PROP 97-06-116

PERM 97-06-047

big game auction permits

PROP 97-01-115

PROP 97-06-125

PREP 97-08-004

Canada goose

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

deer	PERM 97-06-046	GAMBLING COMMISSION	
	PERM 97-06-047	Amusement games	
	PROP 97-06-116	operation	PROP 97-03-093
	PROP 97-06-122		PERM 97-09-073
	PROP 97-06-123	Bingo	
	PROP 97-06-125	equipment	PERM 97-05-056
elk	PERM 97-06-046	gift certificates	PROP 97-03-092
	PERM 97-06-053		PERM 97-09-072
	PROP 97-06-117	keno bingo	PERM 97-05-061
	PROP 97-06-122	net income requirements	PROP 97-09-074
	PROP 97-06-124		PROP 97-09-076
falconry regulations	PROP 97-03-075	operating standards	
firearms restrictions	PERM 97-06-052	proposal withdrawn	PROP 97-08-071
game management units		Manufacturers and distributors	PREP 97-05-015
special game area		Meetings	PERM 97-03-094
boundary descriptions		Nonprofit/charitable organizations	
bighorn sheep units	PERM 97-06-056	gambling operations	PREP 97-04-033
bow and arrow descriptions	PERM 97-06-061	Public disclosure	PREP 97-05-014
cougar area descriptions	PROP 97-06-084	Pull tabs	
deer area descriptions	PERM 97-06-042	progressive pull tabs	PROP 97-05-057
elk area descriptions	PERM 97-06-059		EMER 97-05-062
goat units	PERM 97-06-058		PROP 97-09-074
moose units	PERM 97-06-057		PROP 97-09-075
muzzleloader area descriptions	PERM 97-06-060		PROP 97-09-077
private lands	PERM 97-06-055	proposal withdrawn	PROP 97-08-071
	PROP 97-06-127	Raffles	PROP 97-05-060
	PREP 97-10-028	Sale of business	PREP 97-05-013
Region one	PERM 97-06-050	Seizure of gambling devices	
Region two	PERM 97-06-049	hearing	PERM 97-03-095
Region three	PERM 97-06-048		
Region four	PERM 97-06-044	GENERAL ADMINISTRATION, DEPARTMENT OF	
Region five	PERM 97-06-043	Capitol campus design advisory committee	
Region six	PERM 97-06-041	meetings	MISC 97-03-030
goat	PROP 97-06-120		MISC 97-08-070
hunting hours and small game		Handguns	MISC 97-08-087
regulations	PERM 97-06-045	purchase by Washington state patrol	
	PREP 97-10-028	retirees	PERM 97-04-025
landowner damage hunts	PROP 97-01-114	Monuments and memorials in capitol region	
	PERM 97-05-074	design and approval process	PREP 97-10-087
	PROP 97-05-075	Skating activities on capitol campus	PERM 97-01-063
	PREP 97-10-028		
	PREP 97-09-086	GEOGRAPHIC NAMES, BOARD ON	
licenses	PREP 97-10-028	Determinations of geographic names	MISC 97-02-062
migratory game birds	PROP 97-06-118		
moose	PERM 97-06-039	GOVERNOR, OFFICE OF THE	
permit hunts	PROP 97-01-116	Access to government electronic records	
raffle permits	PERM 97-06-037	for commercial purposes	MISC 97-03-091
	PROP 97-06-126	Affirmative action policy committee	
	PREP 97-10-028	meetings	MISC 97-01-028
regulations and boundaries	PREP 97-01-111	Agency quality improvement	MISC 97-10-061
sheep	PROP 97-06-119	Auto dealers association	
special closures	PERM 97-06-052	denial of appeal	MISC 97-06-067
special hunts	PROP 97-01-117	notice of appeal	MISC 97-04-034
	PERM 97-06-038	Clemency and pardons board	
	PERM 97-06-051	meetings	MISC 97-04-032
	PROP 97-06-121		MISC 97-10-078
Noxious weed control	PREP 97-01-112	Flood, snow, wind, power outages	
	PROP 97-07-077	state of emergency declared	MISC 97-02-044
Pelt sealing	PROP 97-06-084		MISC 97-02-045
Protected species	PREP 97-01-111		MISC 97-02-091
	PROP 97-06-115		MISC 97-03-003
Wildlife			MISC 97-03-013
dogs harassing deer or elk,	EMER 97-01-033		MISC 97-03-068
custody or destruction	EMER 97-02-016		MISC 97-05-030
			MISC 97-08-001
			MISC 97-08-002
			MISC 97-08-006
			MISC 97-08-028
FOREST PRACTICES BOARD		Klickitat County storm damage,	
Marbled murrelet	EMER 97-02-087	state of emergency declared	MISC 97-01-110
critical wildlife habitat	PROP 97-08-077	Pend Oreille County storm damage,	
	PROP 97-09-041	state of emergency declared	MISC 97-01-009
	EMER 97-10-005	Project labor agreements	MISC 97-01-025
Meetings	MISC 97-05-073	Regulatory improvement	MISC 97-08-027
Water quality	PREP 97-05-033		
Water typing system	EMER 97-07-054		

Subject/Agency Index

(Citation in bold type refer to material in this issue)

GRAYS HARBOR COLLEGE				Nursing care quality assurance commission		
Meetings	MISC	97-04-044		chapters 246-838 and 246-839 WAC combined	PROP	97-07-074
				into chapter 246-840 WAC	PROP	97-09-061
GREEN RIVER COMMUNITY COLLEGE				interpretive statement		
Meetings	MISC	97-03-011		medication assistance	MISC	97-09-062
				interstate endorsement	PREP	97-03-067
GROWTH MANAGEMENT HEARINGS BOARDS				IV training	MISC	97-10-031
Practice and procedure	PROP	97-01-066		licensure	PROP	97-08-093
	PERM	97-04-008		standards of practice	PREP	97-03-066
	PROP	97-04-009		Nursing home administrators, board of		
HEALTH CARE AUTHORITY				adjudicative proceedings	MISC	97-10-030
Basic health plan				meetings	MISC	97-01-109
eligibility	EMER	97-06-070		Optometry, board of		
enrollment	EMER	97-06-069		continuing education	PROP	97-08-094
	PERM	97-08-067		Pharmacy, board of		
Public employees benefits board				assistant to pharmacist ratio	MISC	97-06-022
group coverage	EMER	97-06-071		ephedrine	PREP	97-10-033
meetings	MISC	97-08-066		health care entities, licensing		
				and regulation		
HEALTH CARE FACILITIES AUTHORITY				remifentanyl	PERM	97-02-015
Policy statements	MISC	97-02-099		tobacco free pharmacies	MISC	97-04-036
				Professional standards, office of	MISC	97-09-063
HEALTH CARE POLICY BOARD				changed to adjudicative clerk office	MISC	97-07-070
Meetings	MISC	97-03-088		Psychology, examining board of	PROP	97-08-092
	MISC	97-07-039		case disposition guidelines	MISC	97-06-025
HEALTH, DEPARTMENT OF				Radioactive materials		
Adjudicative clerk office				licenses	PROP	97-03-126
changed from office of professional				Radioactive waste management	PERM	97-08-095
standards	PROP	97-08-092		disposal of low-level waste		
Cellular telephone and pager use				Security of employees	PERM	97-02-014
policy	MISC	97-03-078		office policy	MISC	97-03-079
Child (day) care regulations	PREP	97-09-054		Shellfish programs		
Chiropractic quality assurance commission				certificate fees	PROP	97-08-025
meetings	MISC	97-08-026		office policy	MISC	97-03-077
Dental quality assurance commission				Water		
meetings	MISC	97-05-017		public water systems		
Documents				violations and penalties	MISC	97-06-109
rules for location changes	PROP	97-08-092		system plans		
Health care entities				review and approval fees	PROP	97-07-073
fees	PERM	97-06-019		Veterinary board of governors		
licenses	PERM	97-06-019		fees	PREP	97-06-018
Health professions quality assurance				Whistleblowers		
adjudicative proceedings	MISC	97-06-023		health care insurance complaints	PERM	97-02-013
	MISC	97-06-024				
credential verification	MISC	97-10-032		HIGHER EDUCATION COORDINATING BOARD		
default of student loans	MISC	97-07-072		Meetings	MISC	97-02-040
investigative materials	MISC	97-07-071				
investigative mental and physical				HIGHER EDUCATION, JOINT CENTER FOR		
examinations	MISC	97-06-020		Meetings	MISC	97-01-073
meetings	MISC	97-02-012		Riverpoint Higher Education Park campus		
public disclosure	MISC	97-06-021		parking and traffic regulations	PROP	97-09-043
Hearing and speech, board of						
meetings	MISC	97-03-020		HIGHLINE COMMUNITY COLLEGE		
	MISC	97-04-015		Meetings	MISC	97-01-023
	MISC	97-06-087			MISC	97-09-056
speech-language pathologists				HISPANIC AFFAIRS, COMMISSION ON		
certification standards	MISC	97-04-037		Meetings	MISC	97-01-076
	MISC	97-04-038			MISC	97-04-016
	MISC	97-04-039		HORSE RACING COMMISSION		
	PREP	97-04-040		Association officials and employees	PROP	97-04-060
	PERM	97-04-042		Jockeys		
	PERM	97-04-043		apprentices and agents	PREP	97-04-059
education requirements	PREP	97-08-024		Parimutuel rules	PREP	97-04-058
examinations	PREP	97-08-023				
HIV				HOUSING FINANCE COMMISSION		
spousal notification of test results				Bond financing programs	MISC	97-06-113
Ryan White CARE Act	PROP	97-06-110		Commissioners and staff	PREP	97-06-112
testing procedures	PERM	97-04-041			PROP	97-09-090
Hospice care centers	PERM	97-03-080			PROP	97-09-091
Medical records					PROP	97-10-060
fee for searching and duplicating	PROP	97-09-092				

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Debaring or disqualifying participants	PREP	97-07-068	wearing apparel	PERM	97-01-124
Low-income housing tax credit program	MISC	97-06-114	Safety and health standards		
INSURANCE COMMISSIONER'S OFFICE			abrasive blasting, spray painting and dip tanks	PROP	97-09-079
Alien insurance companies credit for reinsurance	PROP	97-01-131	pesticides, worker protection	EMER	97-06-040
Automobile insurance	PERM	97-05-012	Safety standards		
personal injury protection (PIP)	PROP	97-01-059	agriculture	PROP	97-03-131
	PROP	97-03-090		EMER	97-04-048
	PROP	97-08-045	chapter 296-306A WAC recodified as chapter 296-307 WAC	PERM	97-08-051A
rating practices, hearing	MISC	97-02-028	construction	MISC	97-09-013
Health care services				PROP	97-03-085
benefits, standards for determining when reasonable in relation to amount charged	PROP	97-01-136	electrical installation	PREP	97-10-095
	PROP	97-05-006		PREP	97-02-095
	PROP	97-08-046		PROP	97-03-083
contractors			grain handling facilities	EMER	97-10-064
net worth	MISC	97-04-057	logging operations	PROP	97-09-079
maintenance organization			Workers' compensation	PREP	97-10-071
net worth	MISC	97-04-057	chiropractic services	PREP	97-02-096
Managed care plans			classifications	PROP	97-01-122
health care coordination of benefits	PREP	97-04-074		PERM	97-06-007
rules	PROP	97-08-044	definitions	PROP	97-08-051
Practice and procedure for contested matters	PROP	97-03-023	drywall	PERM	97-02-090
	PROP	97-03-120	special rules	EMER	97-08-043
	PROP	97-08-091	hospital services payment	PERM	97-06-066
	PROP	97-10-072	impairment rating examinations	PROP	97-01-123
				PERM	97-09-036
			medical services payment system	PREP	97-02-096
				PREP	97-02-097
				PROP	97-05-076
				PERM	97-10-017
			premium rates	EMER	97-02-026
			reporting	PROP	97-01-122
INTEREST RATES					
(See inside front cover)					
INVESTMENT BOARD			LAKE WASHINGTON TECHNICAL COLLEGE		
Meetings	MISC	97-02-019	Meetings	MISC	97-01-022
JUDICIAL CONDUCT, COMMISSION ON			LAND USE STUDY COMMISSION		
Ethical standards	PROP	97-02-006	(See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)		
	PROP	97-05-023			
	PROP	97-09-057	LICENSING, DEPARTMENT OF		
Judges			Architects, board of registration for		
procedural rules	PROP	97-05-022	adjudicative proceedings	MISC	97-03-065
Meetings	MISC	97-01-021	examinations	PERM	97-10-026
			fees	PERM	97-03-121
				PERM	97-06-064
LABOR AND INDUSTRIES, DEPARTMENT OF			license	PREP	97-08-069
Agriculture workers' housing	EMER	97-06-040	reciprocity	PROP	97-10-080
Contractor registration	PREP	97-03-081	renewal	PERM	97-03-121
Electricians			Boxing and wrestling	PERM	97-06-064
journeyman certification of competency	PREP	97-02-095	Engineers and land surveyors, board of	PERM	97-01-035
Elevator advisory board meetings	MISC	97-02-039	certificates	MISC	97-02-024
Employment standards			reissue of revoked certificate	MISC	97-08-065
Factory-built housing	PROP	97-04-070	complaints	MISC	97-02-025
Fees	PROP	97-03-132	engineers	MISC	97-02-023
Occupational health standards			examination	MISC	97-02-021
asbestos exposure	PERM	97-01-079	exam branch change	MISC	97-05-035
butadiene	PREP	97-05-047	licenses	MISC	97-08-063
	PROP	97-09-079	requirements	PREP	97-03-029
methylene chloride	PREP	97-09-078	refunding money	MISC	97-08-064
respiratory protection	PREP	97-06-101	standing committees		
	PROP	97-09-079	organization and functions	MISC	97-05-036
Park trailers	PREP	97-03-082	Landscape architects		
	PROP	97-09-039	registration	PROP	97-03-022
Plumbers				PERM	97-06-065
journeyman certification of competency	PROP	97-03-084	Licenses and certification		
Policy and interpretive statements	MISC	97-02-089	suspension for default on student loans	PROP	97-07-026
	MISC	97-04-021		PROP	97-07-027
	MISC	97-07-059		PROP	97-07-028
Recreational vehicles	PREP	97-03-082			
	PROP	97-09-039			
Retail sales					
overtime compensation for employees	PROP	97-03-073			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	PROP	97-07-029		PERM	97-07-063
	PROP	97-07-030	Instant game rules	PREP	97-02-037
	PROP	97-07-031		PERM	97-04-047
	PROP	97-07-032		PROP	97-07-062
	PROP	97-07-033	Location services	PREP	97-07-061
	PROP	97-07-034	Nepotism	MISC	97-03-106
	PROP	97-07-035	Outside employment/business	MISC	97-03-106
	PROP	97-09-022	Personnel records access and retention	MISC	97-03-106
	PERM	97-10-026	Policies and procedures	MISC	97-09-004
	PERM	97-10-046	Reasonable accommodations for persons of disability	MISC	97-03-106
	PERM	97-10-047	Retailer criminal history and credit criteria for applicants and licensees	MISC	97-03-106
	PERM	97-10-048		PREP	97-07-061
	PERM	97-10-049			
	PERM	97-10-050			
	PERM	97-10-051			
	PERM	97-10-052	MARINE EMPLOYEES' COMMISSION		
	PERM	97-10-053	Meetings	MISC	97-06-016
	PERM	97-10-054			
Model traffic ordinance	PROP	97-07-015			
	PERM	97-10-068	MARINE SAFETY, OFFICE OF		
Motor vehicles			Bunkering operations	PREP	97-07-066
certificates	PERM	97-03-076	Fishing vessel industry standards	MISC	97-07-067
	PROP	97-09-002	Vessel operations		
collectors' vehicles, licensing	PROP	97-01-030	small tank barges,		
	PERM	97-07-014	financial responsibility	PROP	97-07-064
confidential vehicle license plates destroyed	PREP	97-06-082		PERM	97-10-096
	PROP	97-03-096	substantial risk standards	PROP	97-07-065
disabled person parking	PROP	97-08-005		PERM	97-10-097
driver services division records	PERM	97-02-001	300 gross tons and larger	MISC	97-03-119
fleet identifier codes	MISC	97-10-004			
	PROP	97-06-027	MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF		
license plates	PERM	97-10-003	Annual goals	PREP	97-09-093
veterans	PROP	97-03-028	Costs of certification, distribution	PROP	97-09-094
odometer disclosure statements	PERM	97-07-013	NATURAL RESOURCES, DEPARTMENT OF		
	PROP	97-06-028	Burning permits, written		
Motor vehicle excise tax	PROP	97-09-038	fees	PROP	97-09-065
Motor vehicle fuel tax	PROP	97-07-069	rules	PROP	97-09-065
public hearing	MISC	97-06-094	Fire protection, King County	PROP	97-02-029
Real estate appraisers				PERM	97-05-066
examination and reexamination fees	PREP	97-09-082	Forest fire advisory board		
licensing and certification			meetings	MISC	97-05-050
fees	PREP	97-09-083	Land corner record form	PERM	97-02-071
requirements	PERM	97-02-004	Natural resources, board of		
Real estate commission			meetings	MISC	97-02-041
agency representation disclosure	PERM	97-01-027	Natural heritage advisory council		
meetings	MISC	97-02-003	meetings	MISC	97-03-114
	MISC	97-10-059		MISC	97-03-115
Title and registration				MISC	97-03-116
advisory commission	MISC	97-07-016	NORTHWEST AIR POLLUTION AUTHORITY		
Unlicensed practice	MISC	97-02-022	Regulation	PROP	97-03-112
Vessels				PERM	97-07-055
confidential vessel registration	PREP	97-06-081			
			OLYMPIC AIR POLLUTION CONTROL AUTHORITY		
LOTTERY COMMISSION			Potential to emit	PROP	97-06-079
Affirmative action/equal employment opportunity	MISC	97-03-106	Solid fuel burning devices	PROP	97-09-101
Cruise of your life retailer promotion	MISC	97-03-106			
Ethics	MISC	97-03-106	OLYMPIC COLLEGE		
Instant game number 184 - Instant Monopoly®	PERM	97-02-038	Meetings	MISC	97-01-024
Instant game number 185 - Double Blackjack	PERM	97-02-038			
Instant game number 186 - Lucky Bug	PERM	97-02-038	OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR		
Instant game number 187 - \$2 Instant Quinto	PROP	97-03-123	Boating facilities	PROP	97-04-006
	PERM	97-07-063		PERM	97-08-003
Instant game number 188 - Strike It Rich	PROP	97-03-123	Development costs, retroactivity	PROP	97-04-006
	PERM	97-07-063		PERM	97-08-003
Instant game number 189 - Lucky 7s	PROP	97-03-123	Firearm and archery range recreation	PROP	97-04-006
	PERM	97-07-063		PERM	97-08-003
Instant game number 190 - Putt for Dough	PROP	97-03-123	Land and water conservation fund	PROP	97-04-006
	PERM	97-07-063		PERM	97-08-003
Instant game number 191 - Cut the Deck	PROP	97-03-123	Meetings	MISC	97-03-069
				MISC	97-04-010

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	MISC	97-04-064	PUBLIC DISCLOSURE COMMISSION	
	MISC	97-06-068	Contributions	
Nonhighway and off-road vehicle activities			independent expenditures	PROP 97-03-117
	PROP	97-04-006		PERM 97-06-085
Project agreement execution	PERM	97-08-003		PROP 97-06-086
Rules coordinator	PREP	97-08-079	Meetings	PERM 97-10-055
Washington wildlife and recreation	MISC	97-03-070		MISC 97-09-027
	PROP	97-04-006		
	PERM	97-08-003		
PARKS AND RECREATION COMMISSION			PUBLIC EMPLOYEES BENEFITS BOARD	
Meetings	MISC	97-02-007	Meetings	MISC 97-03-018
Metal detecting	PREP	97-06-063		MISC 97-04-026
	PROP	97-09-081		MISC 97-06-010
	PROP	97-09-113		MISC 97-07-001
	PROP	97-09-114		MISC 97-08-082
Parking permits	PREP	97-06-062		
PENINSULA COLLEGE			PUBLIC INSTRUCTION, SUPERINTENDENT OF	
Meetings	MISC	97-03-125	Administrator internship program	PREP 97-04-022
			Funding	
			basic education	PREP 97-09-010
			nonhigh participatory finance	PERM 97-03-044
			Nonresident attendance	PREP 97-09-010
			Part-time public school attendance apportionment	PREP 97-09-010
PERSONNEL RESOURCES BOARD AND PERSONNEL, DEPARTMENT OF			Revenue	
Administrative procedure	PROP	97-08-089	definitions	PREP 97-04-035
	PROP	97-08-090	Transitional bilingual instruction program	PROP 97-01-012
	PROP	97-10-088		
Appeals, procedures	PROP	97-02-072		
	PERM	97-06-012		
	PROP	97-08-090		
	PROP	97-10-088		
Employee performance evaluation forms	PROP	97-08-090		
	PROP	97-10-088		
	PROP	97-10-089		
Labor relations	PROP	97-01-064		
	PERM	97-06-012		
	PERM	97-01-065		
Positions allocations and reallocations	PROP	97-08-089		
	PROP	97-10-088		
Temporary appointment	EMER	97-09-028		
	PROP	97-10-090		
PIERCE COLLEGE			PUGET SOUND AIR POLLUTION CONTROL AGENCY	
Board of trustees			Fire extinguisher training rules	PERM 97-07-046
bylaws	PROP	97-07-018	Meetings	MISC 97-01-061
code of ethics chapter 132K-08 WAC repealed	PROP	97-07-017	Sources	
Meetings	MISC	97-03-110	fees	PERM 97-01-070
			registration	PROP 97-04-075
				PERM 97-01-070
				PROP 97-04-075
PILOTAGE COMMISSIONERS, BOARD OF			RENTON TECHNICAL COLLEGE	
Pilotage tariff rates			Meetings	MISC 97-02-088
Grays Harbor district	PROP	97-10-062		
Puget Sound district	PROP	97-02-005		
	PROP	97-08-041		
Pilots			RETIREMENT SYSTEMS, DEPARTMENT OF	
duties	PROP	97-01-108	Deferred compensation program	PROP 97-02-027
	PERM	97-06-106		PERM 97-05-009
license fee schedule	PROP	97-01-107	Employee retirement benefits board meetings	MISC 97-01-118
	PERM	97-06-105	Law enforcement officers' and fire fighters' retirement system basic salary, determination	PERM 97-01-016
new pilots	PREP	97-06-102	Service credit, establishment or reestablishment	PERM 97-01-014
	EMER	97-06-104	Teachers' retirement system	
	EMER	97-08-040	community and technical college part-time employees service credit calculation	PROP 97-01-017
	PROP	97-10-084	compensation earnable, determination plan III	PROP 97-05-010
			contribution rates	PERM 97-09-037
			self-directed investment options	PERM 97-03-016
			return to work, effect	PERM 97-01-013
Vessels	PROP	97-06-103		EMER 97-08-053
	EMER	97-06-104		PREP 97-09-047
WAC chapter recodification	MISC	97-08-042		PERM 97-01-015
POLLUTION LIABILITY INSURANCE AGENCY			REVENUE, DEPARTMENT OF	
Heating oil pollution liability insurance program	PROP	97-03-113	Business and occupation tax	
	PERM	97-06-080	tax return filing, exemption	PERM 97-08-050
	EMER	97-07-049	Property tax	
			agricultural land valuations	PERM 97-02-066
			forest land values	PROP 97-02-064
				EMER 97-02-065
				PROP 97-07-041
				PERM 97-02-067
			inflation rate	

Subject/Agency Index

(Citation in bold type refer to material in this issue)

refunds, rate of interest	PERM	97-02-068	definitions	PROP	97-02-009
Real property appraisers accreditation	PERM	97-08-068	placement criteria	PERM	97-08-073
Rules coordinator	MISC	97-02-030		PROP	97-02-009
Sales tax			Aliens	PERM	97-08-073
motor carriers' purchases	PROP	97-07-079	organ transplants	EMER	97-08-074
wind and solar electric generating facilities	PERM	97-03-027	Asset management manual	MISC	97-08-009
Timber excise tax stumpage values	PERM	97-02-069	Blood bank services		
	PREP	97-06-111	billing	MISC	97-08-013
	PROP	97-10-027	Child care	MISC	97-02-050
			eligibility		
			Child protective services		
			investigation notification	PREP	97-02-031
				PROP	97-09-106
RULES COORDINATORS			Child support, division of		
(See Issue 97-01 for a complete list of rules coordinators designated as of 12/19/96)			collection remedies	PROP	97-09-020
Clover Park Technical College	MISC	97-01-038	confidentiality, address disclosure	PREP	97-09-110
Revenue, department of	MISC	97-02-030		PROP	97-10-082
Walla Walla Community College	MISC	97-06-032	party status rights	PREP	97-09-109
Washington State Patrol	MISC	97-09-088	paternity acknowledgement	PREP	97-09-111
Washington State University	MISC	97-05-020	paternity tests	PROP	97-09-020
			wage assignment	PROP	97-09-020
SALARIES FOR ELECTED OFFICIALS, CITIZENS COMMISSION			Children's services		
Meetings	MISC	97-05-016	child protection teams	MISC	97-02-053
	MISC	97-08-029	foster care	MISC	97-02-058
			group care	MISC	97-02-057
			inpatient mental health	MISC	97-02-052
			policy manual	MISC	97-02-051
			relatives of legally free	MISC	97-02-056
			runaways	MISC	97-02-054
				MISC	97-02-055
SEATTLE COMMUNITY COLLEGES			Deaf and hard of hearing services		
Meetings	MISC	97-01-019	communication access		
	MISC	97-04-052	interpretive or policy statement	MISC	97-01-097
	MISC	97-06-033	Developmental disabilities, division of		
	MISC	97-10-066	family support program		
			funds	EMER	97-03-033
			rules	PREP	97-03-098
			Domestic violence perpetrator program	PERM	97-02-035
			Economic services		
			financial responsibility	PROP	97-09-019
				PROP	97-10-083
			lump sum payments	EMER	97-03-047
				PROP	97-03-051
				PERM	97-06-078
SECRETARY OF STATE			Employees		
Corporations divisions			foster care licensing and adoption		
charities	PREP	97-03-014	certification	MISC	97-03-031
	PROP	97-08-076	Federal poverty level revised	EMER	97-08-031
commercial coventurer	PREP	97-08-075	Food stamp program		
commercial fund raiser	PREP	97-03-014	alien status requirements	PROP	97-09-107
	PROP	97-08-076	certification period	PROP	97-06-098
				PERM	97-09-030
Initiative and referendum petitions			drug-related convicted felons		
signature verification	PREP	97-09-060	denial of assistance	PROP	97-06-097
Voter registration cards	PREP	97-06-091		PERM	97-09-031
	PROP	97-09-099	employment and training programs		
			requirements	PERM	97-03-035
				EMER	97-05-052
SHORELINE COMMUNITY COLLEGE			income eligibility	PROP	97-02-078
Meetings	MISC	97-03-006		EMER	97-02-076
			ineligible household members	EMER	97-02-033
				PROP	97-02-034
			overpayments	PERM	97-05-002
				PERM	97-06-074
			violations and disqualification	EMER	97-02-073
				PROP	97-02-075
				PERM	97-06-096
				PROP	97-01-089
				EMER	97-01-094
				PERM	97-04-024
				PROP	97-01-088
				EMER	97-01-095
SKAGIT VALLEY COLLEGE					
Antihazing policy	PERM	97-01-049			
Meetings	MISC	97-01-039			
	MISC	97-02-043			
	MISC	97-09-058			
	MISC	97-10-019			
SOCIAL AND HEALTH SERVICES, DEPARTMENT OF					
Adoption support program	PREP	97-03-097			
Adult day health	PREP	97-03-124			
Aging and adult services					
in-home care providers	PREP	97-08-072			
rates management, office	PREP	97-06-072			
Aid to families with dependent children (AFDC)					
eligibility	PREP	97-02-079			
immigration and naturalization					
services reporting	PREP	97-02-077			
work quarters, definition	PERM	97-01-043			
unemployed parent program					
100-hour work rule	PROP	97-09-108			
Alcohol and substance abuse, division of					
behavior management and temporary					
protective holding of patients	PERM	97-03-062			
chemical dependency counselors	PROP	97-02-009			
	PERM	97-08-073			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Income assistance	PERM	97-04-023	fugitive felons and probation/parole violators	EMER	97-03-046
need standards	PERM	97-01-001	address of recipient	PROP	97-03-053
Information technology				PERM	97-07-008
purchase of goods and services	MISC	97-08-008	denial of assistance	EMER	97-03-049
Limited English clients				PROP	97-03-052
language services	MISC	97-03-032		EMER	97-04-050
Medical assistance				PROP	97-04-051
assignment of client rights	PROP	97-01-093		PERM	97-06-077
	PERM	97-04-005		PERM	97-07-024
categorically needy, eligibility	PERM	97-03-036	personal property		
client grievances	PROP	97-01-092	exemption	EMER	97-03-048
	PERM	97-04-004		PROP	97-03-050
home health services				PERM	97-06-075
billing	MISC	97-05-001	protective payee fees	PREP	97-06-132
prior authorization requirement removed	MISC	97-08-012		EMER	97-06-133
income eligibility	PROP	97-02-010		PROP	97-10-039
	PERM	97-10-022	temporary absence of child	PROP	97-05-068
institutionalized client				PERM	97-08-032
income eligibility	EMER	97-02-048		PERM	97-10-041
	EMER	97-02-049	unemployed parent program		
	PROP	97-02-032	100-hour work rule	PROP	97-09-108
	PERM	97-05-040	unmarried minor parents	PREP	97-02-080
managed care				PROP	97-05-072
enrollment requirements	PROP	97-10-073		EMER	97-06-026
maternity care				PROP	97-06-073
billing	MISC	97-05-051		PERM	97-09-029
case management services	MISC	97-08-011	high school diploma	EMER	97-03-054
needs special assistance clients	PERM	97-02-047		PROP	97-03-055
	PROP	97-02-063		EMER	97-04-050
newborn premiums	MISC	97-04-030		PROP	97-04-051
nondurable medical equipment and supplies				PERM	97-06-076
billing	MISC	97-09-105		PERM	97-07-024
nursing facility clients, eligibility	PREP	97-01-090	Washington Administrative Code		
outpatient claims	MISC	97-04-029	rules, delegation of authority to sign	PREP	97-09-011
patients requiring regulation	PERM	97-03-038	Welfare fraud		
pharmacy services			payment denial	PREP	97-02-086
reimbursement	PREP	97-06-131			
prescription drugs	MISC	97-04-028	SOUTH PUGET SOUND COMMUNITY COLLEGE		
	MISC	97-08-010	Meetings	MISC	97-06-001
				MISC	97-07-009
prior authorization					
temporary removal of requirements	MISC	97-08-014	SPOKANE, COMMUNITY COLLEGES OF		
receipt of resources	PERM	97-03-037	Meetings	MISC	97-04-019
resources, availability	PREP	97-01-091			
	PROP	97-07-023	SPOKANE COUNTY AIR POLLUTION		
	PERM	97-09-112	CONTROL AUTHORITY		
	PERM	97-03-034	Fees	PROP	97-05-046
resources, exemptions			Penalties	PERM	97-09-016
school services			Violations	PROP	97-05-045
billing	MISC	97-04-031		PERM	97-09-015
special situations	PREP	97-10-034		PROP	97-05-045
supplemental premiums				PERM	97-09-015
interpretive or policy statement	MISC	97-01-096			
Supplemental security income (SSI)			SUPREME COURT		
cost of living adjustment (COLA)	EMER	97-02-074	Health care claims		
eligibility	PREP	97-08-035	mediation procedure	MISC	97-05-024
medical assistance	EMER	97-08-030	Infraction cases	MISC	97-01-062
standards of assistance	PROP	97-10-035	Pleas	MISC	97-07-011
	EMER	97-10-036	Settlement guardian ad litem	MISC	97-07-010
Temporary assistance to needy families (TANF)			Suppression of evidence, procedure	MISC	97-01-029
child caretaker	PREP	97-02-083			
	PREP	97-02-081	TACOMA COMMUNITY COLLEGE		
	PREP	97-02-082	Meetings	MISC	97-02-046
	PROP	97-05-071	Personnel rules for classified staff	PROP	97-03-128
	PERM	97-08-033		PERM	97-07-048
	PERM	97-10-042			
drug-related convicted felons			TAX APPEALS, BOARD OF		
denial of assistance	PROP	97-05-069	Meetings	MISC	97-01-037
	PERM	97-08-034			
	PERM	97-10-040	TRAFFIC SAFETY COMMISSION		
eligibility	PREP	97-02-084	Meetings	MISC	97-07-020
	PREP	97-02-085			
fraud			TRANSPORTATION COMMISSION		
penalties	PROP	97-05-070	Meetings	MISC	97-01-036
	PERM	97-10-038			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	PROP	97-01-069			
	PERM	97-06-002		WALLA WALLA COMMUNITY COLLEGE	
	MISC	97-06-030		Meetings	MISC 97-08-015
	MISC	97-09-021		Rules coordinator	MISC 97-06-032
TRANSPORTATION IMPROVEMENT BOARD				WASHINGTON STATE LIBRARY	
Meetings	MISC	97-03-015		Library commission	
	MISC	97-09-017		meetings	MISC 97-01-031
					MISC 97-03-004
TRANSPORTATION, DEPARTMENT OF					MISC 97-05-004
Air search and rescue					MISC 97-08-039
management	PROP	97-01-075			MISC 97-09-049
	PERM	97-03-064			MISC 97-10-085
registration	PROP	97-01-075			
	PERM	97-03-064		WASHINGTON STATE PATROL	
training	PROP	97-01-075		Fire protection policy board	
	PERM	97-03-064		meetings	MISC 97-04-002
Contractors					MISC 97-04-003
prequalification	PREP	97-01-087		Fireworks	
	PROP	97-05-007		retail sales	PREP 97-05-028
	PERM	97-09-045		Identification section	
Ferries				criminal history records	PROP 97-01-056
hazardous materials, transport	PREP	97-03-118			PERM 97-05-048
Highway Advertising Control Act				Limousine carriers	
definitions, provisions, penalties	PREP	97-09-070		inspection, process and fees	PERM 97-03-127
Public advisory elections	PREP	97-08-016		Meetings	MISC 97-03-026
Regional transportation planning process	PROP	97-06-005		Motor vehicles	
	PERM	97-09-046		antique motor-driven cycles, definition	PERM 97-03-087
				equipment on snow removal and	
				highway maintenance vehicles	PROP 97-01-057
UNIVERSITY OF WASHINGTON					PERM 97-04-054
Facilities use	PREP	97-10-077		fog light use	PREP 97-06-100
Meetings	MISC	97-01-085			PERM 97-09-069
	MISC	97-03-007		seat belt	
	MISC	97-03-008		exemptions	PREP 97-03-043
	MISC	97-03-009			PROP 97-07-037
	MISC	97-03-024		street rods and kit vehicles	PERM 97-10-023
	MISC	97-03-058		body requirements	PROP 97-01-058
	MISC	97-03-105			PERM 97-04-055
	MISC	97-03-108		wireless communications systems	PREP 97-03-042
	MISC	97-03-109			PROP 97-07-036
	MISC	97-04-018			PERM 97-10-024
	MISC	97-04-072		Public records	
	MISC	97-04-073		copy charges	PERM 97-01-018
	MISC	97-06-029		Rules coordinator	MISC 97-09-088
	MISC	97-07-040		Towing businesses	
	MISC	97-09-050		application for letters of appointment	PROP 97-04-053
	MISC	97-09-051			EMER 97-04-056
	MISC	97-09-059		vehicle storage	PERM 97-08-021
	MISC	97-09-087			PROP 97-04-053
	MISC	97-10-020		fees, calculation	EMER 97-08-021
	MISC	97-10-067			PERM 97-04-056
Parking and traffic regulations	PREP	97-05-049			EMER 97-04-056
	PROP	97-09-071			
Public records accessibility	PROP	97-08-062			
UTILITIES AND TRANSPORTATION COMMISSION				WASHINGTON STATE UNIVERSITY	
Alternate operator service providers	PREP	97-08-036		Martin stadium, spectator	
Meetings	MISC	97-01-020		safety at events	PREP 97-05-021
	MISC	97-09-089			PROP 97-10-086
Pay telephones	PREP	97-08-036		Meetings	MISC 97-10-057
Petroleum pipeline companies				Rules coordinator	MISC 97-05-020
pipeline safety	PERM	97-07-042			
Telephones				WENATCHEE VALLEY COLLEGE	
subscriber rates, calling areas	PREP	97-09-023		Meetings	MISC 97-01-054
Transportation services					
nonprofit providers to person with special				WESTERN WASHINGTON UNIVERSITY	
transportation needs	PERM	97-08-037		Parking and traffic regulations	PREP 97-06-014
VETERANS AFFAIRS, DEPARTMENT OF					
State veterans homes				WHATCOM COMMUNITY COLLEGE	
transfer and discharge of resident	PERM	97-06-013		Hazing	PREP 97-03-102
				Meetings	MISC 97-03-010
					MISC 97-09-053
VOLUNTEER FIRE FIGHTERS, BOARD FOR					
Meetings	MISC	97-07-005			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

Meetings	MISC	97-01-004
	MISC	97-03-025
	MISC	97-06-031
	MISC	97-06-090
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