

Washington State Register

AUGUST 6, 1997

OLYMPIA, WASHINGTON

ISSUE 97-15



IN THIS ISSUE

Agriculture, Department of
Barley Commission
Basic Health Plan
Boiler Rules, Board of
Central Washington University
Clark College
Code Reviser's Office
Columbia River Gorge Commission
Community, Trade and Economic
Development, Department of
Convention and Trade Center
Eastern Washington University
Ecology, Department of
Edmonds Community College
Education, State Board of
Employment Security Department
Engineers and Land Surveyors, Board of
Registration for Professional
Environmental Hearings Office
Executive Ethics Board
Family and Children's Ombudsman,
Office of the
Fish and Wildlife, Department of
Forest Practices Board
Gambling Commission
Health Care Authority
Health, Department of
Health, State Board of
Insurance Commissioner's Office

Judicial Conduct, Commission on
Labor and Industries, Department of
Library, Washington State
Licensing, Department of
Lottery Commission
Nursing Care Quality Assurance Commission
Outdoor Recreation, Interagency
Committee for
Parks and Recreation Commission
Pilotage Commissioners, Board of
Pollution Control Hearings Board
Pollution Liability Insurance Agency
Public Disclosure Commission
Public Employees Benefits Board
Public Instruction, Superintendent of
Puget Sound Air Pollution Control Agency
Renton Technical College
Seattle Community Colleges
Shoreline Hearings Board
Social and Health Services, Department of
Spokane, Community Colleges of
Supreme Court, State
Transportation Commission
Transportation Improvement Board
University of Washington
Utilities and Transportation Commission
Washington State University
Workforce Training and Education
Coordinating Board

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than July 23, 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 August 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

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$189.00 per year, sales tax included, postpaid to points in the United States. Periodical postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
P.O. Box 40552
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
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following 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;

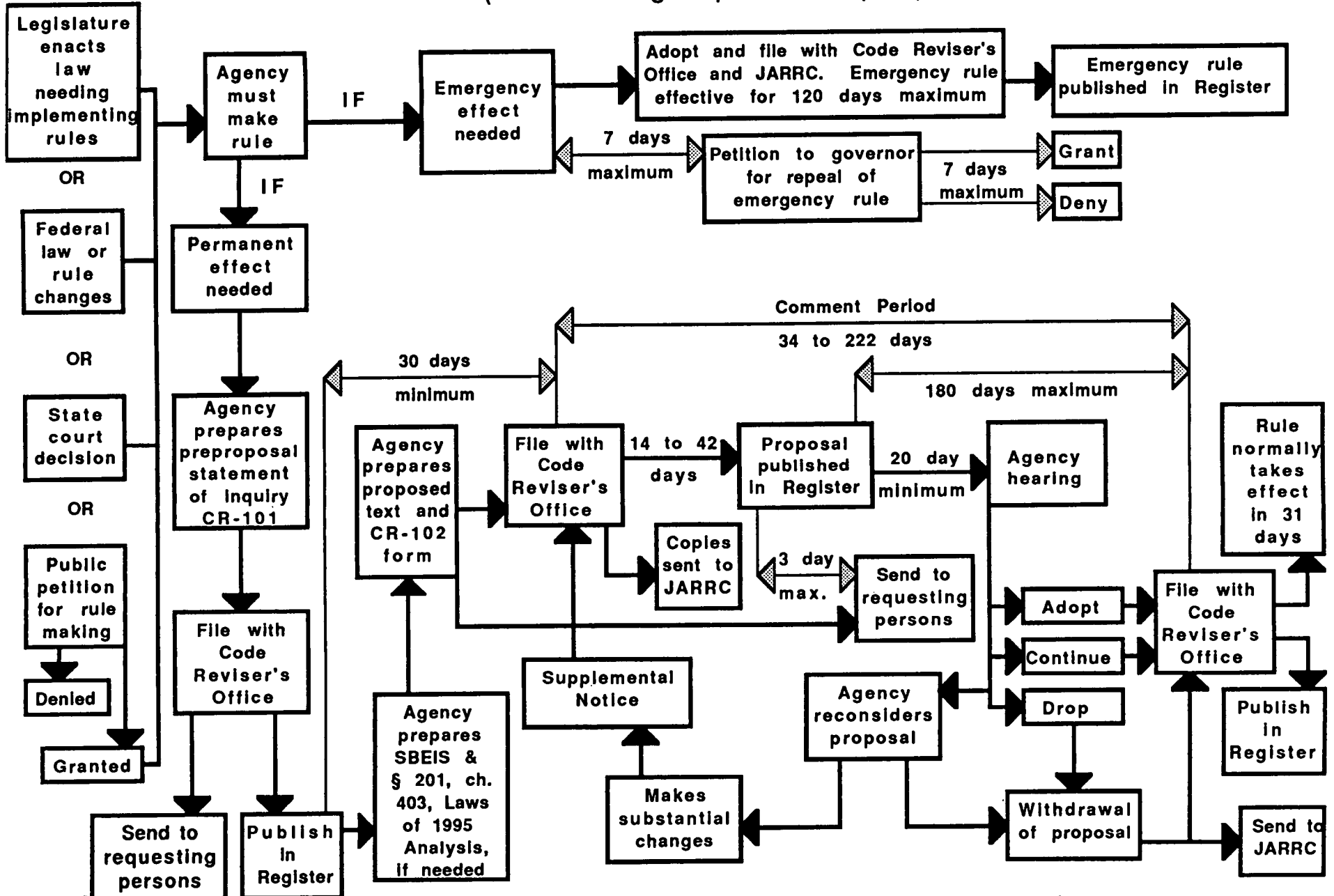
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 97-15-002**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed July 3, 1997, 10:57 a.m.]

Subject of Possible Rule Making: The Nursing Commission developed sexual misconduct guidelines in 1993 in order to assist nurses and the public in understanding the concept and actions which can be taken in disciplinary cases coming before the commission. The commission has recognized the need to move the guidelines into rule to ensure their enforceability, and therefore more fully protect the public.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.180(24).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on sexual misconduct are necessary to ensure enforceability of disciplinary action and to enhance the ability of the Department of Health to protect the public. The commission strongly believes that a formal regulation in place would assist in the protection of the public.

Process for Developing New Rule: Open forums were held on January 8, 1997, in Seattle and January 9, 1997, in Spokane. Information has been solicited from other states who have sexual misconduct rules currently in place. An interested party mailing list has been developed. Also the commission's Spring 1997 Newsletter, mailed in March 1997, discussed this issue and invited all RNs, LPNs and others on the mailing list to provide comments and be placed on the interested party mailing list.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Washington State Nursing Commission, attention: Rules, P.O. Box 47864, Olympia, WA 98504-7864, (360) 664-4219, FAX (360) 586-5935.

May 15, 1997

Patty Hayes

Executive Director

WSR 97-15-028**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed July 9, 1997, 9:45 a.m.]

Subject of Possible Rule Making: Amendments to chapter 16-158 WAC, Standards for the certification of processors of organic food.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.86.070(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to chapter 16-158 WAC are needed to alter the fee schedule. The revised fee schedule defines classifications for the various types of processors which use organic ingredients in their products and designates the required fees for each classification. The amendments provide an equitable fee schedule for the processor applicants of the organic food program.

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 amended rules are being developed with the assistance of the Washington State Department of Agriculture, Organic Advisory Board, and other interested parties within the organic food industry.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Miles McEvoy, Washington State Department of Agriculture, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1836, FAX (360) 902-2087, e-mail mmcevoy@agr.wa.gov. The proposed amended rules will be discussed on August 20, 1997, in Ellensburg, Washington. The department will individually mail to all certified organic processors and other interested parties copies of the proposed language when the department files the CR-102.

July 7, 1997

Candace A. Jacobs
Assistant Director**WSR 97-15-029****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed July 9, 1997, 9:47 a.m.]

Subject of Possible Rule Making: Amendments to chapter 16-164 WAC, Standards for the certification of handlers of organic food.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.86.070(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to chapter 16-164 WAC are needed to alter the fee schedule. The revised fee schedule defines classifications for the various types of handlers of organic product and designates the required fees for each classification. The amendments provide an equitable fee schedule for the handler applicants of the organic food program.

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 amended rules are being developed with the assistance of the Washington State Department of Agriculture, Organic Advisory Board, and other interested parties within the organic food industry.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Miles McEvoy, Washington State Department of Agriculture, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1836, FAX (360) 902-2087, e-mail mmcevoy@agr.wa.gov. The proposed amended rules will be discussed on August 20, 1997, in Ellensburg, Washington. The department will individually mail to all certified organic handlers and other interested parties copies of the proposed language when the department files the CR-102.

July 7, 1997

Candace A. Jacobs
Assistant Director

WSR 97-15-037**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed July 11, 1997, 9:50 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., relating to dealer temporary permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.70.160, 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 1198, chapter 153, Laws of 1997, change in vehicle dealer temporary permit requirements.

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

Process for Developing New Rule: 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 are invited to participate in this rule making. Please contact Patrick J. Zlateff, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3718, FAX (360) 664-0831, TDD (360) 664-8885. Comments are requested by September 5, 1997.

July 10, 1997

Nancy Kelly, Administrator
Title and Registration Services

WSR 97-15-040**PREPROPOSAL STATEMENT OF INQUIRY
COMMUNITY COLLEGES OF SPOKANE**

[Filed July 11, 1997, 11:15 a.m.]

Subject of Possible Rule Making: Amending rules relating to student records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amend college rules to be consistent with federal regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None, each college is to adopt rules consistent with federal regulations issued by the United States Department of Education.

Process for Developing New Rule: Agency study.

July 8, 1997

Geoffrey J. Eng
District Director
Affirmative Action
Administrative Services

WSR 97-15-041**PREPROPOSAL STATEMENT OF INQUIRY
EXECUTIVE ETHICS BOARD**

[Filed July 11, 1997, 1:35 p.m.]

Subject of Possible Rule Making: RCW 42.52.360 (2)(c), issuance of advisory opinion; RCW 42.52.120 (2)(b) and (c), advice by the Executive Ethics Board on compensation for outside activities; and RCW 42.52.360 (2)(b), rules and policies governing the conduct of the board's business.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering rule making on the acceptance and issuance of advisory opinions; review and advising whether state officers' and employees' contracts with state agencies are in conflict with their official duties and other rules governing the conduct of the board's business. The intent of these rules would be to clearly explain the board's administrative procedures to the public and the regulated population.

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 board will request written comments from persons who may be interested. Comments received will be considered by the board before a proposed rule is published pursuant to a formal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Executive Ethics Board Secretary, 1125 Washington Street S.E., P.O. Box 40100, Olympia, WA 98504-0100, (360) 664-0871. Written comments must be received by August 15, 1997. These comments will be considered by the board at its September 12, 1997, regular meeting at Building 1, 4224 6th Avenue S.E., Lacey, WA, 9:00 a.m. Thereafter, the board may proceed with rule making.

July 11, 1997

Barbara Cook
Secretary

WSR 97-15-052**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed July 14, 1997, 1:41 p.m.]

Subject of Possible Rule Making: Gambling services supplier rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The type of service provided by gambling services suppliers has become prevalent in the industry. The accompanying higher risk of fraud to the public means that regulation is needed. These rule changes will ensure that the parties providing the services are qualified to be licensed.

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. August Commission Meeting, WestCoast Wenatchee Center Hotel, 201 North Wenatchee Avenue, Wenatchee, WA 98801, (509) 662-1234; September Commission Meeting, Holiday Inn SeaTac, 17338 International Boulevard, SeaTac, WA 98188, (206) 248-1000; and October Commission Meeting, Icicle Inn Best Western, 505 Highway 2, Leavenworth, WA 98826, (509) 548-8000.

July 14, 1997

Soojin Kim

Rules and Policy Coordinator

WSR 97-15-053

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Filed July 14, 1997, 3:00 p.m.]

Subject of Possible Rule Making: Establishing discounts from otherwise-applicable intrastate telecommunications rates for schools and libraries, and eligibility for federal subsidies, as required by the Federal Telecommunications Act of 1996 (the federal act) and Report and Order No. 97-157 of the Federal Communications Commission (FCC). Modification of rules governing contracts may also be necessary. Docket No. UT-970317.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.36.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Federal Telecommunications Act authorizes discounted telecommunications service for schools and libraries. It provided that the Federal Communications Commission set the discounts for interstate services for schools and libraries and reserved to the states the authority to set such discounts for intrastate services. An FCC order provides for funding of both interstate and intrastate services for schools and libraries. The purpose of this rule-making proceeding is to set the intrastate discounts pursuant to the commission's authority over such intrastate rates and practices of telecommunications companies. Commission rules governing contracts may also be modified.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Communications Commission regulates interstate aspects of telecommunications service and provides a framework within which states must operate. This rule making is being undertaken pursuant to specific directions in FCC Order No. 97-157 to establish consistency between state and federal law.

Process for Developing New Rule: Agency study. The commission will call for written comments, and may provide the opportunity for additional written comments. The commission will schedule an informal workshop with interested persons in a manner designed to develop consensus regarding any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 753-6451, FAX (360) 586-1150.

WRITTEN COMMENTS: Written comments from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. UT-970317, not later than **August 15, 1997**. All commenters are asked, but not required, to file an original and ten copies of their written comments. The commission also requests, but does not require, that comments be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 5.1, [5.1], 6.0 or 6.1, labeled with the commenter's name and type of software used. Interested persons may also file additional written comments and attend and participate in any workshops, to be announced by written notice to all commenters and to other persons specifically asking to receive notice in this rule-making proceeding.

ORAL COMMENTS: Oral comments can be made at the commission's public meeting convening at 9:00 a.m. on **July 30, 1997**, in conjunction with the commission's consideration of an emergency rule to the same effect as that which is considered in this statement of inquiry.

Questions may be addressed to Thomas Wilson, commission staff member, at (360) 586-1194 or via electronic mail at TomW@wutc.wa.gov.

July 9, 1997

Terrence Stapleton
for Steve McLellan
Secretary

WSR 97-15-076

PREPROPOSAL STATEMENT OF INQUIRY CLARK COLLEGE

[Filed July 16, 1997, 12:53 p.m.]

Subject of Possible Rule Making: Chapter 132N-122 WAC, Withholding services for outstanding debts (new chapter).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule establishes policy and procedure whereby services may be withheld from any person who has an outstanding debt with the college. It also provides for notification that services will be withheld; advises of the person's right to a brief adjudicative proceeding if the person believes no debt is owed; and establishes a procedure for a brief adjudicative hearing.

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 Mr. Tony Birch, Dean of Administrative Services, Clark College, 1800 East McLoughlin Boulevard, Vancouver, WA 98663-3598, phone (360) 992-2123, FAX (360) 992-2884.

July 3, 1997

Earl P. Johnson
President

WSR 97-15-077
PREPROPOSAL STATEMENT OF INQUIRY
CLARK COLLEGE

[Filed July 16, 1997, 12:55 p.m.]

Subject of Possible Rule Making: Chapter 132N-156 WAC, Parking and traffic rules and regulations.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revise and update the rules which provide the method of regulating college vehicular, nonvehicular, and pedestrian traffic.

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 Mr. Tony Birch, Dean of Administrative Services, Clark College, 1800 East McLoughlin Boulevard, Vancouver, WA 98663-3598, phone (360) 992-2123, FAX (360) 992-2884.

July 3, 1997
 Earl P. Johnson
 President

WSR 97-15-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 17, 1997, 10:45 a.m.]

Subject of Possible Rule Making: Adjusting functional eligibility standards or service levels for the chore, COPES, and Medicaid personal care services programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.520, 74.09.530, 74.39A.110, 74.39A.120, and 74.39A.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1997-99 operating budget (SSB 6062, section 207(3)) authorized the department to adjust functional eligibility standards or service levels sufficiently to maintain expenditures within appropriated levels for chore, COPES, and Medicaid personal care services.

The 1997-99 budget provided funding for a caseload growth level of 157 clients per year for fiscal year 1998 and 237 clients per year for fiscal year 1999 for home and community programs. Home and community caseloads have grown by an average of 220 cases per month in fiscal year 1997. The department does not anticipate a sudden decrease in caseloads to the fiscal year 1998 funded level of 157 beginning July 1997.

The 1997-99 budget allows the department to offset projected over-expenditures for chore, COPES, and Medicaid personal care with under-expenditures resulting from lower than budgeted nursing home caseloads. However, the nursing home caseload growth is currently growing at higher than budgeted levels. As a result, the department is required to adjust functional eligibility standards or service levels for

chore, COPES, and Medicaid personal care programs to stay within appropriated levels.

The department will be meeting with clients, advocates and provider groups for suggested amendments to eligibility requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health Care Financing Administration. The Department of Social and Health Services will notify the Health Care Financing Administration of required amendments to the state Medicaid plan or home and community-based waiver (i.e. COPES) regarding eligibility or service levels.

Aging and adult services will be coordinating this proposal on behalf of the department and will coordinate with the Medical Assistance Administration, Health and Rehabilitation Administration, and other affected administrations.

Process for Developing New Rule: Interested parties may submit verbal or written comments, concerns, and recommendations to AASA at any time prior to filing the notice of proposed rule making. Public meetings will be widely publicized in advance in order to promote maximum attendance and participation in the rule development process by interested parties. Interested parties (see attached proposed mailing list of interested parties) [no information was supplied by agency] will be invited to attend informal meetings, and/or provide oral or written suggestions to the department. At the time the notice of proposed rule making is filed, interested parties will be notified of the scheduled hearing to adopt rules and how to submit comments.

July 15, 1997
 Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

WSR 97-15-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 21, 1997, 10:15 a.m.]

Subject of Possible Rule Making: WAC 246-828-510, these proposed rule amendments relate to the hearing instrument fitter/dispenser, audiologists and speech-language pathologist's continuing education requirements.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to WAC 246-828-510 regarding continuing education. This effort will implement the option of mandated continuing education requirements to be met by licensees and certificate holders as a condition for renewal. The proposed amendments would make minor changes to the subject areas currently required for hearing instrument fitter/dispensers and create continuing education requirements for the newly certified professions of audiology and speech-language pathology.

Process for Developing New Rule: The program will work closely with the professions in developing rules. Three public workgroups were held to provide an opportunity for input. The meetings were held in Seattle, Spokane, and Yakima. The program promoted participation from state

wide school districts who employ speech-language pathologists and audiologists; the University of Washington, Washington State University and Western Washington University, hospitals and clinics throughout the state and professional associations for hearing instrument fitter/dispensers, speech-language pathologists and audiologists. Further input has been requested from individuals who attended the public workgroups. From these efforts draft language will be developed and shared for ongoing direction from interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Diane Young, Program Manager, Board of Hearing and Speech, 1300 Quince Street, P.O. Box 47869, Olympia, WA 98504-7869, (360) 753-1817, FAX (360) 586-7840.

July 17, 1997
Bruce Miyahara
Secretary

WSR 97-15-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
[Filed July 21, 1997, 10:15 a.m.]

Subject of Possible Rule Making: Chapter 18.35 RCW (1996) created the certification of audiologists and speech-language pathologists. The proposed rules relate to standards of care relating to audiologists and speech-language pathologists.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.35.161 (3) and (10).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to provide guidance to certified audiologists and speech-language pathologists regarding the expected and recognized minimum standards of practice.

Process for Developing New Rule: The program will work closely with the profession in developing rules. Three public workgroups were held to provide an opportunity for public input. The meetings were held in Seattle, Spokane, and Yakima. The program promoted participation from state-wide school districts who employ speech-language pathologists and audiologists; the University of Washington, Washington State University and Western Washington University, hospitals and clinics throughout the state and professional associations for speech-language pathologists and audiologists. Further input has been requested from members of the public who attended the public workgroups. From these efforts draft language will be developed and shared for ongoing direction from interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Diane Young, Program Manager, Board of Hearing and Speech, 1300 Quince Street, P.O. Box 47869, Olympia, WA 98504-7869, (360) 753-1817, FAX (360) 586-7840.

July 9, 1997
Delores E. Spice
Executive Director
Board of Hearing and Speech

WSR 97-15-113
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed July 22, 1997, 12:26 p.m.]

Subject of Possible Rule Making: WAC 352-32-270 Sno-park permit fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.51.040 and 43.51.050, 43.51.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The users of the state Parks and Recreation Commission sno-park parking areas want an additional permit available to assure the continuation of a groomed trail program, a higher quality of services, and additional facilities in designated popular destination sno-parks. The commission intends to amend WAC 352-32-270 Sno-park permit fees by adding a new "special destination sno-park permit."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State parks is solely responsible for Washington state's sno-park program.

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. Public comments will be taken during the regular meeting of the state Parks and Recreation Commission and during the Sno-Park Advisory Committee meeting. Meetings are scheduled as follows: Sno-Park Advisory Committee meeting August 1, 1997; state Parks and Recreation Commission meeting October 17, 1997. To comment in writing or to request additional information contact Colleen Maguire at Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, phone (360) 902-8581, e-mail colleenm@parks.wa.gov.

July 21, 1997
Jim French
Senior Policy Analyst

WSR 97-15-114
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION
[Filed July 22, 1997, 3:10 p.m.]

Subject of Possible Rule Making: Amending F-1 thresholds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(11) and 42.17.241 (1)(n).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Annually, some 6,500 state and local elected officials as well as at least 1,000 candidates for elective office file personal financial affairs statements with the Public Disclosure Commission. These reports show the filer's sources of income, real estate holdings, debts, investments, business involvements and the major sources of income of those businesses.

The section of law that governs what is reported on the personal financial affairs statement, also known as the F-1 report, contains various thresholds that affect the amount of information that needs to be reported. For example, only

sources of income in excess of \$1,000 need to be disclosed and only real estate valued at over \$5,000 is reportable.

In addition, the law requires filers to indicate, by use of a letter code, the amount received from a source of income, the value of an investment, the amount of an outstanding debt, etc. For example, the filer must show whether the amount received from a specified source of income is under \$1,999 (Code A), between \$2,000 and \$9,999 (Code B), between \$10,000 and \$19,999 (Code C), between \$20,000 and \$49,999 (Code D) and \$50,000 or more (Code E).

RCW 42.17.370(11) authorizes the commission to adjust the threshold and code amounts for inflation. These amounts were last adjusted in 1985, taking effect with F-1 reports filed in 1986. The commission believes it may again be time to adjust the reporting thresholds and amount codes to reflect inflationary changes since 1985.

In addition to examining the threshold amounts and code values, the commission may decide that Part 5 of the F-1 form needs minor revision. Question 5A of the form asks a filer whether he or she was an officer, director, etc. of any corporation, company, union, association, joint venture or other entity at any time during the reporting period. The commission may decide to pursue amending the form to say "... or other public or private entity ..." to make it clear that information about public entities of which the official is an officer must also be disclosed on the F-1 form.

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 commission maintains a mailing list of persons who have expressed interest in disclosure issues over the past few years. The agency will mail a copy of the proposed rule-making notice (CR-102) to these persons, including business and labor representatives as well as government officials and others who have asked to be kept informed about matters that come before the commission.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The commission will discuss whether it will move ahead with proposed rule making on the topics outlined here at its meeting on August 19, 1997. Persons wishing to submit written comments should do so by Friday, August 15, to Vicki Rippie, Assistant Director, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504, FAX (360) 753-1112. The public is welcome to attend the meeting. Contact Vicki Rippie at (360) 586-4838 for additional information.

July 22, 1997
Melissa Warheit
Executive Director

WSR 97-15-116
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed July 22, 1997, 3:46 p.m.]

Subject of Possible Rule Making: Local enhancement funds including learning improvement allocations. New rules to replace WAC 392-140-570 through 392-140-594.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220, 28A.150.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislative changes during this past session warrant the development of new rules to replace WAC 392-140-570 through 392-140-594. Need to communicate new conditions, apportionment rates, and reporting requirements to districts and the public.

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 drafted rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631. For further information please contact Tom Hulst, (360) 753-3223.

July 22, 1997
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 97-15-124
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed July 23, 1997, 8:45 a.m.]

Subject of Possible Rule Making: Establishment of a penalty matrix relative to requirements of the apiary statute; in particular registration of bee hives, marking apiaries with owner identification, collection and remittance of pollination service and other fees, requirements pertaining to beekeeper records, and establishing a fee for bee broker registration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.60.025 and 15.60.170(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: An equitable and uniform penalty process is necessary to ensure progress toward the program goal of full voluntary compliance. A progressive penalty structure is preferable to exercising the full extent of monetary penalties (up to \$1,000 per violation) authorized by statute. A uniform approach to records is necessary to ensure equity in collection of apiary program fees. Rule making would also achieve fairness in registration fees between bee brokers and beekeepers.

Process for Developing New Rule: Industry and public meetings, including those of the Apiary Advisory Committee and the public meetings held in several locations throughout the state to discuss the future direction and stakeholder expectations for the program.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting James C. Bach, Washington State Department of Agriculture, State Apiarist, 2015 South 1st Street, MS:7, Yakima, WA 98903, phone (509) 576-3041, FAX (509) 454-7858.

July 23, 1997
Mary A. Martin Toohey
Assistant Director

WSR 97-15-131
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Institutions)
 (Public Assistance)

[Filed July 23, 1997, 10:25 a.m.]

Subject of Possible Rule Making: The Department of Social and Health Services will be reviewing for possible repeal rules that are obsolete, duplicative, or ambiguous including but not limited to the list shown below. Chapter 275-48 WAC, Payments to persons released from correctional institutions, WAC 275-48-010 Purpose, 275-48-015 Definitions, 275-48-020 Release payment, 275-48-025 Weekly payment, 275-48-030 Eligibility, 275-48-035 Amount—Duration—Disbursement by institution and parole officer, 275-48-040 Termination, 275-48-045 Reinstatement—Reapplication, and 275-48-050 Appeal.

Chapter 275-76 WAC, Adult correctional institutions—Detainer, WAC 275-76-005 Definitions, 275-76-010 Purposes of detainers, 275-76-020 Form of detainers, 275-76-030 Evaluation of detainer request, 275-76-040 Trial or pretrial detainers, 275-76-050 Commitment detainers, 275-76-060 Probation or parole revocation detainers, 275-76-070 Miscellaneous detainers, 275-76-080 Resident to be made available, 275-76-090 Reduced custody programs, 275-76-100 Requested resident on parole, 275-76-110 Transfer of resident to mental hospital, 275-76-120 Recommendation for withdrawal of detainer, 275-76-130 Identification of requesting authority's transferring agency, 275-76-140 Failure of requesting authority to take custody, and 275-76-150 Detainer request by nonsignator of interstate agreement on detain.

Chapter 275-80 WAC, Adult correctional institutions—Visits, WAC 275-80-805 Definitions, 275-80-810 Visits—Purpose, 275-80-815 Visits—Registration, 275-80-840 Personal visits—General, 275-80-842 Personal visits—Who may not visit, 275-80-844 Personal visits—Approved visitor lists, 275-80-846 Personal visits—Alterations to visiting list, 275-80-848 Personal visits—Transfer of resident, 275-80-852 Personal visits—Visiting days and hours, 275-80-854 Personal visits—Hospitalized resident, 275-80-860 Professional visits, 275-80-870 Group visit—General, 275-80-872 Group visit—Arrangements, 275-80-876 Group visit—Conduct, 275-80-878 Group visit—Privacy of residents, 275-80-890 News media visits—General, 275-80-895 News media visits—Limitations, 275-80-900 Exchange of material or items, 275-80-905 Search of visitors, 275-80-910 Notice of search, 275-80-915 Refusal to be searched, 275-80-920 Search and discovery of illegal items, 275-80-925 Denial of visits, 275-80-930 Suspension of visiting rights—Duration, 275-80-935 Appeal of denial of visiting rights, 275-80-940 Exceptions, and 275-80-995 Appendices.

Chapter 275-110 WAC, Impact account—Criminal justice cost reimbursement, WAC 275-110-010 Purpose, 275-110-020 Definitions, 275-110-030 Limitation of funds, 275-110-040 Institutions and eligible impacted political subdivisions, 275-110-050 Maximum allowable reimbursement for law enforcement costs, 275-110-060 Maximum allowable reimbursement for prosecutorial costs, 275-110-070 Maximum allowable reimbursement for judicial costs, 275-110-080 Maximum allowable reimbursement for jail facilities,

275-110-090 Billing procedure, 275-110-100 Exceptions, 275-110-110 Effective date, and 275-110-120 Audits.

Chapter 275-150 WAC, Referendum 37 funding of facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps, WAC 275-150-010 Purpose, 275-150-020 Definitions, 275-150-030 Administration and allocation of Referendum 37 funds, 275-150-040 Regional needs assessment, 275-150-050 Preliminary proposals and final applications for Referendum 37 funding, 275-150-060 Submission of preliminary proposals, 275-150-070 Review process for preliminary proposals, 275-150-080 Review criteria for preliminary proposals, and 275-150-090 Operation of approved Referendum 37 projects.

WAC 388-14-275 Fifty dollars disregard payment.

Chapter 388-15 WAC, Social services for families, children and adults, WAC 388-15-010 Service goals, 388-15-020 Eligible persons, 388-15-110 Information and referral sources, 388-15-500 Redetermination of service eligibility, 388-15-550 Service delivery, and 388-15-580 Support services.

Chapter 388-21 WAC, Diversity initiative, WAC 388-21-005 Diversity initiative.

Chapter 388-52 WAC, Services involving other agencies, WAC 388-52-150 Vocational rehabilitation services (last amended in 1974), 388-52-155 Vocational rehabilitation services—Training expenses (last amended in 1974), 388-52-160 Comprehensive employment and training program—Definitions, 388-52-163 Comprehensive employment and training program—Services provided, 388-52-166 Comprehensive employment and training program—Participation of recipient, 388-52-169 Treatment of recipient's income from CETA, and 388-52-172 Release of information to prime sponsors of CETA program.

Chapter 388-78 WAC, Support services for assessment and employment and training programs in the family independence program, WAC 388-78-005 General provisions, 388-78-010 Definitions, 388-78-015 Supportive social services, 388-78-020 Self-sufficiency plan, 388-78-100 FIP employment and training requirements, 388-78-120 Grievance procedure and administrative reviews and appeals, 388-78-205 FIP child care, 388-78-210 Standards for child care providers, 388-78-215 Payment standards for child care services, and 388-78-220 Child day care copayments.

Chapter 388-201 WAC, Success through employment program (STEP), WAC 388-201-100 General provisions, 388-201-200 Definitions, 388-201-300 Participation, 388-201-400 Hundred-hour treatment group—Elimination of the one-hundred-hour rule, 388-201-410 Length-of-stay treatment group—Assessment of past AFDC receipt, 388-201-420 Length-of-stay treatment group—Initial length-of-stay grant reductions, 388-201-430 Length-of-stay treatment group—Additional length-of-stay grant reductions, 388-201-440 Length-of-stay treatment group—Redetermination of length-of-stay grant reductions, 388-201-450 Length-of-stay treatment group—Families exempt from length-of-stay grant reductions, 388-201-460 Length-of-stay treatment group—Length-of-stay earned income adjustments, 388-201-470 Length-of-stay treatment group—Advance notice of impending length-of-stay grant reductions, and 388-201-480 Length-of-stay treatment group—Reducing the impact of cumulative length-of-stay grant reductions.

WAC 388-320-400 Petition for rule making—Form, content, and filing, 388-320-410 Petition for rule making—Consideration and disposition, 388-320-470 Subscription to adjudicative orders involving nursing homes, and 388-320-500 Updating mailing lists.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.010(15), 34.05.210, 74.08.090, E2SHB 1032, section 209 (1997).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules are outdated and/or are no longer necessary for the operation of the department.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Some of the outdated rules for repeal date back to the time when the Department of Corrections was still part of the Department of Social and Health Services.

Process for Developing New Rule: The Department of Social and Health Services invites the public and our stakeholders to contact the staff person listed below, with comments and/or suggested additions to the existing list. This process is part of the department's regulatory reform process, required by executive order from the governor, the agency is examining rules to determine viability.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, phone (360) 902-7540, FAX (360) 902-8292, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

July 22, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-15-135
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed July 23, 1997, 10:32 a.m.]

The preproposal filed by the Department of Social and Health Services (WSR 97-15-083) was incomplete. We will be refiling with the correct information July 23, 1997.

Merry Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-15-136
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)

[Filed July 23, 1997, 10:33 a.m.]

Subject of Possible Rule Making: Adjusting functional eligibility standards or service levels for the chore, COPES, and Medicaid personal care services programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.520, 74.09.530, 74.39A.110, 74.39A.120, and 74.39A.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1997-99 Operating Budget (SSB 6062, section 207(3)) authorized the department to adjust functional eligibility standards or service levels sufficiently to maintain expenditures within appropriated levels for chore, COPES, and Medicaid personal care services.

The 1997-99 budget provided funding for a caseload growth level of 157 clients per year for fiscal year 1998 and 237 clients per year for fiscal year 1999 for home and community programs. Home and community caseloads have grown by an average of 220 cases per month in fiscal year 1997. The department does not anticipate a sudden decrease in caseloads to the fiscal year 1998 funded level of 157 beginning July 1997.

The 1997-99 budget allows the department to offset projected over-expenditures for chore, COPES, and Medicaid personal care with under-expenditures resulting from lower than budgeted nursing home caseloads. However, the nursing home caseload growth is currently growing at higher than budgeted levels. As a result, the department is required to adjust functional eligibility standards or service levels for chore, COPES, and Medicaid personal care programs to stay within appropriated levels.

The department will be meeting with clients, advocates and provider groups for suggested amendments to eligibility requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health Care Financing Administration. The Department of Social and Health Services will notify HCFA of required amendments to the state medicaid plan or home and community-based waiver (i.e. COPES) regarding eligibility or service levels.

Aging and adult services will be coordinating this proposal on behalf of the department and will coordinate with the Medical Assistance Administration, Health and Rehabilitation Administration, and other affected administrations.

Process for Developing New Rule: Interested parties may submit verbal or written comments, concerns, and recommendations to Aging and Adult Services Administration at any time prior to filing the notice of proposed rule making. Public meetings will be widely publicized in advance in order to promote maximum attendance and participation in the rule development process by interested parties. Interested parties (see attached proposed mailing list of interested parties) [no information supplied by agency] will be invited to attend informal meetings, and/or provide oral or written suggestions to the department. At the time the notice of proposed rule making is filed, interested parties will be notified of the scheduled hearing to adopt rules and how to submit comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To submit comments/questions or have your name added to the list of interested parties, contact Kevin Krueger, Aging and Adult Services Administration, Mailstop 45600, P.O. Box 45600, Lacey, WA 98504-5600, phone

(360) 493-2578, TTY (360) 493-2637, FAX (360) 438-8633,
e-mail kkrueger@dshs.wa.gov.

July 22, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-15-139
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed July 23, 1997, 10:45 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, workers' compensation retrospective rating and group insurance plans.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Labor and Industries is authorized by law to offer optional rating plans to employers as a further incentive to encourage workplace safety and accident prevention. The plan is also periodically updated to reflect changes in premium size ranges and other factors.

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

Process for Developing New Rule: The Department of Labor and Industries will work with the Retrospective Rating Advisory Committee and affected business community on all changes proposed to the retro plan.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Labor and Industries has scheduled two formal public hearings. The first hearing is to be held at the Department of Labor and Industries central office building in Tumwater, Washington. This hearing will take place at 10 a.m. on November 3, 1997. A second hearing will take place at the Spokane Department of Labor and Industries Office on November 6, 1997, at 10 a.m. Inquiries can be directed to Kathy Willis, Program Manager, Retrospective Rating, at (360) 902-4835.

July 23, 1997
Gary Moore
Director

WSR 97-15-140
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed July 23, 1997, 10:46 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, workers' compensation premium rates, expected loss tables, and experience rating plan.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Labor and Industries is required by law to establish and maintain

a workers' compensation classification plan and set premium rates in accordance with recognized principles of insurance. By law the plan is to recognize the hazardous nature of each industry and assign insurance rates commensurate with the hazard of each industry. The Department of Labor and Industries is required to adjust these rates annually or more frequently if needed to ensure solvency of the insurance trust funds.

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

Process for Developing New Rule: The Department of Labor and Industries bases insurance rates for each industry on the loss and reporting information supplied by employers. Industries whose employers have had an improved loss record from the previous evaluation period will as a general rule experience a reduction in rates while industries whose employers experienced an increase in losses will generally see their insurance rates increase. The Department of Labor and Industries will also evaluate the need for an overall rate adjustment for all industries.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Labor and Industries has scheduled two formal public hearings. The first hearing is to be held at the Department of Labor and Industries central office building in Tumwater, Washington. This hearing will take place at 10 a.m. on November 3, 1997. A second hearing will take place at the Spokane Department of Labor and Industries Office on November 6, 1997, at 10 a.m. Inquiries can be directed to Frank Romero, Ken Woehl or Gary Brown of the Classification Services Unit at (360) 902-4776.

July 23, 1997
Dorette M. Markham
Deputy
for Gary Moore
Director

WSR 97-15-141
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed July 23, 1997, 10:47 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, workers' compensation general reporting rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Labor and Industries is required by law to establish rules which govern the reporting and collection of premiums applicable to the workers' compensation classification plan. The Department of Labor and Industries will be working with the business community to identify the rules which are difficult to understand and replace them if needed with clearer and easier to understand rules using the clear rule-writing format.

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

Process for Developing New Rule: The Department of Labor and Industries will solicit input from the business community through mail surveys, focus meetings, and informal public meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Labor and Industries will notify businesses by mail when focus and informal public meetings have been scheduled. Individuals interested in participating in preliminary meetings can contact Frank Romero, Ken Woehl or Gary Brown of the Classification Services Unit at (360) 902-4776.

July 23, 1997
Dorette M. Markham
for Gary Moore
Director

WSR 97-15-142
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 23, 1997, 10:47 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, workers' compensation classification plan.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Labor and Industries is required by law to establish and maintain a workers' compensation classification plan. Industries are assigned to a classification based on the hazardous nature of each industry. Base insurance rates are then assigned to each classification commensurate with the hazard of each industry. The Department of Labor and Industries is proposing to replace the existing plan with a more comprehensive and descriptive plan using the clear rule writing format.

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

Process for Developing New Rule: The Department of Labor and Industries will solicit input from the business community through mail surveys, focus meetings and informal public meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Labor and Industries will notify businesses by mail when focus and informal public meetings have been scheduled. Individuals interested in participating in preliminary meetings can contact Frank Romero, Ken Woehl or Gary Brown of the Classification Services Unit at (360) 902-4776.

July 23, 1997
Dorette M. Markham
Deputy
for Gary Moore
Director

WSR 97-15-152
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed July 23, 1997, 11:59 a.m.]

Subject of Possible Rule Making: Chapter 352-32 WAC, Public use of state park areas, WAC 352-32-250 Standard fees charged, 352-32-010 Definitions, 352-32-210 Consumption of alcohol in state parks, and 352-32-252 Off-season senior citizen pass.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.51.060, 43.51.055, 43.51.050, and 43.51.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules need to be opened in order to make changes, updates and the establishment of new fees in conjunction with the state parks annual fee review.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Public comment will be taken during the meeting of the Parks and Recreation Commission scheduled for October 17, 1997, in Spokane, Washington. To request additional information or to comment in writing contact Pam McConkey, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, phone (360) 902-8595, FAX (360) 753-1954, e-mail pamm@parks.wa.gov.

July 23, 1997
Jim French
Senior Policy Analyst

WSR 97-15-019
PROPOSED RULES
COLUMBIA RIVER
GORGE COMMISSION
 [Filed July 7, 1997, 9:55 a.m.]

Date of Intended Adoption: September 9, 1997.
 July 3, 1997
 Jan Brending
 Rules Coordinator

Original Notice.

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

Title of Rule: Amending 350-80-160 Signs and 350-80-340 Review Uses—Open Space.

Purpose: To amend 350-80, Land Use Ordinance, to implement amendments made to the Management Plan for the Columbia River Gorge National Scenic Area.

Statutory Authority for Adoption: RCW 43.97.015, ORS 196.150, 16 USC 544.

Statute Being Implemented: 16 USC 544 et seq., RCW 43.97.015, ORS 196.150.

Summary: Amending 350-80, Land Use Ordinance, to implement amendments to the Management Plan for the Columbia River Gorge National Scenic Area.

Reasons Supporting Proposal: The Columbia River Gorge Commission adopted amendments to the management plan on November 12, 1996, with concurrence occurring by the Secretary of Agriculture on March 21, 1997. The amendments to the management plan change guidelines for election signs and review uses in special management area open space.

Name of Agency Personnel Responsible for Drafting: Brian Litt, Columbia River Gorge Commission, (509) 493-3323; Implementation and Enforcement: Columbia River Gorge Commission, White Salmon, Washington, (509) 493-3323.

Name of Proponent: Columbia River Gorge Commission, governmental.

Rule is necessary because of federal law.

Explanation of Rule, its Purpose, and Anticipated Effects: Commission Rule 350-80-160 is amended to incorporate changes to the guidelines for election signs in the management plan as adopted by the Columbia River Gorge Commission; and Commission Rule 350-80-340 is amended to incorporate changes to the guidelines for review uses in special management area open space designations in the management plan as adopted by the Columbia River Gorge Commission.

Proposal Changes the Following Existing Rules: The proposed amendments incorporate changes to guidelines in the management plan as adopted by the Columbia River Gorge Commission through its plan amendment process.

No small business economic impact statement has been prepared under chapter 19.85 RCW. (1) The proposed amendments are being adopted in compliance with federal law (16 USC 544 et seq.); and (2) the rule will have no fiscal impact on small businesses.

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

Hearing Location: Skamania Lodge, Stevenson, Washington, on September 9, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jan Brending by August 29, 1997, (509) 493-3323.

Submit Written Comments to: Jan Brending, Columbia River Gorge Commission, P.O. Box 730, White Salmon, WA 98672, FAX (509) 493-2229, by August 22, 1997.

AMENDATORY SECTION

350-80-160. Signs. (1) Signs may be allowed in all land use designations in the General Management Area pursuant to the following provisions:

(a) Except for signs along public highways necessary for public safety, traffic control or road construction which are consistent with the Manual for Uniform Traffic Control Devices, the following signs are prohibited:

(A) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays and other signs which are internally illuminated, exclusive of seasonal holiday light displays.

(B) New billboards.

(C) Signs with moving elements.

(D) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.

(b) Any sign which does not conform with a provision of 350-80-160 and has existed prior to adoption of the Management Plan, shall be considered non-conforming and subject to the following:

(A) Alteration of existing non-conforming signs shall comply with Commission Rule 350-80-160.

(B) Any non-conforming sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.

(c) The following may be permitted without review, subject to consistency with Commission Rule 350-80-160 (1)(a):

(A) Ordinary repair and maintenance of signs.

(B) Election signs (~~which are not displayed for more than 60 days~~). Removal shall be accomplished within 30 days of election day.

(C) "For Sale" signs not greater than 12 square feet. Removal shall be accomplished within 30 days of close of sale.

(D) Temporary construction site identification, public service company, safety or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the *Manual for Uniform Traffic Control Devices*. Removal shall be accomplished within 30 days of project completion.

(E) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet.

(F) Temporary signs advertising civil, social, or political gatherings and activities not exceeding 12 square feet. Removal shall be accomplished within 30 days of the close of the event.

(G) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the message intended.

(H) Signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings, not on roofs or marquees.

(d) All signs shall meet the following guidelines unless they conflict with the *Manual for Uniform Traffic Control Devices* for public safety, traffic control or highway construction signs. In such cases, the standards in the *Manual for Uniform Traffic Control Devices* shall supersede these guidelines.

(A) The support structure shall be unobtrusive and have low visual impact.

(B) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting to the maximum extent practicable.

(C) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.

(D) Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.

(e) Business identification or facility entry signs located on the premises may be allowed, subject to Commission Rule 350-80-160 (1)(d).

(f) Other signs not addressed or expressly prohibited by this rule may be permitted without review.

(2) Signs in the Special Management Area shall be allowed pursuant to the following provisions:

(a) Prohibited Signs

(A) Advertising billboards.

(B) Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.

(C) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.

(b) Pre-existing signs are allowed to continue provided no changes occur in size, structure, color, or message.

(c) Temporary signs shall be permitted without review when in compliance with subsection (f) below and the following:

(A) One political sign per parcel road frontage. The sign shall be no greater than 12 square feet in area (~~and displayed for no more than 60 calendar days~~). Removal shall be accomplished within 30 days of election day.

(B) "For Sale" signs not greater than 12 square feet, removal shall be accomplished within 30 days of close of sale.

(C) One temporary construction site identification sign which is not greater than 32 square feet. Removal shall be accomplished within 30 days of project completion.

(D) Signs providing direction to and announcement of temporary garage/yard sales provided placement duration does not exceed three days and the signs are not greater than two square feet in area.

(E) Temporary signs, not exceeding 12 square feet and placed no longer than 10 days in advance of the event, advertising civil, social, or political gatherings and activities. Removal must be accomplished within 30 days of the close of the event.

(F) Temporary signs of public service companies indicating danger and/or service and safety information. Removal must be accomplished upon project completion.

(d) New signs shall be allowed as specified in the applicable land use designation.

(e) No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal, or device.

(f) All new signs shall meet the following guidelines, and be consistent with the *Manual for Uniform Traffic Control Devices*:

(A) Signs shall be maintained in a neat, clean and attractive condition.

(B) The character and composition of sign materials shall be harmonious with the landscape and/or related to and compatible with the main structure upon which the sign is attached.

(C) Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.

(D) Signs shall be unobtrusive and have low contrast with the setting.

(E) The visual impact of the support structure shall be minimized.

(F) Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.

(G) Backs of all signs shall be visually unobtrusive, nonreflective, and blend in with the setting.

(H) Sign internal illumination or backlighting shall not be permitted except for highway construction, warning or safety.

(g) Public signs shall meet the following guidelines in addition to subsections (b) through (f) above:

(A) The Graphic Signing System provides design guidelines for public signs in and adjacent to public road rights-of-way. All new and replacement public signs shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, route marker, interpretive, guide, directional, and urban area entry.

(B) Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.

(C) Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the intended message.

(h) Signs for public and commercial recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following guidelines in addition to subsections (b) through (f):

(A) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than two square feet.

(B) Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.

(C) Any signs relating to, or advertising, a business shall be brought into conformance with these sign guidelines prior to any expansion or change in use which is subject to review.

(D) Off-site and on-site directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted on-site, but should be kept to the minimum required to achieve the purpose(s) of the facilities.

(E) Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.

(F) Recreation developments may have one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Signing System.

(i) Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.

(j) Directional and safety signs are allowed to the extent necessary to satisfy requirements for smooth traffic flow and public safety. All parties and jurisdictions placing such signs must do so in accordance with the Graphic Signing System, consistent with the standards in the *Manual on Uniform Traffic Control Devices*.

(k) Interstate 84 shall not have interpretive signing, except for signs permitted for services. Regulatory, warning, service, and other signs as provided for in the Graphic Signing System are allowed.

AMENDATORY SECTION

350-80-340. Review Uses — Open Space. (1) The following uses may be allowed on all lands designated GMA-Open Space subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620):

(a) Low intensity recreation, subject to Commission Rule 350-80-610(2).

(b) Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources.

(c) Non-emergency repair and maintenance of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities that involve new ground disturbing activities or those which differ in depth and extent from past ground disturbance.

(d) Improvement of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

(e) Placement of structures for public safety.

(2) The following uses may be allowed on land designated GMA-Open Space in the Gorge Walls, Canyonlands and Wildlands landscape setting:

(a) All uses listed in Commission Rule 350-80-340(1).

(b) Livestock grazing.

(c) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.

(d) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a county conservation district.

(e) Harvesting of wild crops.

(f) Educational or scientific research.

(g) Continued operation of existing quarries if they are determined to be consistent with guidelines to protect scenic, cultural, natural and recreation resources (Commission Rule 350-80-520 through 350-80-620).

(3) The following uses may be allowed on lands designated GMA-Open Space within the Mosley Lakes Natural Area:

(a) All those uses allowed in Commission Rule 350-80-340(1).

(b) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.

(c) Educational or scientific research, after consultation with the Washington Natural Heritage Program.

(d) Commercial trapping.

(4) The following uses may be allowed on land designated GMA-Open Space within the Chenoweth Table Natural Area:

(a) All those uses allowed in Commission Rule 350-80-340(1).

(b) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-80-610(2), after consultation with the Oregon Natural Heritage Program.

(c) Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Oregon Natural Heritage Program.

(d) Educational or scientific research, after consultation with the Oregon Natural Heritage Program.

(5) The following uses may be allowed on land designated GMA-Open Space within the Squally Point Natural Area:

(a) Except as limited by guideline (5)(b) below, all those uses allowed in Commission Rule 350-80-340(1).

(b) Except in the upland dunes south of the railroad tracks, low-intensity recreation, subject to the guidelines for recreation intensity classes 350-80-610(2), after consultation with the Oregon Natural Heritage Program.

(c) Repair and maintenance of railroads, except measures to stabilize dunes, after consultation with the Oregon Natural Heritage Program.

(6) The following uses may be allowed on land designated GMA-Open Space within the Klickitat River Wildlife and Natural Area:

(a) All those uses allowed in Commission Rule 350-80-340(1).

(b) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-80-610(2), after consultation with the Washington Natural Heritage Program and Washington Department of Wildlife.

(c) Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.

(d) Educational or scientific research, after consultation with the Washington Natural Heritage Program.

(7) The following uses are allowed on land designated GMA-Open Space within the Balch Lake Wetland Area:

(a) All those uses allowed in Commission Rule 350-80-340(1).

(b) Livestock grazing, subject to a range conservation plan, after consultation with the Washington Department of Wildlife.

(c) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.

(d) Educational and scientific research, after consultation with the Washington Department of Wildlife.

(e) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-80-610(2), after consultation with the Washington Department of Wildlife.

(8) The following uses may be allowed on lands designated GMA-Open Space within the mouth of the Wind River Wildlife Area:

(a) All those uses allowed in Commission Rule 350-80-340(1).

(b) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.

(c) Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.

(d) Harvesting of wild crops.

(e) Educational or scientific research, after consultation with the Washington Department of Wildlife or Fisheries.

(f) Commercial fishing and trapping.

(g) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-80-610(2), after consultation with the Washington Department of Wildlife.

(9) The following uses may be allowed on lands designated GMA-Open Space within state parks:

(a) All uses listed in Commission Rule 350-80-340(1).

(b) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.

(c) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.

(d) Harvesting of wild crops.

(e) Educational or scientific research.

(10) On land designated SMA-Open Space, the maintenance, repair, and operation of existing dwellings, structures, trails, roads, railroads, and utility facilities may occur without review.

(11) The following uses may be allowed on lands designated SMA-Open Space, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620) and when consistent with an open space plan approved by the U.S. Forest Service pursuant to guideline (12) below:

(a) Changes in existing uses including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices.

(b) Structures or vegetation management activities, including scientific research, related to scenic, cultural, recreational, and natural resource enhancement projects.

(c) Low intensity recreation uses, including educational and interpretive facilities, consistent with Commission Rule 350-80-620.

(d) Utility facilities for public service upon a showing that:

(A) There is no alternative location with less adverse effect on Open Space land.

(B) The size is the minimum necessary to provide the service.

(e) New signs, pursuant to Commission Rule 350-80-160.

(12) An Open Space plan shall be completed by the primary managing agency or landowner prior to any new land uses or development, and shall be reviewed by the

Forest Service. The Open Space plan shall include the following:

(a) Direction for resource protection, enhancement, and management.

(b) Review of existing uses to determine compatibility with Open Space values.

(c) Consultation with members of the public and with agency and resource specialists.

(13) Treatment of noxious weeds on lands designated SMA-Open Space shall be permitted, subject to review, without completion of an SMA Open Space plan when the following criteria have been met:

(a) Noxious weed infestation is new and eradication is still viable.

(b) Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:

(A) Displacement of native and traditionally gathered plants;

(B) Degradation of wildlife habitat and forage;

(C) Degradation or loss of agricultural uses of land, such as cropland or livestock forage;

(D) Limitation of recreational uses.

(c) For federal lands, treatment effects have been thoroughly evaluated in an environmental assessment.

WSR 97-15-031

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Public Assistance)

[Filed July 9, 1997, 4:35 p.m.]

Original Notice.

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

Title of Rule: WAC 388-215-1010 Five year lifetime time limit and repealing chapter 388-201 WAC, Success through employment program (STEP).

Purpose: To comply with the federal requirement in Public Law 104-193 and state legislation, EHB 3901 (signed into law April 17, 1997), which (1) denies temporary assistance for needy families (TANF) benefits to families that include an adult who has received TANF for sixty months beginning August 1, 1997, and (2) repeals Washington state's success through employment program (STEP) waiver.

Statutory Authority for Adoption: RCW 74.04.050 and 74.04.055.

Statute Being Implemented: Public Law 104-193, Section 103 (a)(1); EHB 3901, sections 103 and 105 (1997).

Summary: Federal and state rules require that TANF benefits be denied to families that include an adult who has received TANF for sixty months beginning August 1, 1997.

Reasons Supporting Proposal: To qualify for federal funding under the TANF program and meet the requirements of recently enacted state law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kevin Sullivan, WorkFirst Division, (360) 413-3093.

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

Rule is necessary because of federal law, Public Law 104-193, section 103 (a)(1) (1996); EHB 3901, sections 103 and 105 (1997).

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-215-1010 Five year lifetime time limits, to comply with federal and state requirements that TANF be denied to families that include an adult who has received TANF for sixty months beginning August 1, 1997.

Proposal Changes the Following Existing Rules: Under the previous program, aid to families with dependent children (AFDC), there were no time limits on how long a person could receive cash assistance.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not impact small businesses. It only affects applicants and recipients of temporary assistance for needy families.

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 104A, Lacey, WA 98503, on August 26, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin, Rules Coordinator, by August 19, 1997, (360) 902-7540, or TTY (360) 902-8324.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, e-mail lbaldwin@dshs.wa.gov, FAX (360) 902-8292, by August 26, 1997.

Date of Intended Adoption: No sooner than August 27, 1997.

July 9, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-215-1010 Five year lifetime time limits.

(1) The department shall deny TANF to any family that includes an adult who has received TANF for sixty months after August 1, 1997.

(2) In calculating the number of months an adult family member has received TANF for the purposes of subsection (1) of this section, the department shall disregard any month in which the individual received TANF and the individual was:

(a) A minor child who was not the head of a household or married to the head of a household; or

(b) Living on an Indian reservation or in an Alaskan Native village, if during the month the individual received TANF, at least:

(i) One thousand people were living on the reservation or in the village; and

(ii) Fifty percent of the adults living on the reservation or in the village were unemployed.

(3) After an individual has received fifty-two months of TANF, the department may exempt that person from the requirements of subsection (1) of this section for reasons of hardship or family violence, provided the total number of exempted TANF cases does not exceed twenty percent of the

average monthly number of cases statewide during a fiscal year.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

388-201 Success through employment program (STEP).

WSR 97-15-032
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)
[Filed July 9, 1997, 4:39 p.m.]

Original Notice.

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

Title of Rule: WAC 388-215-1570 Denial of assistance to persons convicted of drug-related felonies.

Purpose: To comply with the requirements of EHB 3901 (1997), which adds an exemption to the federal requirement that temporary assistance for needy families (TANF) be denied to persons convicted of drug-related felonies.

Statutory Authority for Adoption: RCW 74.08.090 and EHB 3901, section 101 (1997).

Statute Being Implemented: RCW 74.08.025(4) (1997).

Summary: EHB 3901 adds an exemption to the federal requirement that TANF be denied to persons convicted of drug-related felonies. Under state law, a person is exempt from this provision if the conviction was for possession or use of a controlled substance and the individual (1) was assessed as chemically dependent, (2) is participating in treatment, and (3) was not previously convicted of a drug-related felony within the past three years.

Reasons Supporting Proposal: To comply with state law.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kevin Sullivan, WorkFirst Division, (360) 413-3093.

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: WAC 388-215-1570 Denial of assistance to persons convicted of drug-related felonies, it amends the existing rule by allowing an exemption to the TANF requirement that assistance be denied to individuals who have been convicted of a drug-related felony. A person is exempt if their conviction was for possession or use of a controlled substance and the individual (1) was assessed as chemically dependent, (2) is participating in treatment, and (3) was not previously convicted of a drug-related felony within three years of the current conviction.

Proposal Changes the Following Existing Rules: The current rule does not allow for any exemption. If an

individual has been convicted of a drug-related felony since August 21, 1996, then they are not eligible for TANF.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not impact small businesses. It only affects applicants and recipients of temporary assistance for needy families.

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 104A, Lacey, WA 98503, on August 26, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin, Rules Coordinator, by August 19, 1997, phone (360) 902-8317, or TTY (360) 902-8324.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, e-mail lbaldwin@dshs.wa.gov, FAX (360) 902-8292, by August 26, 1997.

Date of Intended Adoption: No sooner than August 27, 1997.

July 9, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 97-08-034 and 97-10-040, filed 3/27/97 and 4/30/97, effective 8/1/97)

WAC 388-215-1570 Denial of assistance to persons convicted of drug-related felonies. (1) Except as provided in subsection (2) below, the department shall deny TANF benefits to an individual convicted after August ((22)) 21, 1996, under federal or state law, of any felony involving the possession, use or distribution of a controlled substance as defined in section 102(6) of the Controlled Substances Act by excluding the needs of that individual in determining the need and payment amount of the assistance unit.

(2) An individual who has been convicted of possession or use of a controlled substance is exempt from the provision of subsection (1) of this section if that individual:

(a) Was assessed as chemically dependent by a state-certified assessment agency; and

(b) Is participating in or completed a rehabilitation plan consisting of chemical dependency treatment and vocational services; and

(c) Was not previously convicted of a felony for possession or use of a controlled substance within three years of the latest conviction.

(3) Each applicant shall attest in writing whether the applicant or a person for whom the applicant is applying has been convicted of a felony as described in subsection (1) of this section.

WSR 97-15-042
PROPOSED RULES
FOREST PRACTICES BOARD

[Filed July 11, 1997, 2:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-05-033.

Title of Rule: Revisions to stream typing rules.

Purpose: To modify forest practices rules that define Type 2 and 3 Waters in WAC 222-16-030, and define requirements for the Forest Practices Board manual.

Statutory Authority for Adoption: Chapter 35.05 [34.05] RCW, RCW 76.09.040, [76.09.]050.

Statute Being Implemented: Chapter 76.09 RCW.

Summary: WAC 222-16-030 and 222-12-090.

Reasons Supporting Proposal: New data has shown that the physical characteristics of streams, as defined in the current forest practices rules, are no longer accurate. This proposed rule would update those physical characteristics based on current knowledge so that appropriate [no further information supplied by agency].

Name of Agency Personnel Responsible for Drafting: Judith Holter, 1111 Washington Street S.E., Olympia, WA 98501-7012, (360) 902-1412; and Implementation and Enforcement: John Edwards, 1111 Washington Street S.E., Olympia, WA 98501-7012, (360) 902-1730.

Name of Proponent: Forest Practices Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules establish presumptions for determining fish use in the absence of field verification. Current knowledge about fish use of streams and habitat is needed in the forest practices rules so that appropriate riparian protection is provided along streams. Recent studies have resulted in upgrading a large number of Type 4 (nonfish-bearing) streams to fish bearing (Type 2 or 3). The proposed rules are necessary to protect public resources, specifically fish, by ensuring that riparian rules are being applied to fish-bearing streams and that the water quality upstream of fish hatchery intakes is protected.

The proposal also adds fish use determination protocols to the Forest Practices Board manual.

Timber, fish and wildlife participants developed this rule and recommended it as a consensus proposal to the Forest Practices Board as a first step in developing a comprehensive strategy to deal with fish, water quality, and a functional water typing system. TFW is continuing to develop a more comprehensive proposed state rule that will also meet federal water quality requirements.

Because this proposed rule pertains to water quality, it will be coadopted by the Department of Ecology per RCW 76.09.040(1). The board and ecology will conduct the public review process jointly, including the public hearings.

Proposal Changes the Following Existing Rules: WAC 222-123-090 adds a new section to the Forest Practices Board manual.

WAC 222-16-030, provides protection of water quality above fish hatcheries; stream gradient percentages change from "less than 12%" to "16% or less"; stream channel widths change from "5 ft." to "2 ft. or greater in western Washington" and "3 ft. or greater in eastern Washington"; contributing basin sizes are added to the rule, 50 acres in western Washington and 175 acres in eastern Washington; and the department is given authority to waive the presumption of fish use based on three specific criteria.

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

PROPOSED

Small Business Economic Impact Statement

Reviser's note: The material contained in this small business economic impact statement exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 97-16 issue of the Register.

A copy of the statement may be obtained by writing to Forest Practices Board, Recording Secretary, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, FAX (360) 902-1730.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on November 12, 1997, at 5 p.m.

Assistance for Persons with Disabilities: Contact Forest Practices Board Secretary, (360) 902-1413, by October 1, 1997, TDD (360) 902-1431.

Submit Written Comments to: Judith Holter, Department of Natural Resources, Forest Practices Division, FAX (360) 902-1784, by November 30, 1997.

Date of Intended Adoption: December 10, 1997.

May 1, 1997

Jennifer M. Belcher
Commissioner of Public Lands

AMENDATORY SECTION (Amending WSR 92-15-113, filed 7/21/92, effective 8/21/92)

WAC 222-12-090 Forest practices board manual.

When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fisheries, wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) **The standard methods** for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.

(3) **A chart** for establishing recommended permanent culvert sizes and associated data.

(4) **Guidelines** for clearing slash and debris from Type 4 and 5 Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for calculating average widths of riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifica-

tions to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(13) Guidelines for determining fish use for the purpose of typing waters under WAC 222-16-030.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-16-030 Water typing system. *The department in cooperation with the departments of fisheries, wildlife and ecology, and in consultation with affected Indian tribes shall classify streams, lakes and ponds and prepare stream classification maps showing the location of Type 1, 2, 3 and 4 Waters within the various forested areas of the state. Such maps shall be available for public inspection at region offices of the department. The waters will be classified using the following criteria. If a dispute arises concerning a water type the department shall make available informal conferences, which shall include the departments of fisheries, wildlife and ecology, and affected Indian tribes and those contesting the adopted water types. These conferences shall be established under procedures established in WAC 222-46-020.

***(1) "Type 1 Water"** means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, but not including those waters' associated wetlands as defined in chapter 90.58 RCW.

***(2) "Type 2 Water"** shall mean segments of natural waters which are not classified as Type 1 Water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

(a) Are diverted for domestic use by more than 100 residential or camping units or by a public accommodation facility licensed to serve more than 100 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 2 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type 2 Water upstream from the point of diversion for 1,500 feet and tributaries if highly significant for protection of downstream water quality;

(c) Are within a federal, state, local, or private campground having more than 30 camping units: *Provided*, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

~~((+))~~ (d) Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:

(i) Stream segments having a defined channel 20 feet or greater in width between the ordinary high-water marks and having a gradient of less than 4 percent.

(ii) Lakes, ponds, or impoundments having a surface area of 1 acre or greater at seasonal low water.

~~((d))~~ (e) Are used by salmonids for off-channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria:

(i) The site must be connected to a stream bearing salmonids and accessible during some period of the year; and

(ii) The off-channel water must be accessible to juvenile salmonids through a drainage with less than a 5% gradient.

*(3) "Type 3 Water" shall mean segments of natural waters which are not classified as Type 1 or 2 Water and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are used by significant numbers of anadromous or resident game fish for spawning, rearing or migration. Guidelines for determining fish use are described in the Forest Practices Board Manual. If fish use has not been determined:

(i) Waters having the following characteristics are presumed to have significant anadromous or resident game fish use:

~~((f))~~ (A) Stream segments having a defined channel of ~~((5))~~ 2 feet or greater in width between the ordinary high-water marks in Western Washington; or 3 feet or greater in width between the ordinary high-water marks in Eastern Washington; and having a gradient ((of less than 12)) 16 percent ((and not upstream of a falls of more than 10 vertical feet)) or less;

(B) Stream segments having a defined channel of 2 feet or greater in width between the ordinary high-water marks in Western Washington; or 3 feet or greater in width between the ordinary high-water marks in Eastern Washington; and having a gradient greater than 16 percent and less than or equal to 20 percent; and having greater than 50 acres in contributing basin size in Western Washington; or greater than 175 acres in contributing basin size in Eastern Washington based on hydrographic boundaries;

(ii) The department shall waive or modify the characteristics in (i) above where:

(A) Waters have confirmed, long term, naturally occurring water quality parameters incapable of supporting anadromous or resident game fish;

(B) Snowmelt streams have short flow cycles that do not support successful life history phases of anadromous or resident game fish. These streams typically have no flow in the winter months and discontinue flow by June 1; or

(C) Sufficient information about a geographic region is available to support a departure from the characteristics in (i), as determined in consultation with the department of fish and wildlife, department of ecology, affected tribes and interested parties.

~~((g))~~ (iii) Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to an anadromous fish stream.

~~((e))~~ Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use:

~~(i) Stream segments having a defined channel of 10 feet or greater in width between the ordinary high-water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent.~~

~~((h))~~ (iv) For resident game fish ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water.

~~((d))~~ (c) Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 Water are presumed to be significant for 1,500 feet from their confluence with the Type 1 or 2 Water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less.

*(4) "Type 4 Water" classification shall be applied to segments of natural waters which are not classified as Type 1, 2 or 3, and for the purpose of protecting water quality downstream are classified as Type 4 Water upstream until the channel width becomes less than 2 feet in width between the ordinary high-water marks. Their significance lies in their influence on water quality downstream in Type 1, 2, and 3 Waters. These may be perennial or intermittent.

*(5) "Type 5 Water" classification shall be applied to all natural waters not classified as Type 1, 2, 3 or 4; including streams with or without well-defined channels, areas of perennial or intermittent seepage, ponds, natural sinks and drainageways having short periods of spring or storm runoff.

*(6) For purposes of this section:

(a) "Residential unit" means a home, apartment, residential condominium unit or mobile home, serving as the principal place of residence.

(b) "Camping unit" means an area intended and used for:

(i) Overnight camping or picnicking by the public containing at least a fireplace, picnic table and access to water and sanitary facilities; or

(ii) A permanent home or condominium unit or mobile home not qualifying as a "residential unit" because of part time occupancy.

(c) "Resident game fish" means game fish as described in the Washington game code that spend their life cycle in fresh water. Steelhead, searun cutthroat and Dolly Varden trout are anadromous game fish and should not be confused with resident game fish.

(d) "Public accommodation facility" means a business establishment open to and licensed to serve the public, such as a restaurant, tavern, motel or hotel.

(e) "Natural waters" only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.

(f) "Seasonal low flow" and "seasonal low water" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted hydrologic techniques recognized by the department.

(g) "Channel width and gradient" means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States geological survey topographic maps.

(h) "Intermittent streams" means those segments of streams that normally go dry.

WSR 97-15-056
PROPOSED RULES
ENVIRONMENTAL HEARINGS OFFICE
(Pollution Control Hearings Board)
[Filed July 15, 1997, 11:40 a.m.]

Original Notice.

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

Title of Rule: Amend rules of procedure.

Purpose: To conform rules to SHB 1314 and to clarify existing language.

Statutory Authority for Adoption: RCW 43.21B.170.

Statute Being Implemented: SHB 1314 and RCW 43.21B.170.

Summary: (1) Excludes final Saturdays from computation of appeal period; (2) clarifies time and procedure for filing petitions for review of Pollution Control Hearings Board decisions to superior court; and (3) appeal period begins from mailing of agency decision.

Reasons Supporting Proposal: These measures improve public understanding of and the reasonableness of the process for filing appeals with the Pollution Control Hearings Board and also appealing Pollution Control Hearings Board decisions to superior court.

Name of Agency Personnel Responsible for Drafting and Implementation: Suzanne Skinner, Environmental Hearings Office, (360) 459-6327; and Enforcement: James A. Tupper, Jr. and Suzanne Skinner, Environmental Hearings Office, (360) 459-6327.

Name of Proponent: Environmental Hearings Office, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 371-08-310, excludes Saturdays from computation of the appeal period for filing with the Pollution Control Hearings Board where the filing deadline falls on a Saturday. The following business day becomes the deadline.

WAC 371-08-555, clarifies that all petitions for review from Pollution Control Hearings Board decisions must be filed with superior court within thirty days of the decision.

WAC 371-08-335, requires that the appeal period to the Pollution Control Hearings Board begin when a copy of the agency decision being appealed is posted in the United States mail, properly addressed, postage prepaid.

Proposal Changes the Following Existing Rules: WAC 371-08-310 as it exists requires inclusion of final Saturdays in the computation of the appeal period.

WAC 371-05-335 as it exists does not conform completely with the language adopted by the legislature in SHB 1314.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt under RCW 34.05.310 (4)(g)(ii) as a small business economic impact statement is not required for rules that adopt, amend or repeal procedures regarding agency hearings.

RCW 34.05.328 does not apply to this rule adoption. These procedural rule changes are not significant legislative rules of any of the agencies listed in RCW 34.05.328 (5)(a)(i) and as these changes are dictated by statute and to improve clarity, the Environmental Hearings Office is not voluntarily making these rules subject to that section.

Hearing Location: Environmental Hearings Office, 4224 6th Avenue S.E., Lacey, WA, on September 8, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Suzanne Skinner by August 19, 1997.

Submit Written Comments to: Suzanne Skinner, FAX (360) 438-7699, by September 1, 1997.

Date of Intended Adoption: September 8, 1997.

July 15, 1997

Suzanne Skinner

Administrative Appeals Judge

AMENDATORY SECTION (Amending WSR 96-17-016, filed 8/12/96, effective 9/12/96)

WAC 371-08-310 Computation of time. (1) The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a legal holiday, and then it is excluded and the next succeeding day which is neither a Saturday, Sunday nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

(2) This section also pertains to the period for filing an appeal with the board.

AMENDATORY SECTION (Amending WSR 96-17-016, filed 8/12/96, effective 9/12/96)

WAC 371-08-335 Filing a timely appeal with the board. (1) An appeal before the board shall be begun by filing a notice of appeal with the board at the environmental hearings office and by serving a copy of the appeal notice on the agency whose decision is being appealed. For the board to acquire jurisdiction both such filing and such service must be timely accomplished.

(2) The notice of appeal shall be filed with the board within thirty days of the date that a copy of the order or decision is (~~mailed~~) posted in the United States mail, properly addressed, postage prepaid, to the appealing party. The board's rule governing the computation of time (WAC 371-08-310) shall determine how the thirty-day appeal period is calculated.

(3) An appeal is filed with the board on the date the board actually receives the notice of the appeal, not the date that the notice is mailed. Upon receiving the notice of appeal, the board will acknowledge receipt. The date stamped on the appeal notice shall be prima facie evidence of the filing date. The board may thereafter require that additional copies be filed.

AMENDATORY SECTION (Amending WSR 96-15-003, filed 7/3/96, effective 8/3/96)

WAC 371-08-555 (~~Notice of appeal to the~~) **Time for filing petitions for review to superior court.** (~~All appeals from orders of the board shall be to a superior court, unless the board certifies the order for direct review to the court of appeals. In cases of appeal to superior court, the appealing party shall file with the board and all parties of record a copy of the notice of appeal to the superior court.~~) An appeal of a final board order is called a petition for review. A petition for review must be filed with superior court within thirty days of the date that the board issues its final order or decision. The petitioner shall file a copy of the petition for review to superior court with the board and all parties of record. All appeals must first be filed in superior court even if direct review to the court of appeals will be sought.

WSR 97-15-057

PROPOSED RULES

ENVIRONMENTAL HEARINGS OFFICE

(Shorelines Hearings Board)

[Filed July 15, 1997, 11:42 a.m.]

Original Notice.

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

Title of Rule: Amend rules of procedure.

Purpose: To conform rules to SHB 1314 and to clarify existing language.

Statutory Authority for Adoption: RCW 90.58.175 and SHB 1314.

Statute Being Implemented: RCW 90.58.175 and SHB 1314.

Summary: (1) Excludes final Saturdays from computation of appeal period; (2) clarifies time and procedure for filing petitions for review of Shorelines Hearings Board decisions to superior court; and (3) clarifies deadlines for the Shorelines Hearings Board to issue decisions.

Reasons Supporting Proposal: These measures improve public understanding of and the reasonableness of the process for filing appeals with the Shorelines Hearings Board and also appealing Shorelines Hearings Board decisions to superior court.

Name of Agency Personnel Responsible for Drafting and Implementation: Suzanne Skinner, Environmental Hearings Office, (360) 459-6327; and Enforcement: James A. Tupper, Jr. and Suzanne Skinner, Environmental Hearings Office, (360) 459-6327.

Name of Proponent: Environmental Hearing Office, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 461-08-310, excludes Saturdays from computation of the appeal period for filing with the Shorelines Hearings Board where the filing deadline falls on a Saturday. The following business day becomes the deadline.

WAC 461-08-570, clarifies that all petitions for review from Shorelines Hearings Board decisions must be filed with superior court within thirty days of the decision.

WAC 461-08-560, clarifies deadlines for the Shorelines Hearings Board to issue decisions.

Proposal Changes the Following Existing Rules: WAC 461-08-310 as it exists requires inclusion of final Saturdays in the computation of the appeal period.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt under RCW 34.05.310 (4)(g)(ii) as a small business economic impact statement is not required for rules that adopt, amend or repeal procedures regarding agency hearings.

RCW 34.05.328 does not apply to this rule adoption. These procedural rule changes are not significant legislative rules of any of the agencies listed in RCW 34.05.328 (5)(a)(i) and as these changes are dictated by statute and to improve clarity, the Environmental Hearings Office is not voluntarily making these rules subject to that section.

Hearing Location: Environmental Hearing Office, 4224 6th Avenue S.E., Lacey, WA, on September 8, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Suzanne Skinner by August 19, 1997.

Submit Written Comments to: Suzanne Skinner, FAX (360) 438-7699, by September 1, 1997.

Date of Intended Adoption: September 8, 1997.

July 15, 1997

Suzanne Skinner

Administrative Appeals Judge

AMENDATORY SECTION (Amending WSR 96-17-017, filed 8/12/96, effective 9/12/96)

WAC 461-08-310 Computation of time. (1) In computing any period of time prescribed or allowed by these rules or applicable statute, the day of the act after which the designated period of time begins to run is not to be included. The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a legal holiday, and then it is excluded and the next succeeding day which is neither a Saturday, Sunday nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(2) This section also pertains to the period for filing with the board any petition for review, petition for rule making, petition for declaratory ruling or any other adjudication which this chapter authorizes.

AMENDATORY SECTION (Amending WSR 96-15-002, filed 7/3/96, effective 8/3/96)

WAC 461-08-560 Deadline for the board to issue final decision(s) on petitions for review of permitting decisions(✓). Waivers and extensions of deadline. (1) The board shall, pursuant to RCW 90.58.180, issue a final decision on ~~((appeals of permitting decisions pursuant to RCW 90.58.180 (1) and (2)))~~ petitions for review arising out of the granting, denying or rescinding of a permit within one hundred eighty days of the ((date of filing with the board of the petition for review or the petition to intervene, whichever is later)) following:

(a) The date the petition for review is filed; or

(b) The date a motion to intervene is filed by the department or the attorney general, whichever is later.

(2) The parties may agree to waive the one hundred eighty-day deadline.

(3) The board may, on its own motion, extend the deadline for thirty days after determining that good cause exists for the extension.

AMENDATORY SECTION (Amending WSR 96-15-002, filed 7/3/96, effective 8/3/96)

WAC 461-08-570 Time for filing petitions for ((judicial)) review to superior court. ~~((All appeals from orders of the board shall be to a superior court, unless the superior court certifies the order for direct review to the court of appeals or the court of appeals accepts a certificate of appealability issued by the board. In cases of appeal to superior court, and cases where certification to the court of appeals is sought, the appealing party shall file with the board and all parties of record a copy of the petition for judicial review to the superior court.))~~ An appeal of a final board order is called a petition for review. A petition for review must be filed with superior court within thirty days of the date that the board issues its final order or decision. The petitioner shall file a copy of the petition for review to superior court with the board and all parties of record. All appeals must first be filed in superior court even if direct review to the court of appeals will be sought.

WSR 97-15-071

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 96-01—Filed July 16, 1997, 9:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-12-080.

Title of Rule: General Air Regulations: New source review.

Purpose: The purpose of these amendments are to clarify and streamline the review of new sources of air pollution and to identify de minimis new sources as required by the 1996 amendments to RCW 70.94.152.

Other Identifying Information: WAC 173-400-110.

Statutory Authority for Adoption: RCW 70.94.152.

Statute Being Implemented: Clean Air Act.

Summary: These rule changes identify de minimis equipment for the purposes of new source review. De

minimis equipment are exempt from new source review and the requirement to install best available control technology (BACT).

Reasons Supporting Proposal: This rule will clarify and streamline the review process for new sources of air pollution saving both industry and agencies time and money. Further, the identification of de minimis new sources was required by the 1996 legislature in amendments to RCW 70.94.152.

Name of Agency Personnel Responsible for Drafting: Department of Ecology, Lacey, (360) 407-6892; Implementation and Enforcement: Ecology/local authorities, various.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule amends the new source review portion of the general air regulations to incorporate de minimis exemptions into the rule as required by the 1996 legislature. These changes will also streamline the new source review permitting process. Ecology anticipates that industry will save a substantial amount of time and money by not having to permit small air emission units. Also, ecology and those local air authorities that chose to use these exemptions will save a significant amount of staff time by not having to write permits for very small units.

Proposal Changes the Following Existing Rules: As WAC 173-400-110 is currently written it is not clear that there are any exemptions to new source review. These amendments will list both specific exempted equipment as well as emission thresholds that can be used to exempt other pieces of equipment. Other changes are made to WAC 173-400-110 to clarify the review process.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The results of these amendments would all be positive in terms of their economic impact on small businesses. Further, because many of the exemptions created by this rule are based on emission rates (typically only small units are exempt from new source review) this rule will likely provide more exemptions to small businesses compared to larger businesses.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption.

Hearing Location: On August 26, 1997, Vancouver Fire Station 88, 6701 N.E. 147, Vancouver, at 6:00 p.m.; on August 27, 1997, Department of Ecology, Northwest Regional Office, 3190 160th Avenue S.E., Room 1-C, Bellevue, at 2:00 p.m.; and on August 28, 1997, Spokane Library, West 906 Main, Spokane, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Pat Norman-Bailey by July 30, 1997, TDD (360) 407-6006, or (360) 407-6841.

Submit Written Comments to: Tony Warfield, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, FAX (360) 407-6802, by September 5, 1997.

Date of Intended Adoption: October 24, 1997.

June 27, 1997

Dan Silver

Deputy Director

AMENDATORY SECTION (Amending Order 94-35, filed 9/13/96, effective 10/14/96)

WAC 173-400-030 Definitions. Except as provided elsewhere in this chapter, the following definitions apply throughout the chapter:

(1) "Actual emissions" means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. Ecology or an authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) Ecology or an authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(3) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(4) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

(5) "Allowable emissions" means the emission rate of a stationary source calculated using the maximum rated capacity of the stationary source (unless the stationary source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards as set forth in 40 CFR Part 60 or 61;

(b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or

(c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

(6) "Ambient air" means the surrounding outside air.

(7) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

(8) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(9) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emission unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underlayment pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(10) "Best available control technology (BACT)" means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "best available control technology" result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61, as they exist on March 1, 1996, or their later enactments as adopted by reference by the director by rule. Emissions from any source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

~~((+10))~~ (11) "Best available retrofit technology (BART)" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

~~((+11))~~ (12) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155 and WAC 173-400-120.

~~((12))~~ (13) "Capacity factor" means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

~~((13))~~ (14) "Class I area" means any area designated pursuant to §§ 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

Alpine Lakes Wilderness;
 Glacier Peak Wilderness;
 Goat Rocks Wilderness;
 Mount Adams Wilderness;
 Mount Rainier National Park;
 North Cascades National Park;
 Olympic National Park;
 Pasayten Wilderness;
 Spokane Indian Reservation.

~~((14))~~ (15) "Combustion and incineration sources" means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

~~((15))~~ (16) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

~~((16))~~ (17) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

~~((17))~~ (18) "Director" means director of the Washington state department of ecology or duly authorized representative.

~~((18))~~ (19) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

~~((19))~~ (20) "Ecology" means the Washington state department of ecology.

~~((20))~~ (21) "Emission" means a release of air contaminants into the ambient air.

~~((21))~~ (22) "Emission reduction credit (ERC)" means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

~~((22))~~ (23) "Emission standard" and "emission limitation" means a requirement established under the FCAA or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment work practice, or operational standard promulgated under the FCAA or chapter 70.94 RCW.

~~((23))~~ (24) "Emissions unit" means any part of a stationary source or source which emits or would have the

potential to emit any pollutant subject to regulation under the FCAA, chapter 70.94 or 70.98 RCW.

~~((24))~~ (25) "Excess emissions" means emissions of an air pollutant in excess of any applicable emission standard.

~~((25))~~ (26) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).

~~((26))~~ (27) "Existing stationary facility" means a stationary source of air pollutants which has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

~~((27))~~ (28) "Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

~~((28))~~ (29) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

~~((29))~~ (30) "Fossil fuel-fired steam generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

~~((30))~~ (31) "Fugitive dust" means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

~~((31))~~ (32) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

~~((32))~~ (33) "General process unit" means an emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

~~((33))~~ (34) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

~~((34))~~ (35) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

~~((35))~~ (36) "In operation" means engaged in activity related to the primary design function of the source.

~~((36))~~ (37) "Integral vista" means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.

~~((37))~~ (38) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

~~((38))~~ (39) "Mandatory Class I federal area" means any area defined in Section 162(a) of the FCAA. The mandatory Class I federal areas in Washington state are as follows:

Alpine Lakes Wilderness;
Glacier Peak Wilderness;
Goat Rocks Wilderness;
Mount Adams Wilderness;
Mount Rainier National Park;
North Cascades National Park;
Olympic National Park;
Pasayten Wilderness.

~~((39))~~ (40) "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the FCAA. Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone. A physical change or change in the method of operation shall not include:

(a) Routine maintenance, repair, and replacement;

(b) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;

(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(e) Use of an alternative fuel or raw material by a stationary source which:

(i) The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a prevention of significant deterioration permit or notice of construction approval; or

(ii) The stationary source is approved to use under any federally-enforceable notice of construction approval or a PSD permit issued by the environmental protection agency;

(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, in a prevention of significant deterioration permit or a notice of construction approval;

(g) Any change in ownership at a stationary source.

~~((40))~~ (41) "Major stationary source" means:

(a) Any stationary source which:

(i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the state or Federal Clean Air Acts; or

(ii) Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen.

(b) Any stationary source (or group of stationary sources) which:

(i) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or

(ii) Is located in a "serious" particulate matter (PM₁₀) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM₁₀ emissions.

(c) Any physical change that would occur at a stationary source not qualifying under (a) or (b) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;

(d) A major stationary source that is major for VOCs or NO_x shall be considered major for ozone;

(e) The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the source is a major stationary source due to (b) of this subsection:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cements plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and

(xxvii) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.

(f) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

~~((41))~~ (42) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

~~((42))~~ (43) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

~~((43))~~ (44) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

~~((44))~~ (45) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Parts 61 and 63.

~~((45))~~ (46) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

~~((46))~~ (47) "Net emissions increase" means:

(a) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular change or change in method of operation at a source; and

(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs.

(c) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

(ii) Ecology or the authority has not relied on it in issuing any permit or order of approval for the source under regulations approved pursuant to 40 CFR 51 Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to

40 CFR 52.21, which order or permit is in effect when the increase in actual emissions from the particular change occurs.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(iv) Ecology or the authority has not relied on it in issuing any permit or order of approval under regulations approved pursuant to 40 CFR 51 Subpart I, the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, or ecology or the authority has not relied on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

~~((47))~~ (48) "New source" means:

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted; and

(b) Any other project that constitutes a new source under the Federal Clean Air Act.

~~((48))~~ (49) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

~~((49))~~ (50) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

~~((50))~~ (51) "Notice of construction application" means a written application to permit construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source.

~~((51))~~ (52) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

~~((52))~~ (53) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwag burners is not considered open burning.

~~((53))~~ (54) "Order" means any order issued by ecology or a local air authority pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153, and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

PROPOSED

~~((54))~~ (55) "Order of approval" or "approval order" means a regulatory order issued by ecology or the authority to approve the notice of construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.

~~((55))~~ (56) "Particulate matter" or "particulates" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

~~((56))~~ (57) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

~~((57))~~ (58) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

~~((58))~~ (59) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

~~((59))~~ (60) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

~~((60))~~ (61) "PM-10 emissions" means finely divided solid or liquid material, including condensible particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the Washington state implementation plan.

~~((61))~~ (62) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

~~((62))~~ (63) "Prevention of significant deterioration (PSD)" means the program set forth in WAC 173-400-141.

~~((63))~~ (64) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

~~((64))~~ (65) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

~~((65))~~ (66) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of

the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

~~((66))~~ (67) "Regulatory order" means an order issued by ecology or an authority to an air contaminant source which applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted thereunder, or, for sources regulated by a local air authority, the regulations of that authority.

~~((67))~~ (68) "Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter (PM)	25
Fine particulate matter (PM ₁₀)	15
Volatile organic compounds (VOC)	40
Lead	0.6
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	10
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	0.000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO ₂ and hydrogen chloride)	40

~~((68))~~ (69) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

~~((69))~~ (70) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

~~((70))~~ (71) "Source category" means all sources of the same type or classification.

~~((71))~~ (72) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

~~((72))~~ (73) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

~~((73))~~ (74) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

~~((74))~~ (75) "Stationary source" means any building, structure, facility, or installation which emits or may emit any contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the FCAA.

~~((75))~~ (76) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

~~((76))~~ (77) "Synthetic minor" means any source whose potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or permit condition.

~~((77))~~ (78) "Total reduced sulfur (TRS)" means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an approved equivalent method and expressed as hydrogen sulfide.

~~((78))~~ (79) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on October 17, 1996.

~~((79))~~ (80) "Toxic air pollutant (TAP)" or "toxic air contaminant" means any Class A or B toxic air pollutant listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

~~((80))~~ (81) "United States Environmental Protection Agency (USEPA)" shall be referred to as EPA.

~~((81))~~ (82) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

~~((82))~~ (83) "Visibility impairment of Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

~~((83))~~ (84) "Volatile organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes:

(a) Any such organic compound other than the following, which has been determined to have negligible photochemical reactivity: Methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-

tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTf); cyclic, branched, or linear completely methylated siloxanes; acetones perchloroethylene (tetrachloroethylene); and perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear completely fluorinated alkanes;

(ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations; and

(iii) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by ecology or the authority.

(c) As a precondition to excluding these negligibly-reactive compounds as VOC or at any time thereafter, ecology or the authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of ecology or the authority, the amount of negligibly-reactive compounds in the source's emissions.

AMENDATORY SECTION (Amending Order 93-03, filed 8/20/93, effective 9/20/93)

WAC 173-400-110 New source review (NSR). (1) Applicability. This section, WAC 173-400-112 and 173-400-113 apply state-wide except where an authority has adopted its own new source review regulation and those regulations are incorporated into the state implementation plan. This exemption is subject to the provisions of WAC 173-400-020.

~~((a))~~ (2) Projects subject to NSR. A notice of construction application must be filed by the owner or operator and an order of approval issued by ecology or an authority prior to the establishment of any new source ~~(or emission unit or modification which is listed in WAC 173-400-100 or required to obtain a permit under RCW 70.94.161)~~, except for those sources exempt under subsection (4) or (5) of this section.

~~((b))~~ Ecology or the authority may require that a notice of construction application be filed by the owner or operator of a proposed new source or modification and an order of approval issued by ecology or an authority prior to the establishment of any new source or emission unit or modification, other than a single family or a duplex dwelling.

~~((c))~~ For purposes of this section "establishment" shall mean to begin actual construction, as that term is defined in WAC 173-400-030(9), and "new source" shall include any modification to an existing stationary source, as defined in WAC 173-400-030(43). Notwithstanding any other subsection of this section, a notice of construction application must

be filed and an order of approval issued by ecology or an authority prior to establishment of any of the following new sources:

(a) Any project that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards) (except Part AAA, Wood stoves);

(b) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (except for asbestos demolition and renovation projects subject to 40 CFR 61.145);

(c) Any project that qualifies as a new source within the meaning of 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants);

(d) Any project that qualifies as a major stationary source, as defined in WAC 173-400-030(41), or a major modification, as defined in WAC 173-400-040(40);

(e) Any project that requires an increase in a plant-wide cap or unit specific emission limit.

(3) New source review of a modification shall be limited to the emission unit or units proposed to be added to an existing source or modified and the air contaminants whose emissions would increase as a result of the modification.

((2)) (4) **Emission unit and activity exemptions.**

Except as provided in subsection (2) of this section, establishment of a new emission unit that falls within one of the categories listed below is exempt from new source review. Modification of any emission unit listed below is exempt from new source review, provided that the modified unit continues to fall within one of the listed categories. The installation or modification of a unit exempt under this subsection does not require the filing of a Notice of Construction Application.

(a) **Maintenance/construction:**

(i) Cleaning and sweeping of streets and paved surfaces;

(ii) Concrete application, and installation;

(iii) Dredging wet spoils handling and placement;

(iv) Paving application and maintenance, excluding asphalt plants;

(v) Plant maintenance and upkeep activities (grounds keeping, general repairs, routine house keeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);

(vi) Plumbing installation, protective coating application and maintenance activities;

(vii) Roofing application;

(viii) Insulation application and maintenance, excluding products for resale;

(ix) Janitorial services and consumer use of janitorial products.

(b) **Storage tanks:**

(i) Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;

(ii) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;

(iii) Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;

(iv) Process and white water storage tanks;

(v) Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than 260 gallon capacity (35 cft);

(vi) Operation, loading and unloading of storage tanks, ≤ 1100 gallon capacity, with lids or other appropriate closure, not for use with materials containing toxic air pollutants, as defined in chapter 173-460 WAC, max. VP 550 mm Hg @21°C;

(vii) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons;

(viii) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids.

(c) A project with combined combustion units, ≤ all of the following:

(i) ≤ 500,000 Btu/hr using coal with ≤ 0.5% sulfur or other fuels with ≤ 0.5% sulfur;

(ii) ≤ 500,000 Btu/hr used oil, per the requirements of RCW 70.94.610;

(iii) ≤ 400,000 Btu/hr wood waste or paper;

(iv) < 1,000,000 Btu/hr using kerosene, #1, or #2 fuel oil and with ≤0.05% sulfur;

(v) ≤ 4,000,000 Btu/hr using natural gas, propane, or LPG.

(d) **Material handling:**

(i) Continuous digester chip feeders;

(ii) Grain elevators not licensed as warehouses or dealers by either the Washington state department of agriculture or the U.S. Department of Agriculture;

(iii) Storage and handling of water based lubricants for metal working where organic content of the lubricant is ≤ 10%;

(iv) Equipment used exclusively to pump, load, unload, or store high boiling point organic material, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.

(e) **Water treatment:**

(i) Septic sewer systems, not including active wastewater treatment facilities;

(ii) NPDES permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease;

(iii) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;

(iv) Process water filtration system and demineralizer vents;

(v) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;

(vi) Demineralizer tanks;

(vii) Alum tanks;

(viii) Clean water condensate tanks.

(f) **Environmental chambers and laboratory equipment:**

(i) Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;

(ii) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;

(iii) Installation or modification of a single laboratory fume hood;

- (iv) Laboratory calibration and maintenance equipment.
- (g) Monitoring/quality assurance/testing:
- (i) Equipment and instrumentation used for quality control/assurance or inspection purpose;
- (ii) Hydraulic and hydrostatic testing equipment;
- (iii) Sample gathering, preparation and management;
- (iv) Vents from continuous emission monitors and other analyzers.
- (h) Miscellaneous:
- (i) Single-family residences and duplexes;
- (ii) Plastic pipe welding;
- (iii) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;
- (iv) Comfort air conditioning;
- (v) Flares used to indicate danger to the public;
- (vi) Natural and forced air vents and stacks for bathroom/toilet activities;
- (vii) Personal care activities;
- (viii) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;
- (ix) Tobacco smoking rooms and areas;
- (x) Noncommercial smokehouses;
- (xi) Blacksmith forges for single forges;
- (xii) Vehicle maintenance activities, not including vehicle surface coating;
- (xiii) Vehicle or equipment washing (see (c) of this subsection for threshold for boilers);
- (xiv) Wax application;
- (xv) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;
- (xvi) Ozone generators and ozonation equipment;
- (xvii) Solar simulators;
- (xviii) Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;
- (xix) Electrical circuit breakers, transformers, or switching equipment installation or operation;
- (xx) Pulse capacitors;
- (xxi) Pneumatically operated equipment, including tools hand held applicator equipment for hot melt adhesives;
- (xxii) Fire suppression equipment;
- (xxiii) Recovery boiler blow-down tank;
- (xxiv) Screw press vents;
- (xxv) Drop hammers or hydraulic presses for forging or metal working;
- (xxvi) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;
- (xxvii) Kraft lime mud storage tanks and process vessels;
- (xxviii) Lime grits washers, filters and handling;
- (xxix) Lime mud filtrate tanks;
- (xxx) Lime mud water;
- (xxxi) Stock cleaning and pressurized pulp washing;
- (xxxii) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;
- (xxxiii) Nontoxic air pollutant, as defined in chapter 173-460 WAC, solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm Hg @21°C;

(xxxiv) Surface coating, aqueous solution or suspension containing ≤ 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;

(xxxv) Cleaning and stripping activities and equipment using solutions having ≤ 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;

(xxxvi) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.

(5) Exemptions based on emissions thresholds.

(a) Except as provided in subsection (2) of this section and in this subsection:

(i) A new emissions unit that has a potential to emit below each of the threshold levels listed in the table contained in (c) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.

(ii) A modification to an existing emissions unit that increases the unit's actual emissions by less than each of the threshold levels listed in the table contained in (c) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.

(b) The owner or operator seeking to exempt a project from new source review under this section shall notify, and upon request, file a brief project summary with ecology or the authority prior to beginning actual construction on the project. If ecology or the authority determine that the project will have more than a de Minimus impact on air quality, ecology or the authority may require the filing of a notice of construction application. Ecology or the authority may require the owner or operator to demonstrate that the emissions increase from the new emissions unit is smaller than all of the thresholds listed below.

(c) Exemption threshold table:

<u>POLLUTANT</u>	<u>THRESHOLD LEVEL (TONS PER YEAR)</u>
<u>(a) PM10</u>	<u>0.75</u>
<u>(b) Sulfur Oxides</u>	<u>2.0</u>
<u>(c) Nitrogen Oxides</u>	<u>2.0</u>
<u>(d) Volatile Organic Compounds, total</u>	<u>2.0</u>
<u>(e) Carbon Monoxide</u>	<u>5.0</u>
<u>(f) Lead</u>	<u>0.005</u>
<u>(g) Ozone Depleting Substances in Aggregate (the sum of Class I and/or Class II substances as defined in FCAA Title VI and 40 CFR Part 82)</u>	<u>1.0</u>
<u>(h) Toxic Air Pollutants</u>	<u>As specified in chapter 173-460 WAC.</u>

(6) Completeness determination. Within thirty days of receipt of a notice of construction application, ecology or the authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary, based upon review of information already supplied, to complete the application. For a project subject to PSD review under WAC 173-400-141 a completeness determination includes a determination that the application provides all information required to conduct PSD review.

PROPOSED

~~((3))~~ (7) Final determination.

(a) Within sixty days of receipt of a complete application, ecology or the authority shall either issue a final decision on the application or, for those projects subject to public notice, initiate notice and comment procedures under WAC 173-400-171 on a proposed decision, followed as promptly as possible by a final decision.

(b) A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the notice of construction application required by this section. A notice of construction application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines.

~~((b))~~ (c) Every final determination on a notice of construction application shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of ecology or the authority.

~~((e))~~ (d) If the new source is a major stationary source or the change is a major modification, ecology or the authority shall submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA.

~~((4))~~ (8) **Appeals.** An order of approval, any conditions contained in an order of approval, or the denial of a notice of construction application may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW. Ecology or the authority shall promptly mail copies of each order approving or denying a notice of construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising parties of their rights of appeal to the Pollution Control Hearings Board and, where applicable, to the EPA Environmental Appeals Board.

~~((5))~~ (9) **Portable sources.** For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction application, providing that the owner(s) or operator(s) notifies ecology or the authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable ecology or the authority to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time (one year or less) and ecology or the authority may set specific conditions for operation during that period. A temporary source shall be required to comply with all applicable emission standards.

~~((6))~~ (10) **Construction time limitations.** Approval to construct or modify a stationary source shall become invalid if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. Ecology or the authority may extend the eighteen-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period

between construction of the approved phases of a phased construction project~~((7))~~. Each phase must commence construction within eighteen months of the projected and approved commencement date.

(11) Change of conditions.

(a) The owner or operator may request, at any time, a change in conditions of an approval order and ecology or the authority may approve such a request provided ecology or the authority finds that:

(i) The change in conditions will not cause the air contaminant source to exceed an emissions standard;

(ii) No ambient air quality standard or PSD increment will be exceeded as a result of the change;

(iii) The change will not adversely impact the ability of ecology or the authority to determine compliance with an emissions standard; and

(iv) The revised order will continue to require BACT for each new source approved by the order except where the Federal Clean Air Act requires LAER.

(b) Actions taken under this subsection are subject to the public involvement provisions of WAC 173-400-171.

**WSR 97-15-072
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**
[Filed July 16, 1997, 10:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-061.

Title of Rule: Chapter 392-120 WAC, Finance University of Washington transition school and early entrance program allocations.

Purpose: To accommodate University of Washington policy change allowing students to use the summer quarter in lieu of fall, winter, or spring quarter to complete a year of education.

Statutory Authority for Adoption: RCW 28A.185.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation: Thomas J. Case, Superintendent of Public Instruction, Olympia, 753-6708; and Enforcement: Michael L. Bigelow, Superintendent of Public Instruction, Olympia, 753-1718.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will have a minor or negligible economic impact.

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

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on August 26, 1997, at 10:15 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by August 12, 1997, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201, by August 25, 1997.

Date of Intended Adoption: August 27, 1997.

July 7, 1997

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-025 Definition—Full-time equivalent ((eligible)) student. As used in this chapter, "full-time equivalent ((eligible)) student" means ((a)) an eligible student enrolled in and attending all courses required for continued enrollment in the transition school, and also means ((a)) an eligible student who is enrolled in the early entrance program ((and maintaining)) for 12 college credits or more per quarter.

NEW SECTION

WAC 392-120-027 Definition—Count date. As used in this chapter "count date" means the first day of transition school or first early entrance program day during the month on which eligible students are counted and their full-time equivalency is determined. Count dates occur in the months of October through June. Eligible students counted during the summer are counted during the months of June through August.

NEW SECTION

WAC 392-120-028 Definition—Annual average full-time equivalent student. As used in this chapter, an "annual average full-time equivalent student" means an eligible student who is a full-time equivalent student on each of the count dates in October through June: *Provided*, That a student electing to attend the summer quarter in lieu of attending the autumn, winter, or spring quarter will be counted during the summer months of June through August. No individual student shall be counted as more than one full-time equivalent student on any count date or more than one annual average full-time equivalent student in any September 1 through August 31 period for the purposes of claiming and allocating state and federal kindergarten through twelfth grade moneys to school districts and to the University of Washington.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-030 Definition—School year. As used in this chapter, "school year" means the beginning of autumn quarter through the end of ((spring)) summer quarter ((as defined in WAC 478-132-030)).

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-055 Responsibilities—University of Washington. The allocation of moneys pursuant to this chapter are conditioned on the University of Washington transition school and early entrance program performing the following:

(1) Reporting for each ((month)) count date for each eligible student of their:

(a) ((Hours of enrollment)) Full-time equivalency; and
(b) Resident school district.

(2) Expending the moneys allocated pursuant to this chapter on allowable activities.

(3) Providing health screening as agreed to by contract with the superintendent of public instruction; enforcing chapter 180-140 WAC and all applicable federal laws relating to student discipline and rights for students enrolled in the transition school or early entrance program who have not yet registered or enrolled in college level courses; and enforcing Title 478 WAC and all applicable federal laws relating to student conduct, discipline, records and rights, for students who have registered and enrolled in one or more college level courses.

(4) Reporting for the October count date of each year to the resident school district of the enrollment of each student in the University of Washington transition school and early entrance program.

(5) Reporting annually to the superintendent of public instruction the actual expenditures on allowable activities.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-065 Calculation of quarterly allocation. The superintendent of public instruction shall calculate the quarterly allocation of moneys to the University of Washington transition school and early entrance program using information available at the time the calculation is made as follows:

(1) Sum the following for each eligible student:

(a) Determine the revenue per eligible annual average full-time equivalent student; and

(b) Multiply the result obtained in (a) of this subsection by the annual average full-time ((equivalent)) equivalency of the eligible student.

(2) Adjust the result obtained in subsection (1) of this section by any over or under payments resulting from prior quarterly allocations.

WSR 97-15-073
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed July 16, 1997, 10:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-09-010.

Title of Rule: Chapter 392-121 WAC, Basic education funding.

Purpose: To allow claiming of basic education funding for part-time, home-based students enrolled in public schools for alternative education. To prescribe the minimum number of minutes in an hour of instruction. To clarify when sports activities may be claimed for basic education funding. To make other clarifications as needed and delete rules determined to be unnecessary.

Statutory Authority for Adoption: RCW 28A.150.290, 28A.150.350, 28A.225.230.

Summary: See Purpose above.

Reasons Supporting Proposal: To provide parents and students with another school program. Also clarification on what constitutes an hour of instruction and other clarification is needed to make the rules easier to interpret.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation: Thomas J. Case, Superintendent of Public Instruction, Olympia, 753-6708; and Enforcement: Michael L. Bigelow, Superintendent of Public Instruction, Olympia, 753-1718.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will have a minor or negligible economic impact.

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

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on August 26, 1997, at 10:15 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich, by August 12, 1997, TDD (360) 664-3631 or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201, by August 25, 1997.

Date of Intended Adoption: August 27, 1997.

July 7, 1997

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 95-18-097, filed 9/6/95, effective 10/7/95)

WAC 392-121-107 Definition—Course of study. As used in this chapter, "course of study" means those activities for which students enrolled pursuant to chapters 180-16, 180-50, 180-51, 392-169 and 392-134 WAC may be counted as enrolled students for the purpose of full-time equivalent student enrollment counts.

(1) Course of study includes:

(a) Instruction - teaching/learning experiences conducted by the school district staff as directed by the administration and the board of directors of the school district, inclusive of

intermissions for class changes, recess and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time for meals.

(b) Alternative learning experience - alternative learning experience conducted by the school district in conformance with WAC 392-121-182.

(c) Contracting - with a higher education institution in conformance with WAC 392-121-183.

(d) National guard - participation in a national guard high school career training program for which credit is being given toward either required or elective high school credits pursuant to RCW 28A.305.170 and WAC 180-50-320. Such participation may be counted as a course of study only by the school district which the individual last attended.

(e) Ancillary service - any cocurricular service ((provided to)) or activity, any health care service or activity, and any other services or activities, for or in which kindergarten through twelfth grade part-time students, private school students and home-based students are served by ((the)) appropriate school district ((in conformance with chapter 392-134 WAC)) staff. ((Except for services to students with a disability and home/hospital students, only those services provided by school district staff on school grounds or facilities controlled by the school district can be counted as a course of study.)) The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, and if such service is provided by the district, certificated contact time pursuant to RCW 28A.225.010 (4)(a) with students who are in a home-based instruction program. The term shall exclude all extracurricular activities and all other courses of study defined in this section. School districts report the actual number of student contact hours of ancillary service (~~annually~~) to the superintendent of public instruction.

(f) Work based learning - training provided pursuant to WAC 180-50-315. One hour per scheduled school day may be counted for not less than four hundred five hours of scheduled work experience.

(g) Running start - attendance at an institution of higher education pursuant to RCW 28A.600.300 through 28A.600.400, chapter 392-169 WAC.

(h) Transition school - participation in the University of Washington's transition school and early entrance program pursuant to RCW 28A.185.040, and chapter 392-120 WAC. Such participation shall be reported by the University of Washington and shall not be reported by a school district.

(i) Technical college direct funding - enrollment at a technical college pursuant to RCW 28A.150.275 and WAC 392-121-187. Such participation shall be reported by the technical college and shall not be reported by a school district unless the technical college and the school district agree to have the school district report such enrollment.

(j) Contracting - with an agency pursuant to WAC 392-121-188.

(k) Contracting - with a public or nonpublic school agency for students with a disability in accordance with WAC ((392-171-496)) 392-172-222.

(2) Course of study does not include:

(a) Home-based instruction pursuant to RCW 28A.225.010(4): Education programs provided by a parent

which do not meet the requirements of WAC 392-121-182 cannot be claimed for state funding;

(b) Private school instruction pursuant to chapter 28A.195 RCW;

(c) Adult education as defined in RCW 28B.50.030(12);

(d) Instruction provided to students who do not reside in Washington state (RCW 28A.225.260);

(e) Enrollment in state institutions, i.e., state operated group homes, county juvenile detention centers, state institutions for juvenile delinquents, and state residential habilitation centers;

(f) Instruction preparing a student for the general education development (GED) test if such instruction generates state or federal moneys for adult education;

(g) Enrollment in education centers;

(h) Enrollment in the Washington state school for the deaf and the Washington state school for the blind; ~~((e))~~

(i) Extracurricular ~~((and))~~ activities including but not limited to before and after school activities such as classes, sports and other activities offered outside the regular curriculum or for which credit is not earned; or

(j) Attendance at universities, colleges, community colleges, or technical colleges of students not earning high school credit.

AMENDATORY SECTION (Amending WSR 95-01-013, filed 12/8/94, effective 1/8/95)

WAC 392-121-108 Definition—Enrollment exclusions. A person who qualifies for any of the exclusions set forth in this section shall not be counted as an enrolled student pursuant to WAC 392-121-106.

(1) Absences - except as provided in (a) and (b) of this subsection, a student whose consecutive days of absence from school exceed twenty school days shall not be counted as an enrolled student until attendance is resumed.

(a) If there is an agreement between the appropriate school official and a student's parent or guardian pursuant to RCW 28A.225.010 that the student's temporary absence is not deemed to cause a serious adverse effect upon the student's educational progress, the absent student may be counted as an enrolled student for up to two monthly enrollment count dates as specified in WAC 392-121-122.

(b) A student receiving home and/or hospital service pursuant to WAC ~~((392-171-486))~~ 392-172-218 shall be counted as an enrolled student as provided in WAC 392-122-145.

(2) Dropouts - a student for whom the school district has received notification of dropping out of school by the student or the student's parent or guardian shall not be counted as an enrolled student until attendance is resumed.

(3) Transfers - a student who has transferred to another public or private school and for whom the school district has received notification of transfer from the school to which the student has transferred, from the student, or from the student's parent or guardian shall not be counted as an enrolled student unless the student reenrolls in the school district.

(4) Suspensions - a student who has been suspended from school pursuant to WAC 180-40-260, when the conditions of the suspension will cause the student to lose

academic grades or credit, shall not be counted as an enrolled student until attendance is resumed.

(5) Expulsions - a student who has been expelled from all school subjects or classes by the school district pursuant to WAC 180-40-275 shall not be counted as an enrolled student; a student who has been partially expelled, such as from a single school subject or class, by the school district pursuant to WAC 180-40-275 may be considered a part-time enrolled student.

(6) Graduates - a student who has met the high school graduation requirements of chapter 180-51 WAC by the beginning of the school year.

NEW SECTION

WAC 392-121-119 Enrollment count dates. As used in this chapter, "enrollment count dates" means the fourth school day of September and the first school day of each of the eight subsequent months of the school year for all school districts including districts which commence basic education programs prior to September 1st. Exceptions are limited to the following:

(1) In school districts where not every school or grade follows the same calendar of school days, the calendar of an individual school or an entire grade level within a school may determine the monthly enrollment count date for that school or grade level within the school.

(2) The nine count dates for running start enrollment shall be the first school day of each month of October through June.

AMENDATORY SECTION (Amending WSR 95-01-013, filed 12/8/94, effective 1/8/95)

WAC 392-121-122 Definition—Full-time equivalent student. As used in this chapter, "full-time equivalent student" means each enrolled student in the school district as of the ~~((fourth school day following the commencement of the school year (September 1 through August 31) and/or as of the first school day of any of the subsequent eight months))~~ enrollment count date for at least the minimum number of hours set forth in subsection (1) of this section, inclusive of class periods and normal class change passing time, but exclusive of noon intermissions: Provided, That each hour counted shall contain at least 50 minutes of instruction or supervised study provided by appropriate instructional staff. The purposes of recognizing "50 minute hours" is to provide flexibility to school districts which utilize block periods of instruction so long as students are ultimately under the jurisdiction of school staff for the equivalent of 60 minute hours: Provided further, That the hours set forth below shall be construed as annual average hours for the purposes of compliance with this chapter~~((= Provided further, That for districts commencing basic education programs prior to September first, the first month enrollment count shall be made on the fourth school day in September))~~.

(1) The minimum hours for each grade are as follows:

(a) Kindergarten (full-day): 20 hours each week, or 4 hours (240 minutes) for 90 scheduled school days;

(b) Kindergarten (half-day): 10 hours each week, or 2 hours (120 minutes) each scheduled school day;

(c) Primary (grades 1 through 3): 20 hours each week, or 4 hours (240 minutes) each scheduled school day;

(d) Elementary (grades 4 through 6): 25 hours each week, or 5 hours (300 minutes) each scheduled school day;

(e) Secondary (grades 7 through 12): 25 hours each week, or 5 hours (300 minutes) each scheduled school day.

(2) A student enrolled for less than the minimum hours shown in subsection (1) of this section shall be counted as a partial full-time equivalent student equal to the student's hours of enrollment divided by the minimum hours for the student's grade level set forth in subsection (1) of this section.

(3) The full-time equivalent of a student's running start enrollment pursuant to RCW 28A.600.300 through 28A.600.400 shall be determined pursuant to chapter 392-169 WAC. ~~((The nine count dates for running start enrollment shall be the months of October through June.))~~ If a running start student is enrolled both in high school courses provided by the school district and in running start courses provided by the college, the high school full-time equivalent and the running start full-time equivalent shall be determined separately.

(4) The full-time equivalent of University of Washington transition school students shall be determined pursuant to chapter 392-120 WAC.

(5) The full-time equivalent of a student's alternative learning experience shall be determined pursuant to WAC 392-121-182.

AMENDATORY SECTION (Amending Order 50, filed 1/2/91, effective 2/2/91)

WAC 392-121-133 Definition—Annual average full-time equivalent students. As used in this chapter, "annual average full-time equivalent students" means the sum of the following:

(1) The annual total of full-time equivalent students enrolled on the nine enrollment count dates of the school year and reported to the superintendent of public instruction pursuant to WAC 392-121-122 divided by nine;

(2) Annual hours of ancillary service to private school and home-based students reported pursuant to ~~((chapter 392-134))~~ WAC 392-121-107 divided by 900; and

(3) Annual hours of eligible ~~((summer))~~ enrollment in nonstandard school year programs pursuant to WAC 392-121-123 divided by 900.

AMENDATORY SECTION (Amending WSR 95-01-013, filed 12/8/94, effective 1/8/95)

WAC 392-121-136 Limitation on enrollment counts. Enrollment counts pursuant to WAC 392-121-106 through 392-121-133 are subject to the following limitations:

(1) Except as provided in (a) and (b) of this subsection, no student, including a student enrolled in more than one school district, shall be counted as more than one full-time equivalent student on any count date or more than one annual average full-time equivalent student in any school year.

(a) School districts operating approved vocational skills center programs during the summer vacation months may claim additional full-time equivalent students based upon actual enrollment in such vocational skills centers on the first

school day of July of each year. Each district operating an approved vocational skills center program shall be entitled to claim one annual average full-time equivalent student for each 900 hours of planned student enrollment for the summer term based upon the July enrollment data.

(b) Enrollment count limitations apply separately to a student's running start and high school enrollments.

(2) Running start enrollment counts are limited as provided in chapter 392-169 WAC and specifically as provided in WAC 392-169-060.

(3) The full-time equivalent reported for a five year old preschool student with a disability is limited as provided in WAC 392-121-137.

(4) No kindergarten student, including a student enrolled in more than one school district, shall be counted as more than one-half of an annual average full-time equivalent student in any school year.

(5) A student reported as full-time on Form SPI E-672 pursuant to WAC 392-122-275 for institutional education funding shall not be reported by a school district for basic education funding on that enrollment count date.

(6) A student reported as part-time on Form SPI E-672 shall not be reported by a school district for more than part-time basic education funding on that enrollment count date and the total enrollment reported by one or more school districts for basic education and on Form SPI E-672 must not exceed one full-time equivalent.

AMENDATORY SECTION (Amending WSR 95-01-013, filed 12/8/94, effective 1/8/95)

WAC 392-121-137 Full-time equivalent enrollment of students with a disability. In determining the full-time equivalent enrollment of students reported as students with a disability pursuant to chapter ~~((392-171))~~ 392-172 WAC, the following rules apply:

(1) If the student is enrolled exclusively in an ungraded special education program, the student's grade level shall be based on the typical grade level of students of the same age (e.g., a student who is six years old at the beginning of the school year shall be counted as a first grader).

(2) If the student is enrolled in a grade level below the typical grade level of students of the same age, the school district shall have the option of counting the student in the grade enrolled or the typical grade level of students of the same age.

(3) A student with a disability who is five years old at the beginning of the school year may be counted as a kindergarten student only if the student is enrolled full time (twenty hours or more per week), or is enrolled in a kindergarten program and is provided special education services in addition to the kindergarten program.

AMENDATORY SECTION (Amending WSR 95-18-097, filed 9/6/95, effective 10/7/95)

WAC 392-121-182 Alternative learning experience requirements. ~~((An alternative learning experience may be counted as a course of study.))~~ An alternative learning experience is an individualized course of study ~~((for a student who is not home-based pursuant to RCW 28A.225.010(4), a private school student pursuant to RCW 28A.225.010 (1)(a), or an adult education student)).~~

(1) Purpose. This experience provides students and parents an additional public school option. It is intended for students who are unable to succeed in an instructional course of study as defined in WAC 392-121-017 (1)(a), or who have educational needs which cannot be satisfactorily met through another course of study. A public school alternative learning experience is not to be confused with a home-based instruction program even though portions of the alternative learning experience program may be provided by a parent. The essential difference between the two programs lies in the exercise of responsibility. In an alternative learning experience school district certificated staff establish student learning objectives and curriculum, monitor the education program, and evaluate student performance as set forth below. In a home-based instruction program the parent is wholly responsible for the instruction program pursuant to chapter 28A.200 RCW. While a student may participate part-time in both programs, any participation in the home-based instruction program cannot be claimed for state funding.

(2) Components. The alternative learning experience ~~(is)~~ must be provided in accordance with a written alternative learning experience plan that is implemented pursuant to the school district board's policy for alternative learning experiences. The school district board policy must have been adopted in a public meeting. The alternative learning experience ~~(is provided by the school district and)~~ may be conducted in part outside of the regular classroom. A portion of the alternative learning experience may be provided by the student's parent(s) or guardian under supervision by the school district. Such alternative learning experience may be counted as a course of study pursuant to WAC 392-121-107 if the ~~(following)~~ requirements of subsections (3) through (7) of this section are met:

~~((1))~~ **(3) School district board policies** ~~(for alternative learning experiences — Effective January 1, 1996,)~~. Each school district claiming basic education funding for alternative learning experiences shall have written policies on file that:

(a) Require a written plan for each student participating in an alternative learning experience that meets the minimum criteria pursuant to subsection ~~((2))~~ (4) of this section and is approved by a district official and any other person(s) as required or allowed by district policy;

(b) Require that all alternative learning experience curriculum and course requirements be ~~(approved by the school district)~~ consistent with the basic education goals under RCW 28A.150.210 and high school graduation requirements under chapter 180-51 WAC for grades 9 through 12;

(c) Describe how student performance will be supervised, evaluated, and recorded by school district staff;

(d) Require that each student's educational progress will be reviewed at least once during the first twenty school days and afterwards at least once every forty-five school days and that the results of each evaluation shall be communicated to the student and if the student is in grades K-8, the student's parent or guardian. If the school district determines that a student is not substantially successful in completing the learning activities described in the written alternative learning experience plan, a revised written plan may be implemented. Any revised written plan shall be designed to

enable the student to be substantially successful in completing the learning activities described in the revised written plan within ninety school days from the date that the district first determines that the student is not substantially successful in completing the assigned learning activities included in the original written plan. If the school district determines that the student is still not substantially successful in completing their assigned learning activities after ninety school days from the date that the district first determines that the student is not substantially successful in completing the learning activities included in the original written plan, or sooner at the discretion of the school district, a plan to remove the student from the alternative program shall be devised. Such plan shall specify that the student shall be removed from the alternative program no later than the end of the current school year for a period of at least one school term. Students removed from the alternative program shall be offered the opportunity to enroll in another course of study as defined in WAC 392-121-107;

(e) A requirement that the alternative learning experience plan for each student and all records of enrollment, attendance, and total hours of participation in educational activities for the student are maintained and available for audit in the appropriate school building; and

(f) At the discretion of the school district board, the policy may describe responsibilities of the student's parent(s) or guardian including, but not limited to:

(i) Approval of the written alternative learning experience plan;

(ii) Responsibility for the parent(s) or guardian to provide or supervise a portion of the student's alternative learning experience if the parent(s) or guardian agrees; and

(iii) Requirements to meet with district staff for purposes of evaluating the student's performance and/or receiving instructions on assisting with the student's alternative learning experience. The school district board may also prescribe requirements for appointing a person to provide or supervise a portion of the student's alternative learning experience in the event the student's parent(s) or guardian will not or can not be a participant in the student's alternative learning experience;

~~((2))~~ **(4) A written plan.** A written alternative learning experience plan ~~(is)~~ shall be developed ~~(— Effective January 1, 1996, the alternative learning experience plan for a student shall be a written plan of instruction designed to meet the individual needs of the student, and shall be approved by a school district official and any other person(s) as required or allowed by school district policy. The written plan shall)~~ which includes, but is not ~~((be))~~ limited to, the following elements:

(A) A schedule of the duration of the program, including beginning and ending dates;

(B) A description of the learning standards to be met and learning activities the student is expected to successfully complete which includes all courses, classes, and/or services provided and credits to be awarded by the district for this student. Such description shall be sufficient in detail to guide and advise the student of the expectations;

(C) A description of the teaching component(s) of the program, including where and when teaching activities will be conducted by school district staff;

(d) A description of the responsibilities of the student including a requirement that if, on average, the student attends school less than five hours a week, the student shall meet in person once each week one-on-one with qualified district staff for an average monthly minimum of sixty minutes every five school days for instruction, review of the student's assignments, testing, and/or other learning activities. If the student is part-time home-based, the sixty minutes of one-on-one meeting with district staff must be in addition to the one hour or more of contact with a certificated person required by RCW 28A.225.010 (4)(a) for home-based instruction if such service is provided by the district. If more than one student meets with a qualified district staff member at one time, the required time is increased proportionately, for example, the requirement becomes one hundred twenty minutes if two 1.0 full-time equivalent students meet with the staff member at one time; and

(e) A reasonably accurate estimate of the average number of hours per month that the student will be engaged in learning activities to meet the requirements of the alternative learning experience plan. This estimate may be used in reporting enrollment in compliance with subsection ~~((3))~~ (5) of this section and must be based upon the criteria in subsection ~~((3))~~ (5)(a)(i) of this section;

~~((3))~~ (5) **Reporting enrollment** ~~(Effective beginning with the 1995-96 school year)~~. The full-time equivalency of students enrolled in alternative learning experiences shall be determined based upon both (a) and (b) of this subsection as follows:

(a) Using the definition of a full-time equivalent student in WAC 392-121-122 and the number of hours that each student engages in learning activities as determined by either (a)(i) or (ii) of this subsection as follows:

(i) The total number of hours that the student engages in learning activities pursuant to the written alternative learning experience plan including:

(A) Those hours that meet the criteria in WAC 392-121-107 (1)(a);

(B) Those hours of work based learning calculated in accordance with WAC 392-121-107 (1)(f);

(C) Those hours of learning activity other than those specified in (a)(i)(A), (B) and (D) of this subsection that are provided by the student's parent(s) or guardian, or other person as designated by the written plan, under the direct supervision of the district's qualified instructional staff; and

(D) Those hours that the student participates in learning activities other than those specified in (a)(i)(A), (B) and (C) of this subsection. Such learning activity shall be pursuant to the student's alternative learning experience plan and if the student is in grades K-8, only includes those hours the student is supervised by the student's parent(s) or guardian or other person designated by the written alternative learning experience plan;

(ii) The district may use the estimated average hours per month the student is engaged in learning activities as stated in the alternative learning experience plan which meet the requirements of (a)(i) of this subsection: *Provided*, That for any count date on which the student has averaged, for the immediate two prior months during the current school year, a number of hours engaged in learning activities that differ by more than five hours a week from the alternative learning experience plan estimate pursuant to subsection ~~((2))~~ (4)(e)

of this section, the district shall adjust the full-time equivalency of the student for such count date to the lesser of 1.0 or the full-time equivalency calculated using the two-month average;

(b) The district shall exclude students meeting the definition of enrollment exclusions in WAC 392-121-108 or students who have not met with appropriate district staff for twenty consecutive school days. Any such student shall not be counted as an enrolled student until the student has met with appropriate district staff and resumed participation in their alternative learning experience or participated in another course of study as defined in WAC 392-121-107;

~~((4))~~ (6) **Documentation required.** ~~(—)~~ Effective with the 1995-96 school year the district shall keep on file in the appropriate school building and have available for audit, documentation of all hours of learning activities used to determine the student's full-time equivalency including documentation of the following:

(a) For students in grades K-8, written statements from the student's parent(s) or guardian or other person as designated by the written alternative learning experience plan. Such statements shall be submitted to the district on a monthly basis or more often at the discretion of the district and shall list those hours that the student has engaged in planned learning activities while not in the presence of district staff. Reported hours shall be used to determine the full-time equivalency of the student pursuant to subsection ~~((3))~~ (5) of this section; and

(b) For students in grades 9-12, the student shall submit to the district written statements on a monthly basis or more often at the discretion of the district. Such statements shall list those hours that the student has engaged in planned learning activities while not in the presence of district staff. Reported hours shall be used to determine the full-time equivalency of the student pursuant to subsection ~~((3))~~ (5) of this section;

~~((5))~~ (7) **Expenditure of revenue.** Effective with the 1995-96 school year the school district shall either:

(a) Maintain a ratio of full-time equivalent certificated instructional staff serving the annual average full-time equivalent students reported for basic education funding pursuant to this section which is at least equal to the district's basic education funding ratio for the grade band of the students being reported for basic education funding pursuant to this section; or

(b) Separately account for, document, and have available for audit, evidence that the district expends during the school year at least seventy percent of the basic education entitlement claimed for students enrolled in alternative learning experiences during the school year. Such expenditures shall be direct expenditures in the following programs as defined in the *Accounting Manual for Public School Districts in Washington State* for the school year:

- (i) Program 01, Basic Education; and/or
- (ii) Program 31, Vocational, Basic, State; and/or
- (iii) Program 45, Skills Center, Basic, State.

WSR 97-15-074
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed July 16, 1997, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-09-010.

Title of Rule: Chapter 392-134 WAC, Apportionment for part-time public school attendance.

Purpose: To allow claiming of basic education funding for part-time home-based students enrolled in public schools for alternative education. To prescribe the minimum number of minutes in a hour of instruction. To clarify when sports activities may be claimed for basic education funding. To make other clarifications as needed and delete rules determined to be unnecessary.

Statutory Authority for Adoption: RCW 28A.150.290, 28A.150.350, 28A.225.230.

Summary: See Purpose above.

Reasons Supporting Proposal: To provide parents and students with another school program. Also clarification on what constitutes an hour of instruction and other clarification is needed to make the rules easier to interpret.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation: Thomas J. Case, Superintendent of Public Instruction, Olympia, 753-6708; and Enforcement: Michael L. Bigelow, Superintendent of Public Instruction, Olympia, 753-1718.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will have a minor or negligible economic impact.

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

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on August 26, 1997, at 10:15 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by August 12, 1997, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201, by August 25, 1997.

Date of Intended Adoption: August 27, 1997.

July 7, 1997

Dr. Terry Bergeson
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-134-005 Definitions. As used in this chapter the term:

(1) "Ancillary service" shall mean ~~((any co-curricular service or activity, any health care service or activity, and any other services or activities, except "courses," for or in which preschool through twelfth grade students are enrolled by a public school. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, tutorial services such as home or hospital instruction for the physically disabled, and sports activities))~~ the same as defined in WAC 392-121-107 (1)(e);

(2) "Course" shall mean any ~~((instructional curricular service or activity))~~ course of study as defined in WAC 392-121-107 other than ancillary services in which ((preschool)) kindergarten through twelfth grade students are enrolled by a public school;

(3) "Extracurricular" activities shall mean the same as defined in WAC 392-121-107 (2)(i).

(4) "Part-time public school student" shall mean a student who is enrolled in a public school for less time than a "full-time equivalent student" as defined in chapter 392-121 WAC, as now or hereafter amended, and shall include:

(a) Private school students to the extent they are also enrolled in a public school as a student thereof for the purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services which is not available in the student's private school of attendance;

(b) Any student who is enrolled exclusively in a public school for the purpose of taking courses or receiving ancillary services and/or participating in a work training program approved by the board of directors of the district; and

(c) Any student who is participating in home-based instruction to the extent that the student is also enrolled in a public school for the purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services.

~~((4))~~ (5) "Private school" shall mean any nonpublic vocational school and any nonpublic school which provides instruction in any of the grades kindergarten through twelve inclusive of nonpublic sectarian (religious) schools;

~~((5))~~ (6) "Private school student" shall mean a student who is enrolled in a private school "full time" as defined by the private school of attendance; and

~~((6))~~ (7) "Home-based instruction" shall mean an instructional program established pursuant to RCW 28A.225.010(4).

AMENDATORY SECTION (Amending Order 80-6, filed 4/15/80)

WAC 392-134-010 Attendance rights of part-time public school students. An eligible part-time public school student who qualifies as a resident of a public school district pursuant to the definition of a "resident student" set forth in chapter 392-137 WAC, as now or hereafter amended, shall be entitled to attend the schools of the district within his or her attendance area tuition free on a part-time basis. An

eligible part-time public school student shall be entitled to take any course, receive any ancillary service and participate in any extracurricular activities, and take or receive any combination of courses ~~((and))~~, ancillary services, and extracurricular activities which is made available by a public school to full-time students. Eligible nonresident part-time public school students may be enrolled at the discretion of a public school district pursuant to the terms and procedures established for nonresident student attendance in chapter 392-137 WAC, as now or hereafter amended.

AMENDATORY SECTION (Amending Order 85-15, filed 12/9/85)

WAC 392-134-020 Provision of educational program to part-time public school students—Reports—Sites. (1) Courses, ancillary services, extracurricular activities and any combination of courses ~~((and))~~, ancillary services, and extracurricular activities shall be provided to part-time public school students at the same level and quality as provided by the public school to full-time students;

(2) Except for part-time home-based students served pursuant to WAC 392-121-182 and part-time students served pursuant to chapter 392-172 WAC, courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students upon public school grounds or on sites which are controlled by a public school district ~~((and at the home or hospital where the student may be confined by reason of a physician [physical] disability or sickness))~~. Courses and ancillary services shall not be provided upon or within any private sectarian (religious) school site or facility: *Provided*, That field trips and special events incident to the public school program which include participation by both full-time and part-time public school students may be conducted by a public school upon or within private sectarian school facilities;

(3) No test result, grade, or other evaluation of a part-time public school student's abilities, needs, and/or performance which is generated by a public school in connection with the student's attendance may be transmitted or communicated by a public school to a private school except upon the written request of a minor student's parent(s) or guardian(s) or upon the written request of the student if the student is eighteen years of age or older; and,

(4) Transportation between a part-time public school student's private school and a public school in which he/she is enrolled may not be provided to the student at the expense of a public school district in whole or part: *Provided*, That the following interschool transportation may be provided at the expense of a public school district:

(a) Transportation which is provided in connection with a part-time student's participation in field trips and special events permitted by subsection (2) of this section; and

(b) The transportation of part-time public school students which:

(i) Is necessary to comply with a condition to the receipt of federal funds; and

(ii) Is paid or reimbursed for with the federal funds to which the condition is attached, not state or local tax funds or revenues.

(5) Public school services provided to students in a home-based instruction program may be reported for state funding as follows:

(a) For a student who is full-time in a home-based instruction program, the public school district may report only attendance in ancillary services pursuant to WAC 392-121-107 (1)(e);

(b) For a student who is part-time in both a home-based instruction program and a public school education program, the public school district may report enrollment in courses and attendance in ancillary services pursuant to WAC 392-121-107;

(c) In no case may any participation in the home-based instruction program be reported.

AMENDATORY SECTION (Amending Order 80-6, filed 4/15/80)

WAC 392-134-025 State funding procedures. (1) Public school districts shall maintain a record of the ~~((number of hours))~~ enrollment in courses and attendance in ancillary services for each part-time public school student ~~((is enrolled))~~.

(2) Each district shall report ~~((to))~~ part-time public school student enrollment in courses and attendance in ancillary services, and any combination of courses and ancillary services as prescribed annually by the superintendent of public instruction ~~((as required the number of hours that courses and/or ancillary services, or any combination of courses and ancillary services, are provided to part time students in the basic enrollment data))~~ for state funding purposes.

(3) ~~((The information required by subsections (1) and (2) above shall be provided to the superintendent of public instruction on forms provided by and at such times as are designated by the superintendent.))~~ Districts shall not report participation in any extracurricular activities for state funding purposes.

WSR 97-15-075
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed July 16, 1997, 10:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-09-010.

Title of Rule: Chapter 392-137 WAC, Nonresident attendance.

Purpose: To allow claiming of basic education funding for part-time, home-based students enrolled in public schools for alternative education. To prescribe the minimum number of minutes in an hour of instruction. To clarify when sports activities may be claimed for basic education funding. To make other clarifications as needed and delete rules determined to be unnecessary.

Statutory Authority for Adoption: RCW 28A.150.290, 28A.150.350, 28A.225.230.

Summary: See Purpose above.

Reasons Supporting Proposal: To provide parents and students with another school program. Also clarification on what constitutes an hour of instruction and other clarification is needed to make the rules easier to interpret.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation: Thomas J. Case, Superintendent of Public Instruction, Olympia, 753-6708; and Enforcement: Michael L. Bigelow, Superintendent of Public Instruction, Olympia, 753-1718.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will have a minor or negligible economic impact.

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

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on August 26, 1997, at 10:15 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by August 12, 1997, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201, by August 25, 1997.

Date of Intended Adoption: August 27, 1997.

July 7, 1997
Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 26, filed 9/17/90, effective 10/18/90)

WAC 392-137-160 Admission by nonresident district—Released students. A nonresident district may admit(~~, subject to the annual transfer fee provision in WAC 392-137-220,~~) all nonresident students who are released by a resident district, the superintendent of public instruction, or a court of law. The provisions of RCW 28A.225.240 shall apply for apportionment and other purposes.

AMENDATORY SECTION (Amending Order 26, filed 9/17/90, effective 10/18/90)

WAC 392-137-195 Filing of notices of appeal. There is no prescribed method for transmitting appeals to the superintendent of public instruction but receipt of such written appeals by the superintendent of public instruction is a condition precedent to jurisdiction. The material may be hand-delivered or mailed to the following address:

Legal Services
Office of the Superintendent of
Public Instruction
(~~Old Capitol Building FG-11~~)
P.O. Box 47200
Olympia, Washington 98504-7200

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-137-220 Annual transfer fee.

WSR 97-15-078 PROPOSED RULES CLARK COLLEGE

[Filed July 16, 1997, 1:00 p.m.]

Original Notice.

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

Title of Rule: Chapter 132N-108 WAC, Procedure.

Purpose: Adopt model rules of procedure and provide rules for adjudicative proceedings. Delineate applicability of brief adjudicative proceedings.

Other Identifying Information: Add new chapter.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 34.05.060, 34.05.220, 34.05.482, 28B.50.140 (13) and (20).

Summary: Adopt model rules of procedure, define applicability of brief adjudicative proceedings, and provide rules for other matters associated with adjudicative proceedings.

Reasons Supporting Proposal: To carry out the provisions of the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting and Implementation: Tony Birch, 1800 East McLoughlin Boulevard, Vancouver, WA, (360) 992-2123; and Enforcement: College President, 1800 East McLoughlin Boulevard, Vancouver, WA, (360) 992-2494.

Name of Proponent: Clark College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule adopts model rules of procedure and specifies for which matters brief adjudicative proceedings shall be used. It also provides appropriate rules for adjudicative proceedings.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

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

Hearing Location: Clark College, Board Room, Baird Administration Building, 1800 East McLoughlin Boulevard, Vancouver, WA, on August 27, 1997, at 4 p.m.

Assistance for Persons with Disabilities: Contact Janelle Farley by August 20, 1997, (360) 992-2101.

Submit Written Comments to: Tana L. Hasart, FAX (360) 992-2871, by August 20, 1997.

Date of Intended Adoption: August 27, 1997.

July 3, 1997
Earl P. Johnson
President

**Chapter 132N-108 WAC
PROCEDURE**

NEW SECTION

WAC 132N-108-010 Model rules of procedure. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at Clark College. Those rules may be found at chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by Clark College shall govern.

NEW SECTION

WAC 132N-108-020 Brief adjudicative procedure. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Appeals from residency classifications made pursuant to RCW 28B.15.013;
- (2) Appeals from actions due to parking and traffic infractions;
- (3) Appeals from actions from student conduct or disciplinary proceedings;
- (4) Appeals from actions due to outstanding debts of college employees or students;
- (5) Appeals from actions regarding loss of eligibility to participate in athletic events;
- (6) Challenges to the contents of educational records pursuant to 34 C.F.R. §99.21.
- (7) Appeals from actions due to mandatory tuition and fee waivers.
- (8) Appeals pursuant to any other formal rule adopted by Clark College which specifically provides for a brief adjudicative procedure.

NEW SECTION

WAC 132N-108-030 Procedure for closing parts of the hearings. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed and state the reasons thereof in writing within twenty days of receiving the request.

NEW SECTION

WAC 132N-108-040 Appointment of presiding officers. The president or his/her designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a

member in good standing of the Washington Bar Association, a panel of individuals, the president or his/her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132N-108-050 Application for adjudicative proceeding. An application for an adjudicative proceeding shall be in writing and should be submitted to the following address within twenty days of the college action giving rise to the application, unless provided for otherwise by statute or rule: President's Office, Clark College, 1800 E. McLoughlin Blvd., Vancouver, Washington 98663.

NEW SECTION

WAC 132N-108-060 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132N-108-070 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132N-108-080 Recording devices. No camera or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132N-108-030, except for the method of official recording selected by the college.

NEW SECTION

WAC 132N-108-090 Petitions for stay of effectiveness. Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers who entered the final order.

**WSR 97-15-085
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed July 17, 1997, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-09-110.

Title of Rule: Confidentiality.

Purpose: To revise WAC 388-14-030 to bring it into conformity with state and federal welfare reform statutes.

Statutory Authority for Adoption: RCW 26.23.120(2), 34.05.220(1), section 908 of EHB 3901 (/s/ 4/18/97).

Statute Being Implemented: Section 908 of EHB 3901 (/s/ 4/18/97).

Summary: WAC 388-14-030 is redrafted for clarity and to tighten up confidentiality rules; new sections WAC 388-14-035, 388-14-040, 388-14-045, and 388-14-050 are created.

Reasons Supporting Proposal: Positive client outcome.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, 712 Pear Street S.E., 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: WAC 388-14-030 is rewritten and broken into several sections, both for clarity and to provide the same protection for address information for both parties to the support order.

Proposal Changes the Following Existing Rules: Amends WAC 388-14-030.

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 104B, Lacey, WA 98503, on August 26, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin, Rules Coordinator, by August 19, 1997, TTY (360) 902-8324, or (360) 902-7540.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, e-mail lbaldwin@dshs.wa.gov, FAX (360) 902-8292, by August 26, 1997.

Date of Intended Adoption: No sooner than August 27, 1997.

July 15, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

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))~~ IV-D agency 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))~~ either party in an administrative order, or disclose ~~((the physical custodian's))~~ a party's address to the ~~((responsible parent))~~ other party. 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 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))~~ address information is subject to the ~~((limitations listed under subsections (4), (5), and (6) of this section))~~ provisions of WAC 388-14-035, 388-14-040, 388-14-045, and 388-14-050;

(c) 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 to enforce the terms of the court order. Disclosure of this information is subject to the provisions of WAC 388-14-035, 388-14-040, 388-14-045, and 388-14-050;

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

(e) Financial records of an individual obtained from a financial institution may be disclosed only for the purpose of, and to the extent necessary, to establish, modify, or enforce a child support obligation of that individual.

(2) Except as provided under ((subsections (4) through (8) of this section)) WAC 388-14-035, 388-14-040, 388-14-045, and 388-14-050, 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 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 shall inform the requestor of the thirty day notice period provided for under subsection (5) of this section. The office 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 shall not release the address if:

(i) The department has determined, under WAC 388-24-111, 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.

(b) A person shall submit a request for disclosure in writing and in person, with satisfactory evidence of identity, at any OSE office;

(c) If the request is made by the person's attorney, the office shall waive the provisions regarding submission in person with satisfactory evidence of identity;

(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 shall waive this provision if the office 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 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 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 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 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.

(c) If the physical custodian requests an adjudicative proceeding to contest the address release, the physical custodian may participate in the proceeding 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 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;

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

(i) States in the request for the adjudicative proceeding 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), 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 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 the office 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

~~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 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)):~~

~~(4) 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)) (5) The rules of confidentiality and penalties for misuse of information and reports that apply to ((a department)) a IV-D agency employee, shall also apply to a person who receives information under this section.~~

~~((11)) (6) 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.~~

NEW SECTION

WAC 388-14-035 Requests for address disclosure—Form of request. (1) A person shall submit a request for disclosure of a parent or child's address in writing and in person, with satisfactory evidence of identity, at any office of the IV-D agency;

(2) If the request is made by the person's attorney, the agency may waive the provisions regarding submission in person with satisfactory evidence of identity;

(3) If the person is unable to appear at the IV-D agency in person, the IV-D agency may waive the provision requiring submission in person if the person submits a notarized request for disclosure;

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

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

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

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

NEW SECTION

WAC 388-14-040 Authorization for address release.

(1) Any party to a support order may authorize the IV-D agency to release his or her address to the other party with no prior notice.

(2) An authorization to release an address shall be notarized and shall be effective until the IV-D agency is notified in writing that the party has revoked the authorization.

NEW SECTION

WAC 388-14-045 Requests for address disclosure—Notice of request—Standards for nonrelease. (1) The following provisions apply to a request for disclosure of the address of a party to the order or a dependent child under WAC 388-14-030 through 388-14-050. The IV-D agency shall not release the address if:

(a) The department has determined, under WAC 388-215-1450, that the physical custodian has good cause for refusing to cooperate;

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

(c) An order has been entered finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of the information.

(2) Prior to disclosing the address of a party or a child, the IV-D agency shall mail a notice to the last known address of the party whose address is sought, except as provided under subsection (3) of this section. The notice shall advise the party that:

(a) A request for disclosure has been made;

(b) The IV-D agency will disclose the address after thirty days from the date of the notice, unless:

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

(A) Enjoins disclosure of the address;

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

(C) States that the health, safety, or liberty of a party or child would be unreasonably put at risk by disclosure of address or other identifying information.

(ii) The party requests an adjudicative proceeding which ultimately results in a decision that release of the address is reasonably anticipated to result in harm to a party or a dependent child;

(iii) In any hearing under this section, either party may participate in the proceeding by telephone, from any prearranged location. The location and phone number shall not be disclosed by the presiding officer.

(3) The 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.

(b) When the address requesting party can show that the parent will likely flee to avoid service of process; or

(c) When the records of the IV-D agency contain a written authorization for address release under WAC 388-14-040.

NEW SECTION

WAC 388-14-050 Requests for address disclosure—Hearings. (1) In any adjudicative proceeding requested under WAC 388-14-045 (2)(b)(ii):

(a) The parent requesting address disclosure and the other party to the order or action are independent parties in the adjudicative proceeding;

(b) Either party may participate by telephone, provided the party:

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

(ii) Provides the office of administrative hearings with a telephone number where the party 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 party 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 WAC 388-14-030 through 388-14-050;

(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 other party must then show that it is reasonable to anticipate that physical or emotional harm to the party or a child will result from release of the address. The party objecting to address release:

(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 388-215-1450, 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 party objecting to disclosure fails to appear, the order shall require the IV-D agency to release the 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 parties and the children;

(h) The IV-D agency shall issue a final response to the disclosure request within five working days of the exhaustion of administrative remedies.

(2) If the physical custodian requests a hearing under this section in response to a department initiated review of the support order for modification, both parties to the support order shall be independent parties in the address disclosure hearing.

WSR 97-15-086
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 17, 1997, 10:54 a.m.]

Original Notice.

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

Title of Rule: WAC 388-49-505 Utility allowances.

Purpose: Updates utility deductions used in calculating food stamp benefit amounts.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: 7 CFR 273.9 (d)(6).

Summary: The standard utility allowance is increased to \$223 and the limited utility allowance is increased to \$164. Both are used in calculating food stamp benefits.

Reasons Supporting Proposal: 7 CFR 273.9 (d)(6)(vi) requires the state review and adjust the utility allowances each year.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Assistance Programs, (360) 413-3073.

Name of Proponent: Joan Wirth, Division of Assistance Programs, governmental.

Rule is necessary because of federal law, 7 CFR 273.9 (d)(6).

Explanation of Rule, its Purpose, and Anticipated Effects: Updates utility allowances used in calculating food stamp benefit amounts. Will not impact workload in community services office (CSO).

Proposal Changes the Following Existing Rules: WAC 388-49-505, see above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply to this rule.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This section 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 104B, Lacey, WA 98503, on August 26, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by August 19, 1997, (360) 902-7540, or TTY (360) 902-8324.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box

45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by August 26, 1997.

Date of Intended Adoption: No sooner than August 27, 1997.

July 15, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 96-22-101, filed 11/6/96, effective 12/7/96)

WAC 388-49-505 Utility allowances. (1) The department shall:

(a) Establish the following utility allowances for use in calculating shelter costs:

(i) A standard utility allowance for households incurring any separate utility charges for heating or cooling costs;

(ii) A limited utility allowance for households, without heating or cooling costs, incurring any separate utility charges other than telephone costs; and

(iii) A telephone allowance for households incurring separate charges for phone service and not claiming the standard or limited utility allowance.

(b) Obtain food and consumer service approval of the methodology used to establish utility allowances.

(2) The standard utility allowance shall be two hundred twenty-three dollars.

(3) The limited utility allowance shall be one hundred sixty-~~(two)~~ four dollars.

(4) The telephone allowance shall be twenty-nine dollars.

WSR 97-15-088
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed July 17, 1997, 10:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-11-078.

Title of Rule: WAC 388-218-1210 Exempt and disregarded income—Educational assistance; 388-218-1230 Disregarded income types; 388-218-1300 Self-employment income; 388-218-1350 Deductible self-employment expenses; 388-218-1410 Earned income of a child; 388-218-1420 Earned income disregards—General; 388-218-1430 Earned income disregards—Deduction sequence; 388-218-1440 Work expense disregard; 388-218-1450 Thirty dollars and one-third disregard; 388-218-1460 Thirty-dollar disregard; 388-218-1470 Dependent care disregard; 388-218-1480 Circumstances where earned income disregards are not allowed; 388-218-1630 Allocation of assistance unit income for support of legal dependents; 388-218-1710 Income tests; 388-218-1720 One hundred eighty-five percent of need test; 388-218-1730 One hundred percent of need test; and 388-218-1740 Payment standard test.

Purpose: Amends WAC 388-218-1210, 388-218-1230, 388-218-1300, 388-218-1350, 388-218-1410, 388-218-1430,

388-218-1440, 388-218-1470, 388-218-1630, 388-218-1710, 388-218-1720 and 388-218-1740, to remove reference to thirty dollars and one-third earned income disregard and changing to fifty percent earned income disregard. Repeals WAC 388-218-1420, 388-218-1450, 388-218-1460, 388-218-1480, and 388-218-1730.

Statutory Authority for Adoption: Public Law 104-193, Section 103 (a)(1); RCW 74.08.090; EHB 3901, section 308 (1997); EHB 3901, section 309(11) (1997) (amends RCW 74.04.005).

Statute Being Implemented: RCW 74.04.005 (amended 1997).

Summary: To comply with EHB 3901 to implement a gross earned income disregard of one-half of the client's monthly earned income and to disregard the earned income of a full-time student or a part-time student carrying at least half the normal school load and working fewer than thirty-five hours per week. Enactment of EHB 3901, section 308, removes reference to the thirty dollar and one-third and thirty dollar income disregards.

Reasons Supporting Proposal: EHB 3901, section 308 (1997).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cindy Anderson, WorkFirst Division, Program Support Unit, (360) 413-3095.

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: Implements requirements of EHB 3901, section 308 (amended 1997).

Proposal Changes the Following Existing Rules: Amending WAC 388-218-1210, 388-218-1230, 388-218-1300, 388-218-1350, 388-218-1410, 388-218-1430, 388-218-1440, 388-218-1470, 388-218-1630, 388-218-1710, 388-218-1720 and 388-218-1740; and repealing WAC 388-218-1420, 388-218-1450, 388-218-1460, 388-218-1480, and 388-218-1730.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Section 201 does not apply to the Department of Social and Health Services (RCW 34.05.328).

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104B, Lacey, WA 98503, on August 26, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by August 19, 1997, 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 August 26, 1997.

Date of Intended Adoption: No sooner than August 27, 1997.

July 15, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3759, filed 7/27/94, effective 9/1/94)

WAC 388-218-1210 Exempt and disregarded income—Educational assistance. (1) The department shall exempt from consideration as income when determining need educational assistance, in the form of grants, loans, or work study, issued to a student from the following sources:

- (a) Title IV of the Higher Education Amendments; or
- (b) Bureau of Indian Affairs student assistance programs.

(2) The department shall disregard the following types of income when determining need:

(a) Grants or loans made or insured under any programs administered by the department of education to an undergraduate student for educational purposes.

(b) Educational assistance in the form of grants, loans, or work study, issued under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-391, for attendance costs as identified by the institution. For a student attending school:

(i) At least half-time, attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses; or

(ii) Less than half-time, attendance costs include tuition, fees, and costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.

(c) Educational assistance in the form of grants, work study, scholarships, or fellowships, from sources other than those identified in subsections (1)(a) and (b), (2)(a) and (b)(i) and (ii) of this section for attendance costs as identified by the institution. Attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses.

(d) Any remaining educational assistance, in the form of grants, work study, scholarships, or fellowships, not disregarded in subsections (1)(a) and (b), (2)(a), (b)(i) and (ii), and (c) of this section, as allowed under WAC 388-218-1540 Assistance from other agencies and organizations.

(e) ~~((Apply any applicable))~~ One-half of the gross earned income ((disregards to any)) received from work study earnings ((received and)) not disregarded in subsections (1)(a) and (b), (2)(a), (b)(i) and (ii), (c), and (d) of this section. If applicable, deduct the dependent care disregard as specified in WAC 388-218-1470.

(f) Veterans' Administration educational assistance for the student's educational expenses and child care necessary for school attendance. Attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses.

AMENDATORY SECTION (Amending Order 3759, filed 7/27/94, effective 9/1/94)

WAC 388-218-1230 Disregarded income types. The department shall disregard the following types of income when determining need:

(1) Child's earned income. Earned income of a child when student eligibility conditions in WAC 388-218-1410 Earned income of a child, have been met.

(2) Foster care payments. Disregard as income a foster care payment made for the care of a child. See WAC 388-218-1400 Earned income types, for the treatment of foster care retainer fees.

(3) Gifts:

(a) Cash gifts. Nonrecurring cash gifts up to thirty cumulative dollars received by each member of the ((AFDC)) TANF assistance unit per calendar quarter. The department, unless otherwise specified by the donor, shall determine an individual's share in a gift to more than one person by dividing the amount of the gift by the number of persons receiving the gift.

(b) Noncash gifts. Gifts other than cash as defined under chapter 388-22 WAC provided such gifts are within the allowable program resource limits.

(4) Household cost funds. Funds representing another person's or family's share of household costs.

(5) Loans.

(a) Bona fide loans. The department shall consider a loan bona fide when the loan is a debt the borrower has an obligation to repay.

(b) Loan repayments. The department shall not consider as income to a client money received from loan repayment; however, the department shall consider any interest paid in the loan as newly acquired income.

(6) Office of support enforcement pass-through payments. The monthly child support incentive payment from the office of support enforcement (OSE);

(7) Overpayments recovered by source agency. Any overpayment amount withheld from a client's benefit in order to recover an overpayment by the source agency.

(8) Per diem and transportation. Per diem and transportation funds paid to ((AFDC)) TANF advisory committee members.

(9) Settlements. Settlements for destroyed, stolen exempt property, or back medical bills when conditions in, WAC 388-218-1530 Determining net income—Other income, have been met.

(10) Self-produced or supplied items. The value of self-produced or supplied items except as specified in, WAC 388-218-1340 Self-produced or supplied items, when:

- (a) Self-produced items are sold for cash; or
- (b) The household's requirement for shelter is supplied.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1300 Self-employment income. (1) Earned income from self-employment is the amount left after deducting allowable business expenses from gross business income.

(2) ~~((Applicable))~~ Disregard one-half of the self-employment earned income ((disregards are further deducted from self-employment earned income)) to determine the net

amount available to meet need. If applicable, deduct the dependent care disregard as specified in WAC 388-218-1470.

(3) In order to establish eligibility for public assistance, a self-employed client must maintain and make available to the department a record clearly documenting all business expenses and income.

AMENDATORY SECTION (Amending Order 3857, filed 5/24/95, effective 6/24/95)

WAC 388-218-1350 Deductible self-employment expenses. The department shall consider the following items as deductible business expenses in a self-employment enterprise:

- (1) Rental of business equipment or property.
- (2) Utilities.
- (3) Postage.
- (4) Telephone.
- (5) Office supplies.
- (6) Advertising.
- (7) Insurance.
- (8) Legal, accounting, and other professional fees.

(9) The cost of goods sold, including wages paid to employees producing salable goods, raw materials, stock, and replacement or reasonable accumulation of inventory, provided inventory has been declared exempt on the basis of an agreed plan pursuant to WAC 388-216-2500.

(10) Interest on business indebtedness.

(11) Wages and salaries paid to employees not producing salable goods.

(12) Commissions paid to agents and independent contractors.

(13) Documented and verified costs of self-employment business-related transportation. These costs are limited to gas, oil, and fluids; necessary services and repairs; replacement of worn items such as tires; registration and licensing fees; and interest on automobile loans.

(a) The client may choose:

(i) To itemize the actual operating cost of a vehicle; or

(ii) A cost per mile established by the department using a prevailing rate based on market standards.

(b) The cost of tolls and parking related to the business shall be deducted as a business expense.

(c) If a vehicle is needed for both business and private purposes, the mileage and expenses attributable to the business must be documented in a daily log and is subject to verification by the department.

(d) Transportation to and from the place of business is not a business expense (~~(, but is a personal work expense and is covered by the work expense deduction)~~).

(14) Nonpersonal taxes on the business and business property, including the employer's share of federal Social Security taxes on business employees and state and federal unemployment insurance contributions, if any. The self-employed person's personal income taxes and self-employment taxes are not business deductions (~~(, but are work expenses covered by the work expense deduction)~~).

(15) Repairs to business equipment and property, excluding vehicles. An expenditure to maintain property in its usual working condition is deductible as a repair.

(16) Other expenditures reasonable and necessary to the efficient and profitable operation of the self-employment enterprise.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1410 Earned income of a child. The department shall apply the following rules when determining the amount of a child's earned income available to meet the current need of the assistance unit of which the child is a member:

(1) The department shall disregard all of the child's monthly earned income when the following circumstances apply:

(a) When determining whether total family income exceeds one hundred and eighty-five percent of the need standard for a child who is a full-time student. This disregard is limited to six months per calendar year;

(b) When determining (~~(whether total family income exceeds one hundred percent of the need standard)~~) the payment amount for:

(i) A (~~(n applicant)~~) child, who is a full-time student (~~(, provided that such income is also disregarded under (a) of this subsection)~~); or

(ii) A (~~(recipient)~~) child, who is (~~(a full-time student or)~~) a part-time student (~~(who is not a full-time employee;~~

~~(e) When determining the payment amount for an applicant or recipient child who is a full-time student or a part-time student who is not a full-time employee)~~ carrying at least half the normal school load and working fewer than one hundred fifty hours per month.

(2) A child earning income by working in a sheltered workshop or other training facility for handicapped children shall be considered, for purposes of income exemption, as being at least a part-time student working less than full time.

(3) To be employed full time, a child must be working (~~(thirty-five)~~) one hundred fifty hours ((a week)) per month or the number of hours considered full time by the industry for which he or she works, whichever is less.

(4) Summer employment of students shall not be considered as full-time employment due to the temporary nature of such employment, even though the hours worked may exceed thirty-five hours a week.

(5) In determining the amount of a nonstudent child's earned income available to meet the current needs of the assistance unit, net income shall be computed without application of the earned income disregards specified in this section.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1430 Earned income disregards—Deduction sequence. Earned income disregards shall be applied in the following sequence:

(1) (~~(Work expense)~~) Earned income disregard; and

(2) (~~(Thirty dollars and one third disregard; or~~

~~(3) Thirty dollar disregard; and~~

~~(4))~~) Dependent care disregard.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1440 ((Work expense)) Earned income disregard. (1) Disregard ~~((the first ninety dollars))~~ one-half of the gross earned income for ~~((work expenses, regardless of the number of hours worked per month))~~ each month the client receives earned income.

(2) When payment of income over a period of more than one month is delayed, the earned income disregard applies to the period during which the income was earned.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1470 Dependent care disregard. Disregard the actual cost for care of each dependent child or incapacitated adult living in the same home and receiving ~~((AFDC))~~ TANF provided:

(1) Conditions under WAC ~~((388-51-110 (1)(e)))~~ 388-290-110 (1)(c) are met for each dependent child;

(2) No disregard will be allowed for care provided by a parent or stepparent;

(3) The provider verifies the cost incurred;

(4) The cost is incurred for the month of employment being reported; and

(5) The cost for each dependent child or incapacitated adult, depending on the number of hours worked per month does not exceed the following:

Hours Worked per month	Dependent Care Maximum Deductions Dependent Two Years of Age or Older	Dependent Care Maximum Deductions Dependent Under Two Years of Age
0 - 40	\$ 43.75	\$ 50.00
41 - 80	87.50	100.00
81 - 120	131.25	150.00
121 or More	175.00	200.00

AMENDATORY SECTION (Amending Order 3857, filed 5/24/95, effective 6/24/95)

WAC 388-218-1630 Allocation of assistance unit income for support of legal dependents. (1) The department shall ~~((budget))~~ allocate the income of a parent ~~((or))~~, stepparent or caretaker relative included in the assistance unit to meet the needs of the assistance unit after ~~((allocating an amount for))~~ deducting:

(a) One-half of the gross earned income for each employed person;

(b) An amount for the support of the parent, stepparent or caretaker relative and other dependents not eligible for inclusion in the assistance unit for factors other than sanction or ~~((noncooperation))~~ disqualification, not to exceed the appropriate payment standard for an assistance unit of the same composition; and

~~((b))~~ (c) An amount for court or administratively ordered support for a legal dependent, not living in the parent or stepparent's home not to exceed the lesser of the

amount actually paid or the appropriate need standard for each dependent;

(2) The department shall consider a dependent to be one who:

(a) Is or could be claimed for federal income tax purposes by the parent ~~((or))~~, stepparent or caretaker relative; or

(b) The parent ~~((or))~~, stepparent or caretaker relative is legally obligated to support.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1710 Income tests. To be eligible for ~~((AFDC))~~ TANF, a client shall meet the following income tests:

(1) One hundred eighty-five percent of need test, as specified in WAC 388-218-1720 One hundred eighty-five percent of need test; and

~~((2) ((One hundred percent of need test, as specified in WAC 388-218-1730 One hundred percent of need test; and~~

~~((3)))~~ (3) Payment standard test, as specified in WAC 388-218-1740 Payment standard test.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1720 One hundred eighty-five percent of need test. A client whose nonexempt gross income exceeds one hundred eighty-five percent of the standard of need for the appropriate household size plus additional requirements authorized for that assistance unit, shall not be eligible for ~~((AFDC))~~ TANF from the date specified in WAC 388-218-1830 Treatment of income—Suspension of a grant.

(1) The department shall consider the income of all members of the assistance unit and the income of natural, adoptive, or stepparents of children in the assistance unit, residing in the same household, in this test except for income specifically exempted or disregarded and in subsection (2) of this section.

(2) In determining the total income of the family, the department shall exclude:

(a) The earned income of a child who is a full-time student is excluded for six months per calendar year; and

(b) The first fifty dollars per month of the current monthly support obligation of any child support collected on the family's behalf or received by the family.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1740 Payment standard test. The assistance unit's monthly nonexempt unearned income, after applying the earned income disregards, plus monthly nonexempt earned income shall be below the appropriate state payment standard plus additional requirements.

REPEALER

The following sections of the Washington Administrative Code are repealed:

388-218-1420 Earned income disregards—General.

PROPOSED

388-218-1450	Thirty dollars and one-third disregard.
388-218-1460	Thirty-dollar disregard.
388-218-1480	Circumstances where earned income disregards are not allowed.
388-218-1730	One hundred percent of need test.

WSR 97-15-089
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)
[Filed July 17, 1997, 11:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-11-077.

Title of Rule: WAC 388-216-2450 Resources—Exempt or disregarded income which is also exempt as a resource; 388-216-2500 Resources—Exempt as a resource with no ceiling value; 388-216-2650 Resources—Exempt within a ceiling value; and 388-216-2800 Resources—Value.

Purpose: Amends WAC 388-216-2450 to change the earned income disregard WAC reference, adds a motor vehicle necessary to transport a physically disabled household member as an exempt resource with no ceiling value to WAC 388-216-2500; amends WAC 388-216-2650 to increase the ceiling value of one used and useful vehicle to \$5,000, adds savings accounts with combined balances of up to an additional \$3,000 for TANF recipients as an exempt resource to WAC 388-216-2650; and amends WAC 388-216-2800 to increase the TANF client's prorated ceiling value of a vehicle to \$5,000 when the vehicle is owned by a TANF client and an SSI recipient.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.005.

Statute Being Implemented: Public Law 104-193, Section 103 (a)(1); EHB 3901 (section 309, chapter 58, Laws of 1997 (RCW 74.04.005)); EHB 3901 (section 308, chapter 58, Laws of 1997).

Summary: To comply with EHB 3901: (1) Increase the ceiling value of one used and useful vehicle from \$1,500 to \$5,000; (2) exempt the entire equity value of a vehicle used to transport a disabled household member; and (3) exempt savings accounts up to \$3,000 for TANF recipients.

Reasons Supporting Proposal: EHB 3901, section 309 (10)(11) (RCW 74.04.005, amended 1997); EHB 3901, section 308 (1997).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cindy Anderson, WorkFirst Division, Program Support Unit, (360) 413-3095.

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

Rule is not necessitated by federal law, federal or state court decision. Public Law 104-193, Section 103 (a)(1).

Explanation of Rule, its Purpose, and Anticipated Effects: Implements requirements of EHB 3901, sections 308 and 309 (amended 1997) (amends RCW 74.04.005 (10)(11)).

Proposal Changes the Following Existing Rules: Amends WAC 388-216-2450, 388-216-2500, 388-216-2650, and 388-216-2800.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Section 201 does not apply to the Department of Social and Health Services (RCW 34.05.328).

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104B, Lacey, WA 98503, on August 26, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by August 19, 1997, 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 August 26, 1997.

Date of Intended Adoption: No sooner than August 27, 1997.

July 15, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3862, filed 6/28/95, effective 7/29/95)

WAC 388-216-2450 Resources—Exempt or disregarded income which is also exempt as a resource. The department shall exempt or disregard as income all the funds listed in this section. The department shall also consider these funds as an exempt resource:

(1) The resources of a supplemental security income (SSI) recipient. The department shall not consider nonrecurring lump sum SSI retroactive payments made to ((~~an AFDC~~)) a TANF client as income or as a resource in the month paid nor in the next following month;

(2) The monthly child support incentive payment from the division of child support (DCS);

(3) ((~~AFDC~~)) TANF benefits resulting from a court order modifying a department policy;

(4) Title IV-E, state and/or local foster care maintenance payments; ((~~and~~))

(5) Adoption support payments if the adopted child is excluded from the assistance unit;

(6) Bona fide loans as specified in WAC ((~~388-216-6230 and 388-216-7100~~)) 388-218-1230(5). The department shall consider loans bona fide when the loan is a debt the borrower has an obligation to repay;

(7) Educational assistance, in the form of grants, loans, or work study, issued to a student from the following sources:

(a) Title IV-A of the Higher Education Amendments; or
(b) Bureau of Indian Affairs student assistance programs;

(8) Grants or loans made or insured under any programs administered by the department of education to an undergraduate student for educational purposes;

(9) Educational assistance in the form of grants, loans, or work study, issued under the Carl D. Perkins Vocational and Applied Technology Education Act (P.L. 100-391), for

attendance costs as identified by the institution. For a student attending school:

(a) At least half-time, attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses; or

(b) Less than half-time, attendance costs include tuition, fees, and costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study;

(10) Educational assistance in the form of grants, work study, scholarships, or fellowships, from sources other than those identified in subsections (7)(a) and (b), (8), and (9)(a) and (b) of this section for attendance costs as identified by the institution. Attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses;

(11) Any remaining educational assistance, in the form of grants, work study, scholarships, or fellowships, not disregarded in subsections (7)(a) and (b), (8), (9)(a) and (b), or (10) of this section, as allowed under WAC 388-218-1540;

(12) The earned income disregards in WAC (~~388-218-1430 through 388-218-1480~~) 388-218-1440 and 388-218-1470 for (~~AFDC~~) TANF and WAC 388-219-1500 for GA-U to any work study earnings received and not disregarded in subsections (7)(a) and (b), (8), (9)(a) and (b), (10), and (11) of this section;

(13) Payment under Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, section 216);

(14) The food coupon allotment under Food Stamp Act of 1977;

(15) Compensation to volunteers under the Domestic Volunteer Act of 1973 (P.L. 93-113, Titles I, II, and III);

(16) Benefits under Women, Infants and Children program (WIC);

(17) Food service program for children under the National School Lunch Act of 1966 (P.L. 92-433 and 93-150);

(18) Energy assistance payments;

(19) Indian trust funds or lands held in trust (including interest and investment income accrued while such funds are held in trust) by the Secretary of the Interior for an Indian Tribe, including but not limited to funds issued under the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420);

(20) Per capita judgment funds under P.L. 97-408 to members of the:

(a) Blackfeet Tribe of the Blackfeet Indian Community, Montana;

(b) Gros Ventre Tribe of the Fort Belknap Reservation, Montana; and

(c) Assiniboine Tribe of the Fort Belknap Indian Community;

(21) Indian judgment funds or funds held in trust by the Secretary of the Interior distributed per capita under P.L. 93-134, as amended by P.L. 103-66, 94-114, 97-458, or 98-64. In addition:

(a) Real or personal property purchased directly with funds from the per capita payments, up to the amount of the funds from the per capita payment, are referred to as initial investments. These initial investments are exempt;

(b) Income derived either from the per capita payment or the initial investments shall be treated as newly acquired income;

(c) Appreciation in value of the initial investment shall be treated as a nonexempt resource at the time of eligibility review, unless the initial investment is a type of resource which is listed as exempt under WAC 388-216-2500 or 388-216-2650;

(d) The disregard does not apply to per capita payments or initial investments from per capita payments which are transferred or inherited;

(e) The department shall not consider up to two thousand dollars per year of income received by individual Indians, derived from leases or other uses of individually owned trust or restricted lands;

(22) Two thousand dollars per person per calendar year received under the Alaska Native Claims Settlement Act (P.L. 92-203 and 100-241);

(23) Veterans' Administration educational assistance for the student's educational expenses and child care necessary for school attendance;

(24) Housing and Urban Development (HUD) community development block grant funds that preclude use for current living costs;

(25) Restitution payments made under the Wartime Relocation of Civilians Act, P.L. 100-383. The department shall also disregard resources derived from restitution payments;

(26) A previous underpayment of assistance under WAC (~~388-260-1550~~) 388-270-1550 in the month paid nor in the next following month;

(27) Payment from the annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989 (P.L. 101-41), made to a Puyallup Tribe member upon reaching twenty-one years of age. In addition:

(a) Real or personal property purchased directly with funds from the annuity fund payment, up to the amount of the funds from the annuity fund payment, are referred to as initial investments. These initial investments are exempt;

(b) Income derived either from the annuity fund payment or the initial investments shall be treated as newly acquired income;

(c) Appreciation in value of the initial investment shall be treated as a nonexempt resource at the time of eligibility review, unless the initial investment is a type of resource which is listed as exempt under WAC 388-216-2500 or 388-216-2650;

(d) Proceeds from the transfer of the initial investments are treated as a transfer of exempt property, as specified in WAC 388-217-3350;

(28) Payments from the trust fund established by the P.L. 101-41 made to a Puyallup Tribe member;

(29) Payments made from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims (P.L. 101-201). The effective date of the disregard is retroactive to January 1, 1989;

(30) Payments made under the Disaster Relief Act of 1974 (P.L. 93-288), as amended by disaster Relief and

Emergency Assistance amendments of 1988 (P.L. 100-707). This applies to assistance issued by federal, state, or local governments or by a disaster assistance organization;

(31) Payments from the Radiation Exposure Compensation Act (P.L. 101-426) made to an injured person, surviving spouse, children, grandchildren, or grandparents;

(32) Payments made to victims of nazi persecution under ~~((Public Law))~~ (P.L. 103-286). The effective date of the disregard is retroactive to August 1, 1994;

(33) Payments made from the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act trust fund, pursuant to P.L. 93-134. Funds paid, interest or investment income earned on such funds, and any payment authorized by the tribe or the Secretary of the Interior are not counted as a resource; and

(34) Income specifically excluded by any other federal statute from consideration as income and a resource.

AMENDATORY SECTION (Amending WSR 97-06-075, filed 2/28/97, effective 3/31/97)

WAC 388-216-2500 Resources—Exempt as a resource with no ceiling value. (1) ~~((Irrespective))~~ Regardless of value, the department shall exempt the following resources:

(a) The client's home, subject to the conditions specified in sections WAC 388-216-2550 through 388-216-2590.

(b) Household furnishings and personal clothing essential for daily living. The department shall not exempt household furnishings and personal clothing in storage without evidence that these items are essential for daily living.

(c) One cemetery plot for each member of the assistance household.

(d) Personal property of "great sentimental value" when the applicant/recipient establishes the circumstances and conditions giving the personal property this value. "Sentimental value" as used in this section means personal property held primarily because of personal attachment or hobby interest, rather than for its intrinsic value.

(e) A motor vehicle necessary to transport a physically disabled household member. This exemption is limited to one vehicle per physically disabled person.

(2) The department may declare real and personal property which will be used in a self-employment enterprise as an exempt resource:

(a) On the basis of an agreed plan; and

(b) When the department determines that the real or personal property:

(i) Is necessary to restore the client's independence; or

(ii) Will aid in rehabilitating the client or the client's dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(3) The department shall consider any increase in value to exempted stock, raw materials, or inventory as:

(a) Exempt, when the increase is necessary to the health of the enterprise; or

(b) Income, when such increase might reasonably be used towards the client's self-support.

(4) In the absence of an agreed plan, the department shall consider the business assets of a self-employment

enterprise, if available and nonexempt, as available to the owner in the amount of the sale value minus encumbrances.

(5) Under an agreed plan, the department shall consider accounts receivable as:

(a) An exempt resource when:

(i) The client makes a diligent effort to collect; or

(ii) If efforts to collect are unsuccessful, the client turns the accounts over to a collection agency;

(b) A nonexempt resource when the client does not meet the requirements in (a) of this subsection; and

(c) Earned income from self-employment, when payment is received.

(6) The department shall consider goodwill as an unavailable resource until the business is sold. Goodwill as used in this section means the reputation and patronage of a company. Goodwill can generally be valued as the amount a company would sell for over the value of its physical property, money owed it, and other assets.

AMENDATORY SECTION (Amending Order 3862, filed 6/28/95, effective 7/29/95)

WAC 388-216-2650 Resources—Exempt within a ceiling value. (1) The department shall exempt the equity value of the resources listed below up to the specified ceiling value. ~~((Consider))~~ Any excess value ~~((as))~~ is a nonexempt resource and ~~((apply))~~ applied to the resource limit of one thousand dollars:

(a) Term or burial insurance, up to a ceiling value of one thousand five hundred dollars per household member;

(b) One used and useful vehicle up to a ceiling value of ~~((one))~~ five thousand ~~((five hundred))~~ dollars per household;

(c) When a vehicle is jointly owned by ~~((an AFDC recipient))~~ a TANF client and an SSI recipient, the equity value of the vehicle is prorated between the owners:

(i) The portion of equity value owned by the SSI recipient is not counted for ~~((AFDC))~~ TANF;

(ii) ~~((Do not count))~~ The portion of equity value owned by the ~~((AFDC))~~ TANF client, up to the ceiling value of ~~((one))~~ five thousand ~~((five hundred))~~ dollars, does not count;

(iii) ~~((Consider))~~ Any portion of the equity value owned by the ~~((AFDC))~~ TANF client in excess of the ceiling value ~~((as))~~ is a nonexempt resource. ~~((Per provisions in))~~ Under WAC 388-216-2000 (3)(b) ~~((consider))~~ nonexempt resources will be considered up to the resource limit of one thousand dollars.

(d) Savings accounts with combined balances of up to an additional three thousand dollars for TANF recipients.

(2) The department shall phase in changes to the ceiling values at the first opportunity, when the department first:

(a) Takes a case action;

(b) Determines eligibility; or

(c) Redetermines eligibility.

AMENDATORY SECTION (Amending Order 3862, filed 6/28/95, effective 7/29/95)

WAC 388-216-2800 Resources—Value. "Equity value" means fair market value minus encumbrances (legal debts).

(1) The department shall determine the value of all nonexempt resources according to the resource's equity

value. When a vehicle is jointly owned by ~~((an AFDC recipient))~~ a TANF client and an SSI recipient, the equity value of the vehicle is prorated between the owners:

(a) The portion of equity value owned by the SSI recipient is not counted for ~~((AFDC))~~ TANF;

(b) ~~((Do not count))~~ The portion of equity value owned by the ~~((AFDC))~~ TANF client, up to the ceiling value of ~~((one))~~ five thousand ((five hundred)) dollars, ~~((for the first vehicle))~~ does not count. Do not apply ~~((this rule))~~ to additional vehicles;

(c) ~~((Consider))~~ Any portion of the equity value owned by the ~~((AFDC))~~ TANF client in excess of the ceiling value ~~((as))~~ is a nonexempt resource. ~~((Per provisions in))~~ Under WAC 388-216-2000 (3)(b) ((consider)) nonexempt resources will be considered up to the resource limit of one thousand dollars.

(2) The department shall reassess the fair market value if the client provides acceptable evidence that:

(a) A good-faith effort has been made to sell the resource at the fair market value determined by the department; and

(b) The current worth of the resource is less than the resource standard.

(3) The department shall:

(a) Use the *National Automobile Dealers Association Official Used Car Guide* to determine the resource value of automobiles. For automobiles listed in this guide, the department shall presume the "average loan" value in the current edition represents the resource value.

(b) Use the *Kelley Bluebook R.V. Guide* to determine the resource value of recreational vehicles. For vehicles listed in this guide, the department shall presume the "wholesale" value in the current edition represents the resource value.

(c) Document the method used to determine the resource value in the case record for vehicles not listed in these guides.

(d) Document evidence in the case record when the values listed in these guides can be overcome by positive evidence to the contrary.

(4) The equity value in the cash discount value of a chattel mortgage or sales contract represents the value of the resource.

Statute Being Implemented: RCW 46.12.370.

Summary: Commercial parking companies are defined and will have a means of obtaining vehicle registered owner names and addresses, and vehicle description to assist them in the collection or attempted collection of parking dues or fees.

Reasons Supporting Proposal: Implementation of SSB 5049, chapter 33, Laws of 1997.

Name of Agency Personnel Responsible for Drafting and Enforcement: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, WA, (360) 902-3718; and Implementation: Nancy Kelly, 1125 Washington Street S.E., Olympia, WA, (360) 902-3754.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Commercial parking companies are defined and will have a means of obtaining vehicle registered owner names and addresses, and vehicle description to assist them in the collection or attempted collection of parking dues or fees.

Proposal does not change existing rules.

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

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

Hearing Location: Highways-Licenses Building, Conference Room 303, 1125 Washington Street S.E., Olympia, WA 98507, on August 27, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by August 22, 1997, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, FAX (360) 902-0831, by August 25, 1997.

Date of Intended Adoption: September 1, 1997.

July 17, 1997

Nancy Kelly, Administrator
Title and Registration Services

WSR 97-15-091
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed July 17, 1997, 1:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-11-066.

Title of Rule: WAC 308-56A-095 Commercial parking companies.

Purpose: Implementation of SSB 5049, chapter 33, Laws of 1997. The proposed rule defines commercial parking companies and provides them a means of obtaining vehicle registered owner names and addresses, and vehicle description for the collection or attempted collection of parking dues or fees.

Statutory Authority for Adoption: RCW 46.01.110.

NEW SECTION

WAC 308-56A-095 Commercial parking companies.

(1) Commercial parking companies may be provided the names and addresses of registered owners, and vehicle descriptions of vehicles assessed nongovernment vehicle parking fees. The commercial parking company shall execute a standard written agreement provided by the department. Any name or address provided by the department shall not be disclosed in any manner not otherwise approved by the department.

(2) "Commercial parking company" means any business entity directly engaged in the business of providing vehicle parking upon property owned or controlled by the business entity and approved for public parking of vehicles.

(3) The information provided may be used by the commercial parking company or its commercial agents or contractors only in connection with notification, collecting or attempting to collect the commercial parking company's own claims, owed or due or asserted to be owed or due for parking of vehicles.

July 17, 1997

Soojin Kim

Rules and Policy Coordinator

WSR 97-15-092
PROPOSED RULES
GAMBLING COMMISSION
[Filed July 17, 1997, 3:47 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-15-020.

Title of Rule: Pull tab rule—Pull tab series with carry-over jackpots—Definitions—Requirements, WAC 230-30-045.

Purpose: This new rule regulates the carry over of jackpots and the awarding of the prize so that the potential for fraud is minimized.

Statutory Authority for Adoption: RCW 9.46.070 (2), (11), (14).

Statute Being Implemented: See above.

Summary: See Purpose above.

Reasons Supporting Proposal: The carry-over jackpot represents a new type of pull tab game. A new rule is needed to address the possibility and incentive for manipulation of carry-over jackpots.

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 Reasons Supporting Proposal above.

Proposal does not change existing rules.

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

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: Holiday Inn Sea-Tac, 17338 International Boulevard, SeaTac, WA 98188, on September 11, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by September 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 August 31, 1997.

Date of Intended Adoption: September 11, 1997.

NEW SECTION

WAC 230-30-045 Pull tab series with carry-over jackpots—Definitions—Requirements. Operators may utilize pull tab series that are specifically designed to include carry-over jackpots. The following definitions and requirements shall apply to these series:

What definitions apply?

(1) Definitions which apply to pull tab series with carry-over jackpots:

(a) "Carry-over jackpot" means a prize pool that is composed of accumulated contribution amounts from pull tab series which, if not won, are carried over to other pull tab series;

(b) "Contribution amount" means the amount from each series which is added to the carry-over jackpot; and

(c) "Guaranteed prizes" means all prizes available to be won, excluding the contribution amount or carry-over jackpot;

What are the requirements that apply to prizes and prize payout calculations?

(2) The following requirements apply to carry-over jackpot prizes and prize payout calculations:

(a) The contribution amount for each pull tab series may be included in the sixty percent minimum payout required by WAC 230-30-080. The contribution amounts carried over from previous series shall not be included in the sixty percent calculation;

(b) Guaranteed prizes must be 55% or more of gross receipts available from the pull tab series;

(c) The contribution amount for each series may not be more than five hundred dollars;

(d) The contribution amount and the method of play shall be determined by the manufacturer and disclosed on the flare;

(e) At no time shall an accumulated carry-over jackpot exceed two thousand dollars. If a jackpot reaches this amount, it shall be awarded to the first player to win a chance at the jackpot on the series. At the point the jackpot reaches two thousand dollars, the series shall not be pulled from play until it is awarded; and

(f) The carry-over jackpot must be awarded. Failure to have sufficient funds available, or any attempt by an operator to utilize carry-over jackpots for personal or organizational purposes, shall be *prima facie* evidence of defrauding the players in violation of RCW 9.46.190;

What additional requirements apply?

(3) The following additional requirements apply to pull tab series with carry-over jackpots:

(a) If bonus pull tab series are used:

(i) The odds of winning the carry-over jackpot shall not exceed one winner out of five chances, or the probability of winning the carry-over jackpot shall be .20 or higher, at the jackpot level;

(ii) There may only be one advance level on the flare;

(iii) There shall be at least one guaranteed chance to win the carry-over jackpot;

(iv) All chances that are included on the flare shall be covered in a manner that prevents determination of the concealed numbers or symbols prior to being opened by the player. If perforated windows are used, the numbers or symbols must be covered by latex, foil, or other approved means; and

(v) Standards for bonus pull tab flares, as set forth in WAC 230-30-106, shall apply;

(b) The maximum ticket count for pull tab series with carry-over jackpots shall be six thousand tickets; and

(c) The secondary win codes on pull tab series with carry-over jackpots must not repeat within a three-year period;

What operating and recordkeeping requirements apply?

(4) The following operating and recordkeeping requirements apply to pull tab series with carry-over jackpots:

(a) If the chances of winning the carry-over jackpot are obtained and the carry-over jackpot is not won, the series shall be removed from play within seven days;

(b) If a carry-over jackpot is not won prior to removing a series from play, it shall be carried over to a new series and placed out within twenty-four hours. The accrued contribution amounts from all previous series shall be added to the contribution amount from the new series;

(c) The following additional records must be maintained for pull tab series with carry-over jackpots:

(i) For carry-over jackpots six hundred dollars and over, the winner's full name, address, and Social Security number shall be recorded on a separate form for income tax purposes;

(ii) All winning tabs and winner information for carry-over jackpots, along with the flares, must be retained for at least one year from the date the series was removed from play or six months from the date the carry-over jackpot was awarded, whichever is greater; and

(iii) Operators are required to maintain a separate record documenting the flow of carry-over jackpots from one game to another in a format prescribed by the commission; and

What aspects of games must be approved prior to sale?

(5) The director shall approve the following aspects of all pull tab games with carry-over jackpots prior to sale in Washington state:

(a) The design, payout, method of play, and flare for each pull tab series;

(b) The manufacturing process for the pull tab series and flares; and

(c) The secondary win code system for the pull tab series.

WSR 97-15-093
PROPOSED RULES
GAMBLING COMMISSION
 [Filed July 17, 1997, 3:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-029 for WAC 230-20-192 and WSR 96-20-028 for WAC 230-20-240.

Title of Rule: Bingo rules: WAC 230-20-192 Standards for disposable bingo cards—Definitions and WAC 230-20-240 Bingo equipment to be used.

Purpose: These rule amendments represent housekeeping changes to the definition of standards for disposable bingo cards and rule on bingo equipment to be used.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: See above.

Summary: See Purpose above.

Reasons Supporting Proposal: Housekeeping changes needed to clarify and update.

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 Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: In WAC 230-20-192, the December 31, 1993, applicable date that each card be imprinted with a card number was made applicable to "keno bingo" games; and in WAC 230-20-240, the amendment clarified that bingo cards used for keno bingo games are exempt from the requirements of subsection (4), the prohibition against disposable cards with the same serial number, color/border pattern, and card number applies to keno bingo cards.

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

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: Holiday Inn Sea-Tac, 17338 International Boulevard, SeaTac, WA 98188, on September 11, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by September 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 August 31, 1997.

Date of Intended Adoption: September 11, 1997.

July 17, 1997

Soojin Kim

Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 94-01-033, filed 12/6/93, effective 1/6/94)

WAC 230-20-192 Standards for disposable bingo cards—Definitions. Disposable bingo cards sold for use in the state of Washington (~~after December 31, 1993,~~) shall be manufactured and controlled using processes and procedures that ensure integrity of the activity and facilitates regulation by the commission. Manufacturers of disposable bingo cards shall comply with the following requirements:

(1) Manufacturers shall establish quality control procedures necessary to ensure manufacturing processes, including collating of cards into packs or packets, meet the requirements of this section. Quality control procedures shall be documented and provided to commission staff upon request;

(2) For purposes of this title, the following definitions apply:

(a) "Card" or "face" means a unique group and configuration of numbers or symbols imprinted on paper, cardboard, or other materials, and designed to be used to conduct bingo games;

(b) "Card number" means the number assigned by the manufacturer to identify a single card or face. A "card number" may also be referred to as a "face" or "perm" number;

(c) "Collate" means the process of cutting and/or assembling master sheets or precut sheets of cards from one or more sets of cards into packets or books for marketing purposes. "Collate" may also be referred to as "finish" or "finishing";

(d) "Collation" means a group of packets or books of cards assembled from more than one set of cards;

(e) "Consecutively numbered" means a numbering system normally beginning with the number one, increased by one for each individual unit added to the group, and ending with a number identical to the total number of units assigned to that group;

(f) "Cut" means the layout or orientation of cards or sheets of cards subdivided from a master sheet of cards or faces. A "cut" will be either square, horizontal, or vertical;

(g) "Disposable bingo card" means a nonreusable paper bingo card manufactured by a licensed manufacturer;

(h) "Duplicate cards" means two or more cards that are imprinted with the same numbers or symbols, regardless of the configuration or location of such numbers or symbols on the card;

(i) "On" means the number of cards or faces imprinted on a sheet or "cut." The term is normally preceded by the number of cards;

(j) "Pack" or "packet" means a group of cards or sheets of cards collated into a book when each page or sheet in the book is intended for use to play a separate bingo game, including "on-the-way" games, within a session;

(k) "Product line" means a specific type of card, identifiable by features or characteristics that are unique when compared to other types of cards marketed by the manufacturer. A "product line" includes all series and all cards within each series as identified by the manufacturer;

(l) "Serial number" means a number assigned to a set of cards by a manufacturer for identification and tracking purposes when the same number is not used to identify another set of cards from the same product line, color,

border pattern, and series in less than 999,999 occurrences or twelve months, whichever occurs first: *Provided*, That if the product line is used as a determining factor for assignment of a serial number, the difference between various product lines must be readily identifiable by observation;

(m) "Series" of cards means a specific group of cards or faces that have been assigned consecutive card or face numbers by a manufacturer. Series are typically identified by the first and last card number in the group of cards, such as "1 to 9000 series";

(n) "Set" of cards means a specific group of cards from the same product line, which are the same color, border pattern, and imprinted with the same serial number. A "set" of cards may include more than one series of cards or faces;

(o) "Sheet number" means the number assigned by the manufacturer to identify an arrangement of more than one card that results from dividing master sheets of cards to facilitate marketing;

(p) "Skip" means the standard spread or difference between card or sheet numbers at different page levels in packs or packets;

(q) "Subset" means a portion of a set of cards or collation of packets that has been divided by a licensed distributor to facilitate marketing; and

(r) "Up" means the number of pages or sheets collated into each packet or book of cards. The term is normally preceded by the number of pages or sheets.

(3) Each card or face in a particular type or product line must be imprinted with a unique set of numbers or symbols and configuration of numbers or symbols. Duplicate cards within a specific product line are prohibited. Manufacturers of disposable bingo cards are responsible for ensuring that there are no duplicate cards in a set or collation of cards sold to distributors or operators: *Provided*, That duplicate cards can be collated into packets if they are located at different page levels in the packets and intended only for use during separate games, including "on-the-way" games, within a session. If a manufacturer discovers a duplicate card error or is notified of such by the commission staff or a licensee, it shall immediately comply with the following steps:

(a) Stop marketing the product line containing duplicate cards in Washington;

(b) Recall all sets of cards and/or collations of packets or books containing duplicate cards at the same page level;

(c) Take steps to correct manufacturing or collating processes necessary to ensure duplicate cards are not sold to operators, and inform the commission in writing regarding steps taken;

(d) Reimburse all operators who submit a claim for prizes paid as a result of selling sets or collations containing duplicate cards when such claim has been validated by commission staff; and

(e) Reimburse the commission for all cost incurred investigating duplicate card complaints that result in findings that the error was caused by manufacturers.

(4) Packets of cards must be collated so that each page of the packet:

(a) Is from a different set of cards;

(b) Has skips that are consistent throughout the entire collation and contains cards that are different when compared to other cards or faces in the pack or packet; and

(c) Has a different color or border pattern.

(5) Each set must include an audit system that allows identification of that specific set and each specific card within that set, allows tracking of the transfer of cards from the point of manufacture to operators, and facilitates sale by the operator to the player: *Provided*, That audit systems that accomplish regulatory requirements using alternative controls may be approved by the commission staff. The audit system shall meet the following requirements:

(a) Each set of cards manufactured as a specific product line, using the same color and border pattern, will be assigned a unique serial number by the manufacturer. The serial number must be imprinted on each card or face;

(b) Each card or face must be identified by a card number imprinted on the face of the card: *Provided*, That cards used in "player selection" games, authorized by WAC 230-20-241 and "keno bingo" games, authorized by WAC 230-20-247, are exempted from this requirement (~~if an alternative control numbering system is used~~); and

(c) Each sheet of cards within a set must be consecutively numbered: *Provided*, That sheets of cards do not have to be numbered if alternative audit controls are available and disclosed to the operator.

(6) Each set of cards or collation of packets of cards shall be sold intact as a single unit: *Provided*, That for ease of marketing to Class E and below operators and to operators of authorized unlicensed activities, distributors may divide sets or collations as authorized below:

(a) Cartons or packages assembled by manufacturers can not be opened prior to sale to an operator, except that distributors may open cartons or packages as authorized below:

(i) At an operator's request to change the "on," "up," and "cut." When such modification is made, the distributor shall be responsible for resealing the carton and noting all changes on the packing label;

(ii) To provide cards to Class A or B bingo games and for unlicensed activities authorized by RCW 9.46.0321 or 9.46.0355; and

(iii) To provide cards to individuals for noncommercial recreational activities.

(b) Subsets must contain at least one carton or package: *Provided*, That cartons or packages may be broken and cards sold in smaller quantities under conditions described in subsection (6)(a)(i) and (ii) of this section; and

(c) Subsets of cards used for "hidden face" bingo games must contain at least one thousand cards or sheets of cards.

(7) In addition to the requirements of subsections (1) through (6) of this section, cards sold to operators for use in the operation of "hidden face" bingo games, authorized by WAC 230-20-243, must meet the following requirements:

(a) Each card or sheet of cards must be printed, folded, and sealed in a manner that prohibits determination of numbers or symbols, configurations of such on the card, or the card number prior to opening by the player;

(b) Each card or sheet of cards must have a separate numbering system that is randomly distributed when compared to the card number imprinted in the "free" space. Manufacturers must utilize procedures that mix cards or sheets of cards in a manner that ensures no consistent relationship exists between the "card numbers" and separate numbering system within a set or subset and that there are

no patterns or consistent relationships of the location of a specific card number between subsets from different sets;

(c) The serial number and the additional card or sheet number, required by (b) of this subsection, must be imprinted on the outside of the cards or sheets of cards and visible for recording without opening the card or sheet of cards; and

(d) Each set of cards must contain at least six thousand unique faces or patterns of numbers or symbols.

(8) In addition to the requirements of subsections (1) through (6) of this section, cards sold to operators for use in "player selection" bingo games, authorized by WAC 230-20-241, must be printed on two-part, self-duplicating paper that provides an original and duplicate copy;

(9) A packing record must be completed for each set of cards or collation of packets and either enclosed inside or in an envelope attached to the carton or package. If the marketing unit contains more than one carton or package, the packing record must be located on carton or package number one. The packing record must include at least the following:

(a) Name of manufacturer;

(b) Description of product, including the "series," "on," "cut," and "up";

(c) Records entry labels that match the identification and inspection services stamp attached to the packing label on the outside of the carton or package;

(d) Serial number or, if packets, serial number of the top page;

(e) Color and border pattern or, if packets, colors and border patterns of all sets and the sequence they are collated in the packet; and

(f) A record of any missing cards, sheets of cards, or packets.

(10) Each separate packing or marketing unit containing a set of cards or collation of packets of cards must be identified in a manner that allows determination of the contents without opening the package. If the marketing unit contains more than one case or carton, each unit shall be labeled and numbered. Minimum information to be disclosed on each carton or package:

(a) The identification and inspection services stamp number;

(b) Serial number or, if packets, serial number of the top page;

(c) Color and border pattern or, if packets, color and border pattern of the top page; and

(d) Number of the carton and the total number of cartons included in the marketing unit.

(11) Sets of cards, collations of packets, or any other marketing units established by a manufacturer shall be complete and contain the correct number of cards or packets and the specific cards or packets noted on the packing slip: *Provided*, That up to one percent of the cards in the set may be missing if all missing cards, sheets, or packets are documented on the packing record enclosed in carton or package number one of the marketing unit; and

(12) To provide the commission and operators the ability to verify the authenticity of winning cards, each manufacturer shall prepare and make available a master verification system for each type or product line of cards it manufactures. This master verification system shall provide a facsimile of each card within a set of cards by the card number. The master verification system shall display the

exact numbers or symbols and the location or configuration of numbers or symbols on the card.

AMENDATORY SECTION (Amending WSR 97-05-056, filed 2/19/97, effective 7/1/97)

WAC 230-20-240 Bingo equipment to be used. The conduct of bingo must include the following required items:

(1) A mechanical device that uses air flow for mixing and randomly withdrawing balls to determine the letters and numbers or symbols to be called must be utilized by all Class D and above operators. This device shall be constructed in the following manner:

(a) It will allow participants full view of the mixing action of the balls; and

(b) The operation cannot be interrupted to change the random placement of the balls at the exit receptacle of the device, except when the device is shut off as allowed by WAC 230-20-246;

(2) A set of seventy-five balls bearing the numbers one through seventy-five and the letters B, I, N, G, or O. *Provided*, That the letters B, I, N, G, O need not appear if the balls are used for speed or hidden face bingo games. The following additional requirements regarding bingo balls must be met:

(a) The entire set of balls shall be available for inspection by the players before a bingo session begins to determine that all are present and in operating condition;

(b) Each numbered ball shall be the same weight as each of the other balls and free from any defects; and

(c) Each set of balls in play must be distinguishable from all other sets of balls in play;

(3) Flashboards shall be utilized to display numbers called at all Class D and above bingo games. They must be visible to all players and clearly indicate all numbers that have been called: *Provided*, That malfunctions occurring during a bingo occasion need not be repaired during that occasion, but must be repaired before use on any other occasion;

(4) Bingo cards must be preprinted, manufactured cards that meet the following standards:

(a) Have twenty-five spaces, one of which may be a free space, arranged in five even columns headed with the letters B, I, N, G, and O, and except for the free space, imprinted with numbers and symbols: *Provided*, That bingo cards used for conducting player selection games are exempt from the requirements of this subsection if the requirements of WAC 230-20-241 are followed: *Provided further*, That bingo cards used for conducting keno bingo games are exempt from the requirements of this subsection if the requirements of WAC 230-20-247 are followed;

(b) Be manufactured by a licensed manufacturer: *Provided*, That electronically generated bingo cards authorized by WAC 230-20-106 may be produced by the operator using a printer interfaced with an electronic data base system: *Provided further*, That cards used in player selection games and keno bingo games may be manufactured by unlicensed manufacturers if:

(i) The primary activity of such manufacturer is producing nongambling products;

(ii) Cards must meet the requirements of WAC 230-20-192 and 230-20-241 or 230-20-247. The licensee that

initially purchases such cards from the unlicensed manufacturer shall assume responsibility for compliance with all commission requirements;

(iii) In addition to the requirements set out in WAC 230-08-024 and 230-08-040, the invoice transferring these cards must include the beginning card number. If an operator purchases such cards directly from an unlicensed manufacturer, the operator shall assume responsibility for compliance with this requirement.

(c) All disposable bingo cards must meet the requirements of WAC 230-20-192; (~~and~~)

(d) No licensed operator shall have disposable bingo cards with the same serial number, color/border pattern, and card number on the premises. This includes player selection and keno bingo cards; and

(e) Electronically generated cards and supporting equipment must meet the requirements of WAC 230-20-106;

(5) Effective January 1, 1997, all Class F and above bingo licensees shall conduct bingo games using disposable bingo cards or electronically generated cards. All income must be receipted for by using the audit system required by WAC 230-20-192 in conjunction with appropriate receipting system required by WAC 230-20-106, 230-20-107, or 230-20-108;

(6) Duplicate cards, as defined in WAC 230-20-192, are prohibited in the operation of bingo games conducted by Class D or above licensees. Operators are advised that conducting games using cards manufactured by different manufacturers may result in duplicate cards being placed in play and that the majority of cards in the "1 to 9000 series" are duplicate, regardless of the manufacturer. Duplicate card violations that result from use of cards from different manufacturers shall be the responsibility of the operator: *Provided*, That this section shall not apply to braille cards, authorized by WAC 230-20-246(4), if the operator takes steps to prevent duplicate cards and informs players regarding limitations to prizes when winners have duplicate cards because braille cards are being played;

(7) If duplicate cards are inadvertently sold at bingo games conducted by Class D or above licensees, the following procedures and restrictions apply:

(a) If all winners with duplicate cards are paid the entire prize amount that would be due if there were no duplicate cards, the licensee shall not be deemed to be in violation of this section;

(b) The amount of the prize for games with winners having duplicate cards shall be computed and paid using the following guidelines:

(i) Games that provide a bonus for a single winner - If all winners have duplicate cards then all winners shall be paid the bonus;

(ii) Games that result in multiple winners, some of which are players with duplicate cards - The split of the prize pool will be computed by counting all duplicate card winners as one. After the prize pool split is computed using this method, all winners will be paid according to the computed prize split;

(iii) If the prize pool contains noncash or merchandise prizes, the amount added to the prize pool for computing the split shall be the licensee's cost or retail value, whichever is posted in the game schedule: *Provided*, That manufactures

[manufacturers] shall not be responsible for increases to the prize pool required by this subsection; and

(iv) If the prize is greater than one thousand dollars, the operator shall not be required to increase the total prize pool by more than fifty percent or five thousand dollars, whichever is less: *Provided*, That this limitation shall only be authorized once within a twelve-month period. If this limitation has been used within the last twelve months, the full prize amount shall be paid to all holders of duplicate cards;

(c) Increases to prize pools as a result of duplicate card errors, for which the manufacturer is responsible, may be deducted from prize payouts for computing compliance with WAC 230-20-064;

(d) Details of circumstances that resulted in duplicate cards being sold shall be documented and maintained as a part of the daily bingo record for the session;

(e) The commission shall be notified within forty-eight hours after discovery of a duplicate card error if:

(i) Caused by manufacturer printing, packaging, or collation errors; or

(ii) Any player winning with a duplicate card was not paid the entire prize amount;

(f) Licensees shall pursue reimbursement of all prizes paid due to errors from the manufacturer responsible for such errors.

involves increased staff training, investigation, and legal support costs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cleotis Borner, Jr., Olympia, (360) 753-1062.

Name of Proponent: Department of Licensing, Real Estate Appraiser Program, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Increase WAC 308-125-120(1), application fee, from \$175.00 to \$182.00; increase WAC 308-125-120(4), original certification fee, from \$100.00 to \$102.00; increase WAC 308-125-120(5), certification renewal fee, from \$275.00 to \$284.00; increase WAC 308-125-120(6), late renewal penalty fee, from \$35.00 to \$36.00; increase WAC 308-125-120(7), duplicate certificate fee, from \$25.00 to \$26.00; increase WAC 308-125-120(9), application/reciprocity fee, from \$175.00 to \$182.00; and increase WAC 308-125-120(10), original certification via reciprocity, from \$100.00 to \$102.00.

Proposal Changes the Following Existing Rules: Increase fees to just below the allowable limit of 4.05%.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule raises fees less than 4% with the largest fee increase of only eight dollars. The increases will not impose more than minor costs on businesses and are exempt from small business economic impact statement preparation under RCW 19.85.030. The proposed rule also adjusts a fee pursuant to legislative standards and is therefore exempt from small business economic impact statement preparation under RCW 19.85.025 and 34.05.310 (4)(f).

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.328 does not apply to rules that set or adjust fees or rates. See RCW 34.05.328 (1)(b)(vi).

Hearing Location: Department of Licensing, 405 Black Lake Boulevard, Building #2, Conference Room, Olympia, WA, on Friday, August 29, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ralph Birkedahl by August 22, 1997, TDD (360) 753-1966, or (360) 753-1062.

Submit Written Comments to: Cleotis Borner, Jr., Real Estate Appraiser Program, P.O. Box 9015, Olympia, WA 98507-9015, FAX (360) 586-0998, by August 28, 1997.

Date of Intended Adoption: September 3, 1997.

July 21, 1997

Cleotis Borner, Jr.
Program Manager

AMENDATORY SECTION (Amending WSR 97-02-004, filed 12/20/96, effective 1/20/97)

WAC 308-125-120 Fees and charges. The following fees shall be paid under the provisions of chapter 18.140 RCW:

Title of Fee	Fee
(1) Application for examination	\$((175.00))
	<u>182.00</u>
(2) Examination	75.00

PROPOSED

WSR 97-15-101
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed July 21, 1997, 11:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-11-059.

Title of Rule: WAC 308-125-120 Fees and charges.

Purpose: To increase fees.

Statutory Authority for Adoption: RCW 43.24.086.

Statute Being Implemented: RCW 18.140.050.

Summary: To increase fees identified as WAC 308-125-120 (1), (4), (5), (6), (7), (9), and (10).

Reasons Supporting Proposal: Under provision of RCW 43.24.086, the cost of each professional licensing program shall be borne by the members of that profession. The director of the Department of Licensing is charged with setting fees at a level sufficient to defray the costs of administering the program.

Projected revenue for the 1997-99 biennium from licensing fees is not sufficient to cover projected operating costs for the real estate appraiser program. An increase in original license applications anticipated as a result of mandatory licensing legislation has not been realized. In addition, many licensees have opted not to renew due to market conditions and perceptions regarding the value of certification or licensing.

Current resources are needed, at a minimum, to maintain program effectiveness. Program workload has shifted from primarily an application review process to include an emphasis on the enforcement of practice standards. Consumer complaints are technical in nature, related enforcement

(3) Reexamination	75.00
(4) Original certification	((100.00*)) <u>102.00*</u>
(5) Certification renewal	((275.00*)) <u>284.00*</u>
(6) Late renewal penalty	((35.00*)) <u>36.00</u>
(7) Duplicate certificate	((25.00*)) <u>26.00</u>
(8) Certification history record	25.00
(9) Application for reciprocity	((175.00*)) <u>182.00</u>
(10) Original certification via reciprocity	((100.00*)) <u>102.00*</u>
(11) Temporary practice	150.00

* Proposed fees for these categories marked with an asterisk include an estimated \$25.00 to be submitted by the state to Federal Government. Title XI, SEC. 1109 requires each state to submit a roster listing of state certified appraisers to the Appraiser Subcommittee "no less than annually." The state is also required to collect from such individuals who perform appraisals in federally related transactions, an annual registry fee of "not more than \$50," such fees to be transmitted by the state to the federal government on an annual basis.

WSR 97-15-106
PROPOSED RULES
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
[Filed July 21, 1997, 4:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-072.

Title of Rule: State funding of local Head Start programs.

Purpose: To outline conditions and procedures under which state funds will be made available for Head Start programs.

Statutory Authority for Adoption: RCW 43.06.110 and chapter 43.330 RCW.

Summary: This amendment updates WAC language and statutory references.

Reasons Supporting Proposal: The existing WAC language is outdated.

Name of Agency Personnel Responsible for Drafting: Barbara Frost, 906 Columbia S.W., Olympia, (360) 586-3295; Implementation and Enforcement: Mary Frost, 906 Columbia S.W., Olympia, (360) 753-4106.

Name of Proponent: Department of Community, Trade and Economic Development, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This existing rule specifies the eligibility and application process for receiving Head Start match funds.

Proposal Changes the Following Existing Rules: Updates current language, including the department name and statutory references.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no small business economic impact as a result of this rule. The

program is only available to federal Head Start grantees, which are generally nonprofit organizations.

RCW 34.05.328 does not apply to this rule adoption. Department of Community, Trade and Economic Development is not a listed agency in RCW 34.05.328.

Hearing Location: Community, Trade and Economic Development, 906 Columbia Street S.W., 4th Floor, Olympia, WA, on August 26, 1997, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Barbara Frost by August 19, 1997, (360) 586-3295.

Submit Written Comments to: Barbara Frost, P.O. Box 48300, Olympia, WA 98504-8300, e-mail BarbaraF@CTED.WA.GOV, FAX (360) 586-0489, by August 26, 1997.

Date of Intended Adoption: October 1, 1997.

July 21, 1997
Ann Bariekman
Rules Coordinator

AMENDATORY SECTION (Amending Order 85-03, filed 6/7/85)

WAC 365-40-010 Purpose and authority. (1) The purpose of this chapter is to outline the conditions and procedures under which state funds will be made available for Head Start programs.

(2) This activity is undertaken pursuant to RCW 43.06.110 and chapter ((43-63A)) 43.330 RCW.

AMENDATORY SECTION (Amending Order 89-04, filed 10/16/89, effective 11/16/89)

WAC 365-40-020 Definitions. (1) "Applicant" means a public or private nonsectarian organization which receives federal Head Start funds.

(2) "Contractor" means an applicant which has been allocated state Head Start funds under the ((state)) Head Start state match program.

(3) "Department" means the department of community, trade and economic development.

(4) "Director" means the director of the department of community, trade and economic development.

(5) "Head Start program" means an operation undertaken in accordance with the program performance standards set forth in the ((~~oed-hs-head-start-policy-manual~~ (OCD Notice N 30 364 4) "Head Start program performance standards," ~~published by the United States Department of Health, Education, and Welfare July 1975~~)) federal Head Start Act as amended and relevant federal regulations.

AMENDATORY SECTION (Amending Order 89-04, filed 10/16/89, effective 11/16/89)

WAC 365-40-041 Financial support application process. (1) Each potential applicant will be notified by the department that application for ((state)) Head Start state match financial assistance is to be made to the department.

(2) An applicant must make formal application in the form and manner specified by the department. Failure of an applicant to make application in the specified time will result in no ((state)) Head Start state match funds being allocated.

(3) Applications for ((state)) Head Start state match financial assistance shall contain a description of the services to be provided with ((state)) Head Start state match funds.

PROPOSED

(3) Applications for ((state)) Head Start state match financial assistance shall contain a description of the services to be provided with ((state)) Head Start state match funds.

(4) The department shall provide a contract for signature to the applicant or a request for additional information.

AMENDATORY SECTION (Amending Order 89-04, filed 10/16/89, effective 11/16/89)

WAC 365-40-051 Eligibility criteria. In order to receive ((state)) Head Start state match funds, a contractor must currently be receiving federal funds to operate a Head Start program. ((State)) Head Start state match funds may be used only for activities which result in direct and measurable services to Head Start program children. The department shall determine the formula for distribution of state funds based on ((current)) federal enrollment levels at the time of funding.

AMENDATORY SECTION (Amending Order 89-04, filed 10/16/89, effective 11/16/89)

WAC 365-40-071 Method of payment and reporting requirements. (1) ((State)) Head Start state match funds will be paid in accordance with the provisions of the applicable contract and these regulations.

(2) Reports to the department to assure that funds are being expended for purposes authorized in the approved contract are required in a format approved by the department.

(3) The contractor (~~(at time of application, and annually thereafter,)~~) shall submit annually a current report of the audit of funds conducted by an independent auditor or office of state auditor ((and resolution of findings provided under this rule. Standard accepted auditing techniques shall be used)) in accordance with generally accepted auditing standards. Such audit may be that conducted for and provided to other funding sources. ((This)) The audit report must ((include a breakdown of)) identify state funds by contract number. Responses to any unresolved management findings and disallowed or questioned costs shall be included with the audit report.

WSR 97-15-107

PROPOSED RULES

**DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

[Filed July 21, 1997, 4:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-073.

Title of Rule: Repealing WACs regarding border area funding allocation that conflict with statutes.

Purpose: To eliminate conflict between WACs and RCWs.

Statutory Authority for Adoption: RCW 43.330.040 (2)(g).

Statute Being Implemented: RCW 66.08.190, 66.08.195, 66.08.196, 66.08.198, 43.634.190 [43.63A.190].

Summary: Eliminate WAC 365-90-010, 365-90-020, 365-90-040, 365-90-080, and 365-90-090.

Reasons Supporting Proposal: Conflict between WACs and RCWs, meets legislative intent, and does not change actual funding distribution.

Name of Agency Personnel Responsible for Drafting: Erika Lim, Olympia, (360) 753-2227; Implementation and Enforcement: Tedd Kelleher, Olympia, (360) 664-0696.

Name of Proponent: Department of Community, Trade and Economic Development, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This change in no way impacts funding to local governments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Would repeal old WACs that conflict with current RCWs. Repealing the WACs will in no way change the functioning of the program, or change the amount of funding local governments receive.

Proposal Changes the Following Existing Rules: Proposal repeals existing rules. Eliminates conflicts concerning what agency distributes the funds and the process used to review the funding distribution. Proposal eliminates redundant definitions of eligible jurisdictions, and unnecessary language regarding unspent funds.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will not impact businesses.

RCW 34.05.328 does not apply to this rule adoption. Department of Community, Trade and Economic Development is not a listed agency in RCW 34.05.328.

Hearing Location: Skagit Valley Downtown Center, 204 West Montgomery, Mt. Vernon, WA, on August 29, 1997, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Tedd Kelleher by August 29, 1997, TDD Relay (800) 833-6384, or (360) 664-0696.

Submit Written Comments to: Tedd Kelleher, Department of Community, Trade and Economic Development, P.O. Box 48300, Olympia, WA 98504-8300, e-mail TEDDK@CTED.WA.GOV, FAX (360) 586-4506, by August 29, 1997.

Date of Intended Adoption: October 1, 1997.

July 21, 1997

Ann Bariekman
Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 365-90-010	Declaration of public policy.
WAC 365-90-020	Definitions.
WAC 365-90-040	Allocation of funds.
WAC 365-90-080	Unexpended funds.
WAC 365-90-090	Annual review.

WSR 97-15-111
PROPOSED RULES
POLLUTION LIABILITY
INSURANCE AGENCY
 [Filed July 22, 1997, 9:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-078.

Title of Rule: Chapter 374-80 WAC.

Purpose: To establish a program for providing informal advice and assistance to owners of heating oil tanks.

Statutory Authority for Adoption: Chapter 70.149 RCW.

Statute Being Implemented: SHB 1007.

Summary: To make available public information regarding liability, as well as technical and environmental requirements associated with heating oil tanks, to owners of properties with active or abandoned heating oil tanks.

Reasons Supporting Proposal: Eliminate what has become a serious problem and an impediment to the conclusion of real estate transactions if the property has an active or abandoned heating oil tank.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James M. Sims, 1015 10th Avenue, Olympia, WA, (360) 586-5997.

Name of Proponent: Pollution Liability Insurance Agency, 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 chapter is to establish a program for providing informal advice and technical assistance to the owners and operators of active or abandoned heating oil tanks if contamination resulting from a release from a heating oil tank is suspected.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Pollution Liability Insurance Agency has examined at length the potential economic impact on all parties associated with the proposed rule. The adoption of this proposed rule will not have an adverse economic impact on small business.

RCW 34.05.328 does not apply to this rule adoption. The Pollution Liability Insurance Agency is not one of the major agencies addressed in RCW 34.05.328.

Hearing Location: Pollution Liability Insurance Agency, 1015 10th Avenue S.E., Olympia, WA 98501, on August 28, 1997, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Washington Relay Number TDD (800) 833-6388.

Submit Written Comments to: Pollution Liability Insurance Agency, P.O. Box 40930, Olympia, 98504, FAX (360) 586-7187, by August 29, 1997.

Date of Intended Adoption: September 29, 1997.

July 21, 1997
 James M. Sims
 Director

NEW SECTION

WAC 374-80-010 Authority and purpose. The purpose of this chapter is to establish a program for providing informal advice and technical assistance to the owners and operators of active or abandoned heating oil tanks if contamination resulting from a release from a heating oil tank is suspected.

NEW SECTION

WAC 374-80-020 Definitions. Unless the context requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Abandoned heating oil tank" means a consumptive use heating oil tank system that has been abandoned or decommissioned and is no longer in service or use.

(2) "Active heating oil tank" means a consumptive use heating oil tank that is in use.

(3) "Agency" means the Washington state pollution liability insurance agency (PLIA).

(4) "Corrective action" means those actions reasonably required to be undertaken by an owner or operator to remove, treat, neutralize, contain, or clean up an accidental release in order to comply with a statute, ordinance, rule, regulation, directive, order or similar legal requirement, at the time of an accidental release, of the United States, the state of Washington, or a political subdivision of the United States or the state of Washington.

(5) "Director" means the director of the Washington state pollution liability insurance agency.

(6) "Heating oil" means any petroleum product used for space heating in oil-fired furnaces, heaters and boilers, including stove oil, diesel fuel, or kerosene. "Heating oil" does not include petroleum products used as fuel in motor vehicles, marine vessels, trains, buses, aircraft, or any off-highway equipment not used for space heating, or for industrial processing or the generation of electrical energy.

(7) "Owner" means the person, or his or her authorized representative, legally responsible for an active or abandoned heating oil tank, its contents, and the premises upon which the heating oil tank is located.

(8) "Owner or operator" means a person in control of, or having the responsibility for, the daily operation of a heating oil tank.

(9) "Release" means any intentional or unintentional entry of heating oil into the environment.

(10) "Service provider" means an independent contractor responsible for site assessment, testing or analysis of the results of testing.

(11) "Site Assessment" means an investigation of a heating oil tank site to determine if a release of heating oil has occurred.

(12) "Sampling and testing" means an approved and recognized technique(s) or procedure(s) for measuring or determining the presence and extent of hydrocarbons in soil and/or water.

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.

PROPOSED

NEW SECTION

WAC 374-80-030 Communications. All communications with the agency shall be addressed to:

Director
Pollution Liability Insurance Agency
1015 10th Avenue SE
PO Box 40930
Olympia, WA. 98504-0930
Telephone: (360) 586-5997 or (800) 822-3905

NEW SECTION

WAC 374-80-040 Procedures (a) The agency will provide informal advice and technical assistance to the owners and operators of active or abandoned heating oil tanks if contamination resulting from a release from an active or abandoned heating oil tank is suspected. Advice and assistance regarding administrative and technical requirements may include observation of testing, site assessment, as well as review of the results of reports and other appropriate review activities approved by the director.

(b) Such advice and assistance will be provided only upon request by the owner of a heating oil tank. If the operator of a heating oil tank is not the owner, the operator must provide the agency with specific written authorization of the owner before advice and assistance is provided, or before a site is visited by a representative of the agency.

(c) To receive informal advice and assistance under this program, the owner or operator of an active or abandoned heating oil tank must submit an application, provided by the agency, requesting advice and assistance, and agreeing to the terms of the program.

(d) Upon receipt of a request for advice and assistance, the agency will provide the tank owner or operator:

- (1) Information regarding procedures for the program;
- (2) An application requesting advice and assistance;
- (3) An agreement between the tank owner and the agency regarding the terms of the program;
- (4) A fee schedule for costs incurred for services under the program;

(5) Sampling, testing and assessment protocol approved by the director;

(5) Suggested service provider fee limits.

(d) Advice and assistance provided under the program may include:

(1) Observation of sampling and testing, site assessment or other appropriate assessments scheduled by the tank owner;

(2) Interpretation of the results of testing and/or assessment(s);

(3) A report from PLIA to the heating oil tank owner of the results of testing and/or assessment(s); and

(4) Other appropriate activities approved by the director.

(e) The heating oil tank owner or operator will select a service provider to perform sampling and testing, site assessment or other appropriate assessments. The tank owner or operator will enter into an agreement with the service provider regarding scope or extent of work and fees for services, and provide a copy of that agreement to PLIA.

(f) Advice and assistance will be provided only if sampling and testing as well as site assessment are per-

formed in accordance with sampling, testing and assessment protocol approved by the director.

(g) Advice and assistance will be provided only if a representative of the agency is present during any and all testing and site assessment activity to ensure that tests are properly conducted, samples properly taken and assessment activities correctly conducted. The original copy of the results of all testing and site assessment activities must be forwarded to the agency for review and evaluation.

(h) Upon completion of review and evaluation, the agency will, in writing, inform the heating oil tank owner of the results of review and assessment of data.

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

NEW SECTION

WAC 374-80-050 Reimbursement (a) The agency shall collect, from the heating oil tank owner or operator requesting advice and assistance, the costs incurred in providing such advice and assistance.

(b) Funds received by the agency from cost reimbursement must be deposited in the heating oil pollution liability trust account.

(c) Costs incurred that shall be covered in reimbursement may include travel costs and expenses associated with review of reports and preparation of written opinions and conclusions. The director shall establish a fee schedule for costs incurred for services under the program.

(d) Fees must be paid prior to the agency issuing its report of review and assessment of data.

NEW SECTION

WAC 374-80-060 Liability (a) The state of Washington and/or the pollution liability insurance agency accepts no liability, nor portion of liability, from the heating oil tank owner or operator.

(b) The state of Washington, the pollution liability insurance agency, and its officers and employees are immune from all liability, and no cause of action arises from any act or omission in providing, or failing to provide, advice, opinion, conclusion, or assistance under this program.

WSR 97-15-115**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed July 22, 1997, 3:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-06-011.

Title of Rule: Raw milk warning labels. Requires labels on containers warning of microbiological hazards from consumption of raw milk.

Purpose: To inform consumers that milk which has not been pasteurized (raw milk) might contain harmful microorganisms that are especially hazardous for persons with lowered immunity. This will allow consumers to make

informed choices concerning whether or not they want to purchase and consume milk that has not been pasteurized.

Statutory Authority for Adoption: RCW 15.36.021(1) and 69.04.398(3).

Statute Being Implemented: Chapter 15.36 RCW.

Summary: Rule will require a warning statement on raw milk containers that states "WARNING: This product has not been pasteurized and may contain harmful bacteria. Pregnant women, children, the elderly and persons with lowered resistance to disease have the highest risk of harm from use of this product." The proposed rule also has requirements for type size and placement of the warning statement.

Reasons Supporting Proposal: Raw milk is well known by health officials to contain harmful microorganisms that cause illness when consumed. Outbreaks of E.coli O157:H7 in a neighboring state have been associated with the consumption of raw milk.

Name of Agency Personnel Responsible for Drafting: Verne E. Hedlund, 1111 Washington Street, Olympia, WA 98504, (360) 902-1860; Implementation and Enforcement: Mike Donovan, 1111 Washington Street, Olympia, WA 98504, (360) 902-1883.

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 educate uninformed purchasers about the possible hazards from consumption of milk that has not been pasteurized. It will clearly identify milk that has not been pasteurized so that consumers will not purchase raw milk by mistake, but it will not restrict the purchase of raw milk by consumers who wish to purchase it. The effect of the rule will be to inform consumers of possible hazards from harmful microorganisms that may be present in raw milk and allow them to make a reasoned choice in the market. This rule will support Department of Health requirements for a placard in stores warning consumers of the hazards associated with the consumption of raw milk.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Washington Department of Agriculture will furnish stickers with warning statement to the industry to attach to current labels on raw milk cartons until such time as their current supply of labels is exhausted. This will eliminate any additional cost to industry from implementation of this rule which is the cost of new labels (cartons). This is possible because of the small size of the industry and the limited production of raw milk at the present time.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Washington Department of Agriculture, 1111 Washington Street, Room 259, Olympia, WA 98504-2560, on August 28, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by August 21, 1997, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Verne Hedlund, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-1860, by August 28, 1997.

Date of Intended Adoption: September 11, 1997.

July 21, 1997

Dr. Candace A. Jacobs
Assistant Director

NEW SECTION

WAC 16-101-800 Raw milk warning labels. (1) **What authority does the department have to require warning labels on retail raw milk containers?** This rule is being promulgated under authority of RCW 15.36.021(1) and 69.04.398(3).

(2) **To what does this rule apply?** The labeling requirements in this rule apply to containers of raw milk intended for sale to consumers in the state of Washington.

(3) **Why is the Washington state department of agriculture adopting warning label requirements for retail raw milk sales?** The department is adopting this rule to inform consumers about possible harm that may occur from consuming raw milk that contains harmful microorganisms.

(4) **What purpose will this rule serve?** The purpose of this rule is to warn purchasers about known hazards associated with the consumption of raw milk so that they may make informed choices about buying these products.

(5) **What warning label must be on raw milk containers?** The raw milk container must bear the following labeling: *WARNING: This product has not been pasteurized and may contain harmful bacteria. Pregnant women, children, the elderly and persons with lowered resistance to disease have the highest risk of harm from use of this product.*

(6) **What are the specific requirements for warning labels on raw milk?** The raw milk warning labels must meet the following requirements:

(a) The warning label type size must be consistent with the type size of other required labeling, but not less than one-sixteenth inch in height.

(b) The warning label must be conspicuous and in contrasting color from other labeling.

(c) The warning label must be prominently displayed on the container's principal display panel.

(d) The warning label must be clearly readable.

WSR 97-15-123

PROPOSED RULES

LOTTERY COMMISSION

[Filed July 23, 1997, 8:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-00-037 [97-02-037] and 97-11-057.

Title of Rule: New sections WAC 315-11A-204 Instant Game Number 204, 315-11A-205 Instant Game Number 205, 315-11A-206 Instant Game Number 206 and 315-11A-207 Instant Game Number 207; and amendatory sections WAC 315-06-120 Payment of prizes—General provisions, 315-06-123 Voluntary assignment of prize pursuant to an appropriate judicial order, and 315-34-040 Prizes for Lotto.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 204, 205, 206

July 21, 1997
Merritt D. Long
Director

and 207; and to amend WAC 315-06-120, 315-06-123, and 315-34-040.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Rules Coordinator, Olympia, (360) 586-6583; Implementation and Enforcement: Merritt D. Long, Director, Olympia, (360) 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11A-204, 315-11A-205, 315-11A-206 and 315-11A-207, for each game, certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery or its retailers from paying out prize money on invalid tickets.

Proposal Changes the Following Existing Rules: WAC 315-06-120 Payment of prizes—General provisions, permits Lotto jackpot winners to assign all or part of their prize to a third party; WAC 315-06-123 Voluntary assignment of prize pursuant to an appropriate judicial order, allows the lottery to recover administrative costs associated with processing prizes assigned to a third party; and WAC 315-34-040 Prizes for Lotto, allows players to elect, at the time of purchase, to receive a cash option payment in lieu of twenty annual payments.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: (1) The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games; and (2) the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Said section does not apply to these proposed rules because they are not proposed by one of the listed agencies. As the rules are merely interpretive, the lottery does not voluntarily apply this section.

Hearing Location: Washington State Lottery, 205 East Casino Road, Everett, WA 98208-2600, on September 5, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Michael Aoki-Kramer by August 27, 1997, (360) 586-6583.

Submit Written Comments to: Michael Aoki-Kramer, Lottery, FAX (360) 586-6586, by September 4, 1997.

Date of Intended Adoption: September 5, 1997.

NEW SECTION

WAC 315-11A-204 Instant Game Number 204. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 204, on file at the lottery headquarters office.

(2) **Price per ticket:** One dollar.

(3) **Prizes available:** \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$50, \$100, \$200, \$300, \$500, and \$1,000. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** Match "Your Score" to the "Winning Bullseye Score." Uncover a dart symbol to double the corresponding prize.

NEW SECTION

WAC 315-11A-205 Instant Game Number 205. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 205, on file at the lottery headquarters office.

(2) **Price per ticket:** One dollar.

(3) **Prizes available:** \$1, \$2, \$3, \$4, \$5, \$6, \$10, \$25, \$50, \$100, \$200, \$500, \$1,000, \$2,000, and \$3,000. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** Match any of the "Your Symbols" to the "Winning Symbol."

NEW SECTION

WAC 315-11A-206 Instant Game Number 206. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 206, on file at the lottery headquarters office.

(2) **Price per ticket:** Two dollars.

(3) **Prizes available:** \$2, \$4, \$8, \$20, \$50, \$100, \$500, and \$1,000. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** Uncover three like cards within one hand to win the amount shown on the legend on the front of the ticket.

NEW SECTION

WAC 315-11A-207 Instant Game Number 207. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 207, on file at the lottery headquarters office.

(2) **Price per ticket:** Three dollars.

(3) **Prizes available:** \$1, \$2, \$3, \$5, \$6, \$10, \$15, \$20, \$25, \$30, \$50, \$500, \$1,500, \$3,000, and \$10,000. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** The sum of the yards within a game totals 10 or more. Uncover the word "Touchdown" in the Bonus Play to win \$25 instantly.

PROPOSED

AMENDATORY SECTION (Amending WSR 96-19-071, filed 9/17/96, effective 10/18/96)

WAC 315-06-120 Payment of prizes—General provisions. (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of one claimant, which shall be either a natural person, association, corporation, general or limited partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, or another acting in a fiduciary or representative capacity whether appointed by a court or otherwise. A claim which includes one or more tickets with an address label or stamp on the back of the ticket shall be deemed to have been entered in the name of one claimant: *Provided*, That if the address label or stamp contains the name of more than one claimant, the prize payment will be made to the one who has signed the ticket and/or claim form or, if there is no signature or two signatures, to the first claimant listed on the address label or stamp. The claimant must submit his or her Social Security number (SSN) or the federal employer's identification number (FEIN) when claiming any prize exceeding six hundred dollars.

(3) A claim may be entered in the name of a claimant other than a natural person only if the claimant is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the Internal Revenue Service, such number is shown on the claim form and the entity's terms comply with subsection (4) of this section. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one natural person or one legal entity in whose name the claim is to be entered.

(4) The terms governing a claimant other than a natural person, i.e., articles of incorporation, trust terms, etc., shall be submitted to the director for approval. Terms not in compliance with lottery statutes or rules shall not be approved. Payment shall not be made to a claimant other than a natural person until the director has approved the terms.

All claimants other than natural persons shall have governing terms which:

(a) Prohibit deletion, amendment, or addition of terms without the director's approval;

(b) State the names of all natural persons who have a direct or indirect right or interest in the claimant, each of their percentage interests and their Social Security numbers;

(c) Acknowledge that the debt collection process mandated by RCW 67.70.255 and WAC 315-06-125 shall be applied to the natural persons who hold interests in the claimant through their Social Security numbers; and

(d) Provide that in the event the claimant ceases to exist prior to the full payout of the prize, the lottery will not make further payment without court order.

(5) The lottery shall not make payment to a claimant other than a natural person unless the terms governing the claimant include those enumerated in subsection (4) of this section.

(6) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the

director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket or submit a request for reconstruction of an alleged winning ticket and sufficient evidence to enable reconstruction and that the claimant had submitted a claim for the prize, if any, for that ticket. The claimant, by submitting the claim or request for reconstruction, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name and, upon written permission, photograph for publicity purposes by the lottery.

(7) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than one hundred eighty days after the official end of that instant game or the on-line game drawing for which that on-line ticket was purchased.

(8) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or retailers, or from a lottery retailer; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(9) No natural person or legal entity entitled to a prize may assign the right to payment, except under the following limited circumstances:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; and

(b) When payment of all or part of the ~~((entire))~~ remainder of an annuity and the right to receive future annual prize payments has been voluntarily assigned to another person, pursuant to an appropriate judicial order that meets the requirements of RCW 67.70.100(2). ~~((No voluntary assignment is effective unless and until the national office of the Federal Internal Revenue Service provides a ruling that the voluntary assignment of prizes will not affect the federal income tax treatment of prize winners who do not assign their prizes-))~~

(10) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(11) A ticket that has been legally issued by a lottery retailer is a bearer instrument until signed. The person who signs the ticket or has possession of an unsigned ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(12) All prizes shall be paid within a reasonable time after the claims are validated by the director and a winner is determined. Provided, prizes paid for claims validated

PROPOSED

pursuant to WAC 315-10-070(2) shall not be paid prior to one hundred eighty-one days after the official end of that instant game. The date of the first installment payment of each prize to be paid in installment payments shall be the date the claim is validated. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded, except that when a drawing occurs during the last week of the calendar year and it is impossible to claim the prize in the calendar year of the drawing solely due to weekend or extraordinary closure of the lottery's offices, installment payments shall be made weekly, monthly, or annually, in accordance with the type of prize awarded, from the date prize is claimed; or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded.

(13) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each originally scheduled payment date thereafter.

(14) If any prize is payable for the life of the winner, only a natural person may claim such a prize. Such "win for life" type prizes shall cease upon the death of the winner or the end of a guaranteed payment period (if any), whichever is later. Win for life prizes may be assigned; and the following conditions apply to such assignments:

(a) The original winner's actual life shall determine when prize payments cease; and

(b) The assignee shall be responsible for notifying the lottery of the original winner's death.

(15) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(16) Each lottery retailer shall pay all prizes authorized to be paid by the lottery retailer by these rules during its normal business hours at the location designated on its license.

(17) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

AMENDATORY SECTION (Amending WSR 96-15-124, filed 7/24/96, effective 8/24/96)

WAC 315-06-123 Voluntary assignment of prize pursuant to an appropriate judicial order. (1) In the case of a voluntary assignment of a right to a prize pursuant to an appropriate judicial order, the director shall make payment to the person designated by a certified copy of the order

which has been served upon the director personally or by certified mail provided that the order contains, in addition to the requirements set forth in RCW 67.70.100(2), the following provisions:

(a) The assignor's name. For an initial assignment, the winner's name as it appears on the prize claim form;

(b) The assignee's name;

(c) The citizenship or resident alien number of the assignee (if a natural person).

(2) The certified copy of the order must be served on the director at least twelve working days prior to the annual payment date to allow for a change in the payee. The director shall not be liable for failure to pay an annual payment to an assignee if service of the order and presentation of the required information for tax withholding purposes described in subsection (3) of this section is not timely made.

(3) Payment shall be made payable to the name of the assignee designated in the judicial order and to no other name and federal income tax withholding shall be deducted from each payment and reported to the Internal Revenue Service. The assignee shall provide its Social Security number, if a natural person, or tax identification number, if a legal entity, to the director at the time the judicial order is served for the purpose of reporting tax withholding to the Internal Revenue Service and for the purpose of applying the debt collection process as described in subsection (5) of this section.

(4) RCW 67.70.100 authorizes the director (~~shall~~) to charge actual costs for each assignment and deduct such costs (~~shall be deducted~~) from the initial annuity payment made to the assignee. In determining actual costs the director (~~shall consider~~) has considered the (~~following expenses: (a))~~ staff time required to determine the sufficiency of the judicial order and to process the initial payment; (~~(b))~~ telegraphic and long distance telephone communications, photocopying, (~~(at the rate of ten cents per page,))~~ postage, and private delivery service; (~~(c))~~ and legal services directly related to determining the sufficiency of the judicial order and processing of the initial payment, including legal services and costs associated with any legal proceeding in which the agency is represented by the office of the attorney general. The director has determined the following costs shall be deducted from the initial annuity payment made to each assignee:

(a) Assignment of whole annuity payments (one or more years) resulting in payment only to the assignee during each year of the assignment: \$250; or

(b) Assignment of a portion/percentage of annuity payments resulting in annual payments to one or more assignees and/or the original prize winner: \$300 for the first year of the assignment, plus \$75 for each year thereafter.

The director shall review these costs at least biennially from December 1, 1997, and shall recommend adjustments, if necessary, for commission consideration and approval.

(5) The debt collection process mandated by RCW 67.70.255 and WAC 315-06-125 shall be applied to all payments made to any person pursuant to a voluntary assignment. The term person shall have the same meaning as the definition set forth in WAC 315-02-180.

AMENDATORY SECTION (Amending WSR 96-15-054, filed 7/15/96, effective 8/15/96)

WAC 315-34-040 Prizes for Lotto. (1) The prize amounts to be paid to each Lotto player who selects a winning combination of numbers in the first, second, and third prize categories vary due to parimutuel calculation of prizes.

WINNING COMBINATIONS	PRIZE CATEGORIES	ODDS OF WINNING (ONE PLAY)
All six winning numbers in one play	First Prize (Jackpot)	1:13,983,816
Any five but not six winning numbers in one play	Second Prize	1:54,201
Any four but not five or six winning numbers in one play	Third Prize	1:1,033
Any three but not four, five or six winning numbers in one play	Fourth Prize	1:57

(2) Reserved.

(3) Prize amounts.

(a) First prize (jackpot). The first prize will be the amount announced by the director as the Lotto jackpot. The jackpot will be divided equally among all players who selected all six winning numbers in one play (in any sequence). If the player has elected cash option payment, the jackpot will be paid in one installment equal to one-half of the announced jackpot.

(b) Second prize. 2.3 percent of the Lotto sales for the drawing shall be divided equally among all players who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. 4.6 percent of the Lotto sales for the drawing shall be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) Fourth prize. A \$3.00 prize is to be paid to each player who selected three of the six winning numbers in one play (in any sequence).

(e) Reserved.

(f) Second and third prizes will be rounded down to the nearest dollar.

(g) The holder of a winning ticket may win only one prize per play in connection with the winning numbers drawn and shall be entitled only to the highest prize category won by those numbers.

(h) The holder of two or more jackpot winning tickets with a cumulative total cash value of \$250,000 or more may elect to receive a single prize based on the total cash value with prize payments in accordance with subsection (5)(a) or (b) of this section.

(i) In the event any player who has selected three, four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be

retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

(4) Roll-over feature.

(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing.

(5) Prize payments will be made in accordance with WAC 315-30-030(6).

(a) ~~((Each prize that has a cash value of \$500,000 or more shall be paid in twenty annual payments.))~~ The election of cash option for a player who has selected all six winning numbers in one play will result in a cash payment of 50 percent of the announced jackpot or a share of 50 percent of the announced jackpot if more than one player has selected all six numbers in one play.

(b) ~~((Each prize that has a cash value of more than \$250,000 but less than \$500,000 shall, at the discretion of the director, be paid either in ten annual payments or twenty annual payments.))~~ Players who have selected all six winning numbers in one play and not elected a cash option payment shall be paid in twenty annual payments for each prize that has an estimated cash value of \$500,000 or more.

(c) ~~((Each prize that has a cash value of \$250,000 or less shall be paid in a single payment.))~~

~~(d))~~ For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form designated by the director.

(d) The payment election at the time of purchase is final.

**WSR 97-15-125
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY**
[Filed July 23, 1997, 10:10 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: Adopt Section 3.04 of Regulation I; amend Sections 3.03, 3.11, 5.05, 5.07, 6.04, 6.10, 6.11, 7.07, 7.09 of Regulation I and Section 2.02 of Regulation III.

Purpose: Establish general regulatory order fees; adjust maximum civil penalty amount for inflation; adjust registration, notice of construction, and operating permit fees to cover program costs; update delegation for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs).

Other Identifying Information: 3.03 and 3.04 General Regulatory Orders; 3.11 Civil Penalties; 5.05 and 5.07 Registration; 6.04 and 6.10 Notice of Construction; 6.11 New Source Performance Standards; 7.07 and 7.09 Operating Permits; and 2.02 National Emission Standards for Hazardous Air Pollutants.

PROPOSED

Statutory Authority for Adoption: Chapter 70.94 RCW.
Statute Being Implemented: RCW 70.94.141.

Summary: This proposal will establish general regulatory order fees; increase the maximum civil penalty amount for inflation; adjust registration, notice of construction, and operating permit fees to cover program costs; and update delegation for NSPS and NESHAPs.

Reasons Supporting Proposal: General regulatory order fees need to be established; maximum civil penalty amount needs to be adjusted for inflation; fees for the registration program, notice of construction program, and operating permit program need to be adjusted to cover the costs of administering these programs; and delegation for NSPS and NESHAPs needs to be updated.

Name of Agency Personnel Responsible for Drafting: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Neal Shulman, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4078.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would establish General Regulatory Order fees; increase maximum civil penalty amount for inflation; adjust Registration, Notice of Construction, and Operating Permit fees to cover the costs of administering these programs; and update delegation for federal NSPS and NESHAPs.

Proposal Changes the Following Existing Rules: General Regulatory Order fees will be established; maximum civil penalty amount would increase for inflation; Registration, Notice of Construction, and Operating Permit fees would increase to cover program costs; and delegation for federal NSPS and NESHAPs will be updated.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on September 11, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010 by September 4, 1997, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, FAX (206) 343-7522, by September 2, 1997.

Date of Intended Adoption: September 11, 1997.

July 22, 1997

James Nolan

Director - Compliance

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 97-16 issue of the Register.

WSR 97-15-126
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed July 23, 1997, 10:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-094.

Title of Rule: Physician's license revocation.

Purpose: The proposed rule articulates the rights of the licensee and the administrative procedures for the licensee, the commission and staff of the commission to conduct a review of the decision to revoke a licensee's license.

Other Identifying Information: SHB 2188.

Statutory Authority for Adoption: RCW 18.71.019.

Statute Being Implemented: RCW 18.71.019.

Summary: The respondent may now request a review of the revocation decision made by a panel of the commission by the remaining members of the commission not involved in the initial decision.

Reasons Supporting Proposal: Administrative procedures to hold a review by the commission and delineation of which members can participate in the review process are required to be able to enforce the intent of the legislature.

Name of Agency Personnel Responsible for Drafting: Mike Farrell in consultation with Margaret Bichl, 1300 S.E. Quince Street, (509) 459-3643; Implementation: Beverly Teeter, 1300 S.E. Quince Street, (360) 664-8690; and Enforcement: Bonnie King, 1300 S.E. Quince Street, (360) 664-2965.

Name of Proponent: Commission and Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: SHB 2188 provides for a process by which the licensee may request a review by the remaining members of the Medical Quality Assurance Commission who did not participate in the investigation or the panel's decision to revoke a physician's license. The rule sets out the administrative procedure for holding a review and delineates which members of the commission are disqualified from participating in the review.

Proposal does not change existing rules. The proposed rule adds a new section.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not exceed the more than minor cost threshold, therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule does not subject a person to a penalty or sanction; does not establish, alter or revoke a qualification or standard for physician licensure; and does not make significant amendment to a policy or regulatory program. This rule establishes a procedure for a licensee to request a review by the remaining commission members

when a panel of the commission orders a revocation of the license.

Hearing Location: Sea-Tac Hilton Hotel, on September 26, 1997, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Terry Taylor by September 12, 1997, TDD (800) 833-6388, or FAX (360) 586-4573.

Submit Written Comments to: Terry Taylor, FAX (360) 586-4573, by September 26, 1997.

Date of Intended Adoption: September 29, 1997.

July 8, 1997
Bonnie King
Executive Director
Section 5

NEW SECTION

WAC 246-919-520 Revocation of a physician's license. This section sets forth the procedure by which a respondent may request a review by the medical quality assurance commission of its decision to revoke the respondent's license under RCW 18.71.019:

(1) If the commission issues a final order revoking a respondent's license following an adjudicative proceeding, the respondent may request a review of the decision by a review panel of the commission.

(2) The respondent shall file a written request with the commission within twenty days of effective date of the final order. The respondent may not request an extension of the twenty-day period to file a request for review.

(3) The respondent's request for review of the final order does not change the effective date of the final order.

(4) A review panel shall review the final order. The review panel is composed of the members of the commission who did not:

(a) Review the initial investigation and make the decision to issue a statement of charges against the respondent in this matter; or

(b) Hear the evidence at the adjudicative proceeding and issue the final order revoking the respondent's license.

(5) Within seven days of receipt of the request for review of the final order, a scheduling order is issued setting a date for the review hearing, and a date for the filing of written argument by the parties. The review hearing must take place within sixty days of the respondent's request for review of the final order.

(6) The review panel shall convene in person for the review hearing on the date set in the scheduling order. If a commission member is unavailable to meet on the scheduled date, a pro tempore member shall take that person's place on the review panel. At the review hearing, the review panel:

(a) Shall review the final order;

(b) Shall review written argument presented by the parties; and

(c) May hear oral argument by the parties.

(7) If the review panel determines that revocation of the respondent's license is not the appropriate sanction, it shall issue an amended order setting the appropriate sanction(s) necessary to protect the public.

(8) If the review panel determines that revocation of the respondent's license is appropriate, it shall issue an order confirming that decision.

WSR 97-15-129

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 96-15—Filed July 23, 1997, 10:22 a.m.]

Continuance of WSR 97-08-085.

Preproposal statement of inquiry was filed as WSR 96-06-018.

Title of Rule: Chapter 197-11 WAC, State Environmental Policy Act rules.

Purpose: To extend adoption date from July 2, 1997, to October 1, 1997.

Date of Intended Adoption: October 1, 1997.

July 12, 1997
Dan Silver
Deputy Director

WSR 97-15-130

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 97-06—Filed July 23, 1997, 10:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-08-038.

Title of Rule: Revise stream typing rules adopted by reference via chapter 173-202 WAC, Forest practices rules and regulations to protect water quality.

Purpose: Modify forest practices rules defining Type 2 and 3 Waters in WAC 222-16-030 (adopted by reference by chapter 173-202 WAC), and define requirements for Forest Practices Board (FPB) manual.

Other Identifying Information: Emergency rule relative to this proposal was adopted by ecology on February 14, 1997 (WSR 97-05-039). Forest Practices Board is filing companion proposal (WSR 97-05-033).

Statutory Authority for Adoption: RCW 90.48.420, 76.09.040, [76.09.]050, and chapter 34.05 RCW.

Statute Being Implemented: Chapter 90.48 RCW.

Summary: Amend WAC 173-202-020 to adopt by reference changes in WAC 222-12-090 and 222-16-030.

Reasons Supporting Proposal: Field checks and studies showed many streams were mistyped based on physical characteristics. Streams with fish were classed as not having fish. Proposed rule would update stream typing to reflect current state of knowledge and provide intended protection. Proposal will be coordinated with Forest Practices Board staff to the extent practicable.

Name of Agency Personnel Responsible for Drafting: Doug Rushton, 300 Desmond Drive, Lacey, WA 98503, (360) 407-6180; Implementation and Enforcement: Dick Wallace, 300 Desmond Drive, Lacey, WA 98503, (360) 407-6489.

Name of Proponent: Department of Ecology, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This proposal based on consensus recommendation from timber, fish, wildlife participants.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule established presumptions for determining fish use in the absence of field verification. Current knowledge about fish use in streams and habitat is needed in forest practices and related water quality rules so appropriate riparian and aquatic protection is provided. Recent studies have shown the need to upgrade some Type 4 (nonfish bearing) streams to Type 2 or 3 (fish-bearing). The proposed rules are necessary to protect public resources, specifically fish, by ensuring riparian values are being applied to fish-bearing streams and that water quality upstream of fish hatchery intakes is protected.

The proposal adds fish use determination protocols to the Forest Practices Board manual.

Timber, fish, and wildlife participants developed this rule and recommended it as a consensus proposal to the Forest Practices Board and ecology as a first step in developing a comprehensive strategy to address fish, water quality, and a functional water typing system. TFW is continuing to develop a more comprehensive proposed rule that will also meet federal water quality requirements.

Proposal Changes the Following Existing Rules: WAC 222-16-030 provides protection of water quality upstream on fish hatcheries; stream gradient percentages changes from "less than 12%" to "16% or less"; stream channel widths change from "5 ft." to "2 ft. or greater in western Washington" and "3 ft. or greater in eastern Washington"; contributing basin sizes are added to the rule: Fifty acres in western Washington and one hundred seventy-five acres in eastern Washington; DNR is given authority to waive presumption of fish use based on three specific criteria.

Ecology coadopts by reference through chapter 173-202 WAC, Washington Forest Practices rules and regulations to protect water quality (specifically WAC 173-202-020).

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

Please refer to WSR 97-15-042.

A copy of the statement may be obtained by writing to Forest Practices Board, Recording Secretary, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, FAX (360) 902-1784.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Considered to be a significant legislative rule.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on November 12, 1997, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Forest Practices Board Secretary, (360) 902-1413, by October 13, 1997, TDD (360) 902-1431.

Submit Written Comments to: Doug Rushton, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, FAX (360) 407-6426, by November 30, 1997.

Date of Intended Adoption: December 10, 1997.

July 15, 1997
Dan Silver
Deputy Director

AMENDATORY SECTION (Amending WSR 94-17-011, filed 8/8/94, effective 9/8/94)

WAC 173-202-020 Certain WAC sections adopted by reference. The following sections of the Washington Administrative Code existing on (~~September 15, 1994~~) July 11, 1997, are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

WAC 222-08-035—Continuing review of forest practices regulations.

WAC 222-12-010—Authority.

WAC 222-12-040—Alternate plans.

WAC 222-12-045—Adaptive management.

WAC 222-12-046—Cumulative effect

WAC 222-12-070—Enforcement policy.

WAC 222-12-090—Forest practices board manual.

WAC 222-16-010—General definitions.

WAC 222-16-030—Water typing system.

WAC 222-16-035—Wetland typing system.

WAC 222-16-050 (1)(a), (1)(e), (1)(h), (1)(i), (3)(b),

(3)(c), (3)(d), (3)(e), (3)(f), (3)(n), (3)(o), (3)(p),

(4)(c), (4)(d), (4)(e), (5)(b), (5)(c), (5)(d), (5)(e),

(5)(f), (5)(h), (5)(n)—Classes of forest practices.

WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.

WAC 222-22-010—Policy.

WAC 222-22-020—Watershed administrative units.

WAC 222-22-030—Qualification of watershed resource analysts, specialists, and field managers.

WAC 222-22-040—Watershed prioritization.

WAC 222-22-050—Level 1 watershed resource assessment.

WAC 222-22-060—Level 2 watershed resource assessment.

WAC 222-22-070—Prescription recommendation.

WAC 222-22-080—Approval of watershed analysis.

WAC 222-22-090—Use and review of watershed analysis.

WAC 222-22-100—Application review prior to watershed analysis.

WAC 222-24-010—Policy.

WAC 222-24-020 (2), (3), (4), (6)—Road location.

WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.

WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road construction.

WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—Landing location and construction.

WAC 222-24-040 (1), (2), (3), (4)—Water crossing structures.

WAC 222-24-050—Road maintenance.

WAC 222-24-060 (1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.

WAC 222-30-010—Policy—Timber harvesting.

WAC 222-30-020 (2), (3), (4), (5), (7)(a), (7)(e), (7)(f), (8)(c)—Harvest unit planning and design.

WAC 222-30-025—Green-up: Even-aged harvest size and timing.

WAC 222-30-030—Stream bank integrity.

WAC 222-30-040—Shade requirements to maintain stream temperature.

- WAC 222-30-050 (1), (2), (3)—Felling and bucking.
 WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.
 WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—
 Tractor and wheeled skidding systems.
 WAC 222-30-080 (1), (2)—Landing cleanup.
 WAC 222-30-100 (1)(a), (1)(c), (4), (5)—Slash disposal.
 WAC 222-34-040—Site preparation and rehabilitation.
 WAC 222-38-010—Policy—Forest chemicals.
 WAC 222-38-020—Handling, storage, and application
 of pesticides.
 WAC 222-38-030—Handling, storage, and application
 of fertilizers.
 WAC 222-38-040—Handling, storage, and application
 of other forest chemicals.

WSR 97-15-132
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services Administration)
 (Public Assistance)
 [Filed July 23, 1997, 10:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-047.

Title of Rule: Limited moratorium on the licensing of adult family homes, WAC 388-76-9970 through 388-76-9980.

Purpose: To implement a limited moratorium on the licensing of adult family homes as mandated by the 1997 legislature in section 402 of E2SHB 1850.

Statutory Authority for Adoption: Section 402 of E2SHB 1850, passed by the 1997 legislature.

Statute Being Implemented: Section 402 of E2SHB 1850, passed by the 1997 legislature.

Summary: In section 402 of E2SHB 1850, the legislature mandated the Department of Social and Health Services (DSHS) to implement a limited moratorium on the licensing of adult family homes. Rules are necessary to implement the moratorium, and specifically, to describe a process for granting exceptions to the moratorium on a case-by-case basis in order to accommodate the residential long-term care needs of particular geographical or ethnic communities.

Reasons Supporting Proposal: Rules are required by statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jeanne Marie Thomas, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, (360) 493-2626 or (360) [(800)] 422-3263.

Name of Proponent: Department of Social and Health Services, Aging and Adult Services Administration, Residential Care Services, governmental.

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

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

Proposal does not change existing rules.

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

RCW 34.05.328 applies to this rule adoption.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on August 26, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by August 19, 1997, e-mail lbaldwin@dshs.wa.gov, TTY (360) 902-8324, or (360) 902-7540.

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 August 26, 1997.

Date of Intended Adoption: No sooner than August 27, 1997.

July 22, 1997

Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

NEW SECTION

WAC 388-76-9970 Purpose. The purpose of WAC 388-76-9970 through 388-76-9980 is to satisfy the legislative requirements of section 402, chapter 392, Laws of 1997.

NEW SECTION

WAC 388-76-9972 Definitions. For purposes of WAC 388-76-9970 through 388-76-9980, the following definitions shall apply:

"Accommodation" means a determination by the department to accept an application for a new adult family home license, based on a case-by-case review of requests.

"Long distance" means a distance of thirty miles or more, or requiring thirty minutes or more of travel time between existing licensed residential long-term care facilities.

"Moratorium" means a temporary stoppage of the acceptance of new adult family home applications received during the dates specified in WAC 388-76-9974. The moratorium is limited because accommodations may be granted by the department to allow for the application for new licenses, in individual cases in which the department finds that a need exists.

"Need" means the necessity for long-term care services by persons enrolled in Medicaid whose care requirements have been assessed to be most appropriately served in a residential long-term care setting. To meet this definition, the department must find that a need exists for one of the following:

(1) Services for persons who reside in a geographical area which has a lack of available providers; a need will be found by the department based on consultation with case managers and on a review of the availability of existing residential facilities; or

(2) Services for persons whose requirements are distinctive, and require special expertise by care providers; a need will be found by the department based on consultation with case managers or specialized departmental staff, such as staff serving persons with developmental disabilities or with mental health disabilities; or

(3) Services for persons of particular ethnic groups whose cultural lifestyle can only be maintained by care providers with knowledge of their culture; a need will be found by the department based on consultation with case

managers or specialized departmental staff, such as staff serving persons with developmental disabilities, or persons with mental health disabilities; or

(4) Services for persons who would be isolated from family and friends if they relocated across a long distance in order to receive residential services; a need will be found by the department based on a review of the proximity of existing residential facilities.

NEW SECTION

WAC 388-76-9974 Effective date of the moratorium.

The moratorium shall be effective beginning at 8:00 a.m., September 4, 1997, and extend through 5:00 p.m., December 12, 1997, or until such time as the secretary removes the moratorium. After the moratorium is lifted by the secretary, WAC 388-76-9970 through 388-76-9980 will no longer be effective.

NEW SECTION

WAC 388-76-9976 Process for requesting an individual accommodation. (1) Before submitting an application for adult family home licensure, a person must request an individual accommodation to the moratorium by writing a letter to the director of residential care services, aging and adult services administration, at the following address:

Aging and Adult Services Administration
Director, Residential Care Services
PO Box 45600
Olympia, WA 98504-5600

(2) Any requests for individual accommodations that do not contain all of the requirements listed in subsection (3) of this section, will be returned to the individual making the request without action.

(3) The letter requesting an individual accommodation shall contain all of the following:

(a) A statement that the letter is a request for an individual accommodation to the moratorium on the licensure of new adult family homes; and

(b) A statement of which type of need, as defined in WAC 388-76-9972, the adult family home proposes to address; and

(c) A statement that the applicant will contract with the state to provide service to a client or clients who have been determined to be Medicaid eligible; and

(d) A photocopy of one of the following:

(i) For persons who do not currently have an adult family home license: The certificate of attendance at an adult family home orientation. The certificate of attendance can be obtained by attending an orientation session sponsored by a local adult family home area office. Information about the orientations may be obtained by calling the phone numbers listed in subsection (6) of this section; or

(ii) For persons who currently operate a licensed home and are requesting consideration of an additional license, and therefore do not need to attend orientation: A current adult family home license.

(4) The director of residential care services, or the director's designee, shall respond in writing, within fifteen working days, with a decision to grant or deny the request for the individual accommodation. Individuals who receive

a letter granting their request for accommodation may then apply for an adult family home license.

(5) The letter requesting the accommodation should not be accompanied by an adult family home application. Any applications or accompanying checks sent with letters will be returned to the applicant without action.

(6) The adult family home area offices are:

Southeast Washington
Phone: 360/493-2546

Address: Residential Care Services/
Adult Family Home Area Office
PO Box 45600

Olympia, WA 98504-5600

Counties: Clark, Cowlitz, Klickitat, Lewis, Pacific, Skamania, Thurston, Wahkiakum.

King County

Phone: 206/587-4285

Address: Residential Care Services/
Adult Family Home Area Office

1737 Airport Way S, Suite 160

Seattle, WA 98134

County: King (excluding north King County zip codes).

Northwest Washington

Phone: 360/653-0591

Address: Residential Care Services/
Adult Family Home Area Office

PO Box 3504

Arlington, WA 98036

Counties: Island, San Juan, Skagit, Snohomish, Whatcom (and including north King County zip codes).

Northeast Washington

Phone: 509/456-3911

Address: Residential Care Services/
Adult Family Home Area Office

316 W. Boone, Suite 170

Spokane, WA 99201-2351

Counties: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Yakima.

Pierce County and the Olympic Peninsula

Phone: 253/597-4160

Address: Residential Care Services/
Adult Family Home Area Office

1949 S. State Street

Tacoma, WA 98405-2850

Counties: Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pierce.

NEW SECTION

WAC 388-76-9978 Applications that will be processed during the moratorium. (1) Applications received under any one of the following conditions shall be processed according to the usual departmental licensure process:

(a) Applications postmarked on or before September 3, 1997, to:

Aging and Adult Services Administration
Residential Care Services

PO Box 45600
Olympia, WA 98504-5600; or

(b) Applications hand delivered no later than 5:00 p.m.,
September 3, 1997, to:

Aging and Adult Services Administration
Residential Care Services/Adult Family
Home Licensing
Building A, 600 Woodland Square Loop
Lacey, WA 98503

With the delivery confirmed by a receipt from Aging
and Adult Services staff; or

(c) Applications received with an attached letter from
the director of residential care services, or the director's
designee, stating that an individual accommodation has been
granted; or

(d) Applications for licensed homes that are relocating
within the same county of residence. This does not include
applications for licenses for homes where the license is being
transferred from one individual or entity to another individu-
al or entity.

(2) All other applications shall be returned to the
applicant without action.

NEW SECTION

**WAC 388-76-9980 Notification of the end of the
moratorium.** Persons currently holding an adult family
home license, and persons on the department's interested
parties mailing list will be notified of the date that the
moratorium is no longer in effect, as determined by the
secretary.

WSR 97-15-133

PROPOSED RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Division of Alcohol and Substance Abuse)

(General Provisions)

[Filed July 23, 1997, 10:30 a.m.]

Original Notice.

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

Title of Rule: Certification requirements for chemical
dependency treatment service providers.

Purpose: To correct reference errors in WAC 440-22-
220 (1) and (2)(d) of our recently adopted amendments.

Statutory Authority for Adoption: Chapter 70.96A
RCW.

Statute Being Implemented: Chapter 70.96A RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: To provide the correct
reference within this administrative rule.

Name of Agency Personnel Responsible for Drafting:
Division of Alcohol and Substance Abuse, Gary Reynolds,
Lacey, Washington, (360) 438-8054; Implementation and
Enforcement: Division of Alcohol and Substance Abuse,
Certification Section, Lacey, Washington, (360) 438-8052.

Name of Proponent: Department of Social and Health
Services, Division of Alcohol and Substance Abuse, govern-
mental.

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

Explanation of Rule, its Purpose, and Anticipated
Effects: Typographical errors in this newly adopted rule
provides cross-references to the wrong WAC sections.
Corrections to these references have been made through the
emergency rule-making process to avoid confusion (see
WSR 97-15-033). This notice is made to initiate the
permanent adoption for these corrections in accordance with
rule-making procedures.

Proposal Changes the Following Existing Rules:
Corrects a reference error within WAC 440-22-220 (1) and
(2)(d).

No small business economic impact statement has been
prepared under chapter 19.85 RCW. None required.
Typographical error correction only.

Section 201, chapter 403, Laws of 1995, does not apply
to this rule adoption. The Department of Social and Health
Services is not a named agency under RCW 34.05.328.

Hearing Location: Lacey Government Center (behind
Tokyo Bento restaurant), 1009 College Street S.E., Room
104B, Lacey, WA 98503, on August 26, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie
Baldwin, Rules Coordinator, by August 19, 1997, e-mail
lbaldwin@dshs.wa.gov, TDD (360) 902-8324, or (360) 902-
7540.

Submit Written Comments to and Include WAC
Numbers: Leslie Baldwin, Rules Coordinator, Rules and
Policies Assistance Unit, Department of Social and Health
Services, P.O. Box 45850, Olympia, WA 98504-5850, FAX
(360) 902-8292, by August 26, 1997.

Date of Intended Adoption: No sooner than August 27,
1997.

July 15, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 97-13-050,
filed 6/13/97, effective 7/14/97)

**WAC 440-22-220 Chemical dependency counselor
intern (CI) completion.** To complete CI internship, a
person shall:

(1) Obtain a two-year degree, or its academic equiva-
lent, from an accredited college or university. The course
work shall include all WAC (~~((440-20-200))~~) 440-22-200
academic requirements and the course work listed in subsec-
tion (2) through (4) of this section.

(2) Complete twenty-four quarter or sixteen semester
credits from an accredited college or university which
includes a minimum of three quarter or two semester credits
in distinct courses in the following three topic areas:

- (a) Group process in chemical dependency treatment;
- (b) Chemical dependency in the family; and
- (c) Case management and record keeping for chemically
dependent patients.

(d) The remainder of the twenty-four quarter or sixteen
semester credits noted in ~~((a))~~ (2) of this subsection shall
include distinct courses in the following topic areas:

- (i) Ethics in chemical dependency treatment;
- (ii) Chemical dependency and the laws;
- (iii) Human growth and development; and

(iv) Introductory or general psychology.

(3) Obtain one hundred eighty hours of state-approved training or equivalent credit from an accredited college or university in workshops or courses that address the following topic areas:

- (a) Relapse prevention;
 - (b) Youth chemical dependency assessment and counseling;
 - (c) Cultural awareness;
 - (d) HIV/AIDS brief risk intervention for CDCs, as approved by the department; and
 - (e) Other workshops or courses that will enhance skills as a chemical dependency counselor.
- (4) Complete two thousand clock hours of directly supervised experience as a (CI) in a state-certified chemical dependency treatment agency. The internship shall include a minimum of one hundred sixty hours in each of the following clinical areas:
- (a) Conducting assessments;
 - (b) Individual counseling; and
 - (c) Group counseling.

WSR 97-15-134

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

(Public Assistance)

[Filed July 23, 1997, 10:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-11-043.

Title of Rule: WAC 388-110-110 Caregiver and education training requirements.

Purpose: The department would like to adopt a rule to allow providers who contract with the department to provide assisted living services, enhanced adult residential care, and adult residential care, the option of having their caregiving staff take a challenge test in lieu of attending required caregiver training class. This revision would amend WAC 388-110-110 Caregiver education and training requirements.

Statutory Authority for Adoption: RCW 74.39A.010 and 74.39A.020.

Statute Being Implemented: RCW 74.39A.010 and 74.39A.020.

Summary: Many of the providers Aging and Adult Services Administration (AASA) contract with have staff who are knowledgeable and/or experienced caregivers. AASA's required caregiver training classes may not be very beneficial for these caregivers. This rule would exempt caregivers who take and pass AASA's challenge test from having to complete the required class. This rule will assist providers to target training resources more effectively.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Stacy Winokur, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, (360) 407-0505 or 1-800-422-3263.

Name of Proponent: Department of Social and Health Services, Aging and Adult Services Administration, Residential Care Services, governmental.

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

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

Proposal Changes the Following Existing Rules: The proposed rule would allow providers who contract with the department to provide assisted living services, enhanced adult residential care, and adult residential care, the option of having their caregiving staff take a challenge test in lieu of attending required caregiver training class.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change creates no financial impact on providers. It will allow providers who contract with the department to provide assisted living services, enhanced adult residential care, and adult residential care, the option of having their caregiving staff take a challenge test in lieu of attending required caregiver training class, saving staff time.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The proposed change is exempt from this requirement.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College S.E., Room 104-B, Lacey, WA 98503, on August 26, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by August 19, 1997, e-mail lbaldwin@dshs.wa.gov, TTY (360) 902-8324, or (360) 902-7540.

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 August 26, 1997.

Date of Intended Adoption: No sooner than August 27, 1997.

July 22, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 96-21-050, filed 10/11/96, effective 11/11/96)

WAC 388-110-110 Caregiver education and training requirements. (1) The contractor shall ensure that:

(a) All caregivers hired on or after July 1, 1996 successfully complete the department designated fundamentals of caregiving training within one hundred twenty days of employment, unless he or she meets the requirements in subsection (2) below;

(b) All caregivers hired prior to July 1, 1996 successfully complete the department designated fundamentals of caregiving training prior to March 1, 1997, unless he or she meets the requirements in subsection (2) below; and

(c) All caregivers complete a minimum of ten hours of continuing education credits per calendar year, on topics relevant to caregiving:

(i) Topics include but are not limited to residents' rights, personal care, dementia, mental illness, developmental disabilities, depression, medication assistance, communica-

tion skills, alternatives to restraints, and activities for residents;
 (ii) Caregivers must receive a certificate of completion to meet the requirement for continuing education credit and each hour of completed instruction will count as one hour of continuing education credit; and

(iii) The continuing education requirement begins the calendar year after the year in which the caregiver completes the fundamentals or modified fundamentals of caregiving training.

(2) A caregiver who ~~((is a))~~ has successfully completed training as a registered or licensed practical nurse, a physical or occupational therapist, a nursing assistant certified, a home health aide from a Medicare-certified home health agency or who has successfully completed a department approved adult family home training, or department approved personal care training from an area agency on aging or its subcontractor, is exempt from the fundamentals of caregiving training in subsection (1) above if the caregiver successfully completes the department designated modified fundamentals of caregiving training in accordance with the dates specified in subsection (1) above.

(3) Caregivers are exempt from attending the fundamentals of caregiving or modified fundamentals of caregiving trainings if they successfully pass the department's challenge test for the class they are required to take. The caregiver has only one opportunity to take the challenge test. If the caregiver does not successfully pass the challenge test, then he/she must attend the fundamentals of caregiving or modified fundamentals of caregiving trainings as required.

(4) Contractors who meet the prescribed criteria may be approved by the department to provide the department's designated caregiver training programs within the facility.

~~((4))~~ (5) Volunteers are exempt from the training requirements listed above unless they provide unsupervised direct personal care to residents.

~~((5))~~ (6) The contractor shall document that caregivers have met the education and training requirements.

WSR 97-15-138
PROPOSED RULES
BOARD OF BOILER RULES
 [Filed July 23, 1997, 10:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-11-004.

Title of Rule: Chapter 296-104 WAC.

Purpose: To comply with actions taken by the Board of Boiler Rules and to update current rules using clear rule writing.

Statutory Authority for Adoption: RCW 70.79.030, 70.79.040.

Statute Being Implemented: Duties of board-make definitions, rules and regulations Boiler Construction Code. Rules and regulations—Scope.

Summary: WAC 296-104-200 Construction—Standards for new construction, adopts CSD-1 of the ASME Code, clarifies wording.

WAC 296-104-215 Construction—Nonstandard boilers and unfired pressure vessels, deletes wording for clarification and to conform to intent of chapter 70.79 RCW.

WAC 296-104-265 Installation—Control and limit devices, retitles for consistency and clarification.

WAC 296-104-270 Inspection of systems—Explosion doors, retitles as Installation—What are the requirements for an explosion door? Rewords using clear rule writing.

WAC 296-104-285 Inspection—Unfired pressure vessels in places of public assembly, retitles as Inspection—Which unfired pressure vessels in places of public assembly are subject to these rules? Renumbers as WAC 296-104-107 for continuity. Rewords for clarification using clear rule writing.

WAC 296-104-300 New installations—Ladders and runways, retitles as Installation—When do I need to provide platforms around boilers? Rewords for clarification using clear rule writing.

WAC 296-104-305 New installations—Exits from boiler rooms, retitles as Installation—How many exits are required in boiler rooms? Rewords using clear rule writing.

WAC 296-104-310 New installations—Discharge from safety valves, blow offs and drains, retitles as Installation—Where should the discharge from safety valves, blowoffs and drains be directed? Rewords for clarification using clear rule writing.

WAC 296-104-320 New installations—Underground installations, retitles as Installation—What are the requirements for underground installations? Rewords/further clarifies requirements using clear rule writing.

WAC 296-104-325 Installations—Supports, retitles as Installations—What are the requirements for boiler and pressure vessel supports?

WAC 296-104-330 New installations—Pressure reducing valves, retitles as Installations—What are the relief or safety valva [valve] requirements when pressure reducing valves are used? Rewords for clarification using clear rule writing.

WAC 296-104-405 Existing installations—Existing boilers or unfired pressure vessels, retitles as Existing installations—How can the maximum allowable working pressure be established for nonstandard boilers or unfired pressure vessels? Rewords using clear rule writing.

Repealing WAC 296-104-400 Existing installations—Stamping of existing boilers and unfired pressure vessels, 296-104-410 Existing installations—Noncode steel heating boilers, and 296-104-415 Existing installations—Noncode cast iron boilers.

Reasons Supporting Proposal: To comply with actions taken by the Board of Boiler Rules to clarify wording, make existing WACs consistent with nationally accepted codes and standards and to respond to industry requests and public safety factors.

Name of Agency Personnel Responsible for Drafting: Board of Boiler Rules, 7273 Linderson Way S.W., Tumwater, (360) 902-5270; and Implementation: Dick Barkdoll and Pat Carlson-Brown, 7273 Linderson Way S.W., (360) 902-5270.

Name of Proponent: Board of Boiler Rules, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-104-200, adopts new section of ASME Code requirements for compliance; WAC 296-104-215,

deletes a certain provision for clarification and to conform to intent of chapter 70.79 RCW; WAC 296-104-265, retitles for consistency and clarification; WAC 296-104-270, retitles using clear rule writing. Clarifies rule; WAC 296-104-285, retitles using clear rule writing. Renumbers for consistency. Deletes unnecessary wording; WAC 296-104-300, retitles using clear rule writing. Clarifies wording and adds more specific information; WAC 296-104-305, retitles using clear rule writing. Clarifies wording and adds new provision to meet specific codes; WAC 296-104-310, retitles using clear rule writing. Adds new wording for clarification; WAC 296-104-320, retitles using clear rule writing. Expands requirements for clarity and safety; WAC 296-104-325, retitles using clear rule writing; WAC 296-104-330, retitles using clear rule writing. Rewords and clarifies requirements for compliance; WAC 296-104-405, rewords using clear rule writing. Adds specific maximum allowable working pressures for different types of vessels. Rewords definitions of formula for those not listed or when original construction code is unknown; and repealing WAC 296-104-400, covered under WAC 296-104-140, WAC 296-104-410, covered under WAC 296-104-405, and WAC 296-104-415, covered under WAC 296-104-405.

Proposal Changes the Following Existing Rules:
Summary of Proposed Rule: The boiler section of the Department of Labor and Industries is proposing multiple changes to chapter 296-104 WAC, Board of Boiler Rules. The proposed amendments will make the current standard consistent with national codes and standards, and make the intent of the standard more clear.

Based on discussions with program staff, the proposed changes will generate no economic impact on business.

Small Business Economic Impact Statement: The Regulatory Fairness Act, chapter 19.85 RCW, requires that the economic impact of proposed regulations be analyzed in relation to small business, and outlines the information that must be included in a small business economic impact statement (SBEIS). Preparation of an SBEIS is required when a proposed rule has the potential of placing a more than minor economic impact on business.

However, in this instance, the proposed rule does not have the potential of placing a more than minor economic impact on business. Thus, an SBEIS is not required.

Evaluation of Probable Costs and Probable Benefits: The department is further exempted from evaluating the probable costs and probable benefits of the proposed rule as required by RCW 34.05.328 (1)(c) of the Administrative Procedure Act, based on the fact that the proposed rule is not considered "significant," as defined by the legislature.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Board of Boiler Rules and the department have considered whether these rules are subject to the Regulatory Fairness Act and have determined that they are not for the following reasons: The changes made are for clarification of existing rules of chapter 296-104 WAC and consistency with national codes and standards. Clear rule writing was used in the clarifying and those rules covered elsewhere were deleted. No fees were increased.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.328 exempts the Board of Boiler Rules from the significant rules requirements and

although the criteria does not apply, the board chooses to apply the criteria.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, on September 16, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Dick Barkdoll by September 16, 1997, (360) 902-5270.

Submit Written Comments to: Dick Barkdoll, Department of Labor and Industries, Boiler Section, P.O. Box 44410, Olympia, WA 98504-4410, FAX (360) 902-5272, by September 15, 1997.

Date of Intended Adoption: September 30, 1997.

July 23, 1997

Charles Butros
Chairman

NEW SECTION

WAC 296-104-107 Inspection—Which unfired pressure vessels in places of public assembly are subject to these rules? All unfired pressure vessels in places of public assembly are subject to these rules except those:

- (1) Less than 1 1/2 cubic feet (11.25 gallon) in volume with a safety valve setting of 150 psi, or less; or
- (2) Less than 6 inches in diameter, and less than 5 cubic feet (37.5 gallon) in volume with a safety valve set at any pressure.

AMENDATORY SECTION (Amending WSR 96-21-081, filed 10/16/96, effective 11/16/96)

WAC 296-104-200 Construction—Standards for new construction. The standards for new construction are the ASME Boiler and Pressure Vessel Code, Sections I, III, IV, VIII, ~~((and))~~ X, and CSD-1 1995 edition, ~~((with addenda))~~ and the ASME/ANSI PVHO-1 (Standard for Pressure Vessels for Human Occupancy), 1987 edition. These codes and standards may be used on or after the date of issue and become mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2). The board recognizes that the ASME Code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. ~~((Also, in circumstances such as))~~ For nuclear systems, components and parts the time period for addenda becoming mandatory is defined in the Code of Federal Regulations.

AMENDATORY SECTION (Amending WSR 96-21-081, filed 10/16/96, effective 11/16/96)

WAC 296-104-215 Construction—Nonstandard boilers and unfired pressure vessels. Nonstandard boilers and unfired pressure vessels constructed prior to January 1, 1952, may be used provided they have not been moved from their original setting since January 1, 1952 ~~((or ownership has not changed since January 1, 1952))~~.

AMENDATORY SECTION (Amending Order 87-25, filed 12/17/87)

WAC 296-104-265 ~~((Inspection of systems))~~ Installation—Control and limit devices. All automatically fired steam, vapor, or hot water boilers ~~((excepting))~~ except

boilers having a constant attendant who has no other duties while the boiler is in operation, shall be equipped with an automatic low-water fuel cut-off and an automatic water feeding device. These may be incorporated in one body or may be separate devices. Designs embodying a float and float bowl shall have a vertical straight-away valve drain pipe at lowest point in the water equalizing pipe connection by which the bowl and equalizing pipe can be flushed and the device tested. Immersion units shall be designed so that they may be readily tested at frequent intervals. All boilers (~~newly~~) installed after June 1989 that are automatically fired low pressure steam heating boilers, small power boilers, and power steam boilers without a constant attendant who has no other duties shall be equipped with two high steam pressure limit controls, one of which shall be provided with a manual reset on the control with the highest setting, and two low-water fuel cut-offs, one of which shall be provided with a manual reset device and independent of the feed water controller. Coil type flash steam boilers may use two high-temperature limit controls, one of which shall be manually reset in the hot water coil section of the boiler instead of the low-water fuel cut-off. Control and limit devices shall be independently connected and electrically wired in series.

All automatically fired hot water supply, low-pressure hot water heating boilers, and power hot water boilers shall be equipped with two high-temperature limit controls, one of which shall be provided with a manual reset on the control with the highest setting, and one low-water fuel cut-off with a manual reset and independent of the feed water controller. For coil type hot water boilers a low-water flow limit control installed in the circulating water line may be used instead of a low-water fuel cut-off. Control and limit devices shall be independently connected and electrically wired in series. All boilers installed or refitted after 1998, which are fired by gas, oil, or a combination of gas or oil shall comply with any additional fuel train requirements defined in ASME CSD-1 where applicable, as adopted in WAC 296-104-200.

AMENDATORY SECTION (Amending Part IV, filed 3/23/60)

WAC 296-104-270 ((~~Inspection of systems~~)) Installation—What are the requirements for an explosion door((s))? ((Explosion doors, if used and if located in setting walls within seven feet of the firing floor or operating platform shall be provided with substantial deflectors to divert the blast.)) Provide substantial deflectors to divert the blast when explosion doors are located within seven feet of the firing floor or an operating platform.

AMENDATORY SECTION (Amending Part V, filed 3/23/60)

WAC 296-104-300 ((~~New~~)) Installation((s))—((~~Ladders and runways~~)) When do I need to provide platforms around boilers? Provide platforms allowing safe access to each boiler, when the boiler controls, valves, manholes, or casing openings are over ten feet ((~~from~~)) above the ((~~fire~~room)) floor((~~, a fireproof runway or platform shall be provided, with handrails, at a convenient level for the purpose of affording safe access to the boiler. When runway or platform is more than twelve feet in extent, at~~

~~least two means of exit shall be provided, each exit to be remotely located from the other. The provisions of this paragraph are mandatory for power boilers and are recommended for low pressure boilers.))~~

AMENDATORY SECTION (Amending Part V, filed 3/23/60)

WAC 296-104-305 ((~~New~~)) Installation((s))—((~~Exits from boiler rooms~~)) How many exits are required in boiler rooms? (1) For boiler rooms containing a boiler or a combination of boilers of over 2,000 square feet of heating surface ((~~shall have~~)), provide at least two ((~~means of~~)) exits((~~, each remotely located from the other~~)) on opposite sides of the boiler(s).

(2) Each floor elevation ((~~shall~~)) change of 10 feet or more must have ((~~at least two means of egress, each remotely located from the other. At least one means of exit, in case of a difference in elevation, shall be by ramp or stairway of standard design~~)) two exits from that elevation.

(3) All exits shall meet Washington state building codes or local building codes as applicable.

AMENDATORY SECTION (Amending Part V, filed 3/23/60)

WAC 296-104-310 ((~~New~~)) Installation((s))—Where should the discharge from safety valves, blow offs and drains((s)) be directed? Direct the discharge from safety valves, blow offs and drains ((~~shall be located~~)) to prevent injury to personnel or property. Run the discharge line outside the building from single or multiple safety valves ((~~on boilers~~)) with a capacity of 5,000 pounds of steam per hour ((~~capacity of single or multiple units shall be extended outside of building~~)) or more.

AMENDATORY SECTION (Amending Part V, filed 3/23/60)

WAC 296-104-320 ((~~New~~)) Installation((s))—What are the requirements for underground installations((s))? Where necessary to install a pressure vessel underground((s)):

(1) It shall be enclosed in a concrete or masonry pit ((~~with~~)).

(2) If covered the cover shall be removable ((~~cover so that inspection of the entire shell and heads of the vessel can be made~~)).

(3) A minimum clearance of 18 inches shall be provided between the pressure vessel proper and the ceiling, adjacent walls, or other structures.

(4) All manhole openings shall have a minimum of 5 feet of clearance from any wall, ceiling, or piping that could prevent a person from entering the pit or vessel.

AMENDATORY SECTION (Amending Part V, filed 3/23/60)

WAC 296-104-325 ((~~New~~)) Installation((s))—((~~Supports~~)) What are the requirements for boiler and pressure vessel supports? Each boiler or unfired pressure vessel shall be supported by masonry or structural supports of sufficient strength and rigidity to safely support the vessel

and its contents. There shall be no excessive vibration in either the vessel or its connecting piping.

AMENDATORY SECTION (Amending Part V, filed 3/23/60)

WAC 296-104-330 ((New)) Installation(s)—What are the relief or safety valve requirements when pressure reducing valves(+) are used? (1) Where pressure reducing valves are used, one or more relief or safety valve(s) and pressure gauge(s) shall be provided on the low pressure side of the reducing valve ((in case the piping or equipment on the low pressure side does not meet the requirement for the full initial pressure)). The relief or safety valve(s) shall be located ((adjoining to or)) as close as possible to the reducing valve. ((Proper protection shall be provided to prevent injury or damage caused by the escaping steam from the discharge of relief or safety valves if vented to the atmosphere.)) The combined discharge capacity of the relief valves shall be such that the pressure rating of the lower pressure piping or equipment shall not be exceeded in case the reducing valve sticks open. Discharge lines shall comply with WAC 296-104-310.

(2) The use of hand-controlled bypasses around reducing valves is permissible. The bypass ((if used around a reducing valve)) shall not be greater in capacity than the reducing valve unless the piping or equipment is adequately protected by a relief valve(s) or meets the requirements of the high pressure system. ((It is mandatory that a pressure gauge as well as a relief valve be installed on the low pressure side of a reducing valve.))

AMENDATORY SECTION (Amending Part VI, filed 3/23/60)

WAC 296-104-405 Existing installation(s)—((Existing)) How can the maximum allowable working pressure be established for nonstandard boilers or unfired pressure vessels(+)? The maximum allowable working pressure MAWP shall be ((determined by the following formula)) established as follows:

(1) For nonstandard steel low pressure steam heating boilers the MAWP shall be computed from the formula in subsection (5) of this section not exceeding 15 psi steam.

(2) For nonstandard steel low pressure water heating boilers the MAWP shall be computed from the formula in subsection (5) of this section not exceeding 160 psi.

(3) For nonstandard cast iron low pressure steam heating boilers the MAWP shall not exceed 15 psi steam.

(4) For nonstandard cast iron low pressure water heating boilers the MAWP shall not exceed 30 psi.

(5) For boilers and unfired pressure vessels not listed above, where the original code of construction is unknown, the following formula will be used.

$$\frac{TS \times t \times E}{R \times FS} = M A W P$$

TS = Tensile Strength in psi as given in ASME Code, when material cannot be identified use 55,000 for steel and 45,000 for wrought iron.

t = thickness in inches of the thinnest part determined by actual measurement.

E = efficiency of longitudinal joint or ligament, whichever is the least, determined by the rules and formula in the ASME Code.

When construction methods are not known welded joint efficiency will be 70%.

R = radius of largest course in inches.

FS = ~~((the minimum for boilers shall be 5; for reinstalled or second hand boilers, 6; for boilers with longitudinal lap seams, 8 (age limit for such boilers 30 years, may then be used at 15 psi provided they can otherwise pass inspection.))~~ Factor of Safety, for boilers shall be a minimum of 5. For boilers with a longitudinal lap seam it shall be a minimum 8. Boilers with a longitudinal lap seam, unless granted a special permit, may only be used at a maximum of 15 psi provided they have passed inspection. The minimum for unfired pressure vessels shall be 4 when less than 20 years old, 4 1/2 when over 20 years old.

~~((The minimum for unfired pressure vessels shall be 4 when less than 20 years old, 4 1/2 when over 20 years old.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-104-400 Existing installations—Stamping of existing boilers and unfired pressure vessels.
- WAC 296-104-410 Existing installations—Noncode steel heating boilers.
- WAC 296-104-415 Existing installations—Noncode cast iron boilers.

**WSR 97-15-143
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed July 23, 1997, 10:48 a.m.]

Continuance of WSR 97-14-111.

Preproposal statement of inquiry was filed as WSR 97-02-095.

Title of Rule: Chapter 296-46 WAC, Electrical standards and administrative rules and chapter 296-401 WAC, Certification of competency for journeyman electricians.

Purpose: To announce an additional public hearing in Spokane on August 27, 1997.

Statutory Authority for Adoption: RCW 19.28.060 and 19.28.065.

Statute Being Implemented: Chapter 19.28 RCW.

Summary: See original CR-102 filed on July 2, 1997.

Reasons Supporting Proposal: See original CR-102 filed on July 2, 1997.

Name of Agency Personnel Responsible for Drafting: Janet Lewis, 7273 Linderson Way, Tumwater, WA, (360) 902-5376; Implementation and Enforcement: Ernie LaPalm, 7273 Linderson Way, Tumwater, WA, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

Hearing Location: Department of Labor and Industries, Spokane Regional Office, Conference Room #4, Third Floor, 901 North Monroe, Spokane, WA, on August 27, 1997, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact George Huffman by August 18, 1997, (360) 902-6411.

PROPOSED

Submit Written Comments to: Department of Labor and Industries, Attention: Janet Lewis, Chief Electrical Inspector, P.O. Box 44460, Olympia, WA 98504-4460, by no later than September 3, 1997, 5:00 p.m.

In addition to written comments, the department will accept comments submitted to FAX (360) 902-5292. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: November 11, 1997.

July 22, 1997

Dorette M. Markham
Deputy
for Gary Moore
Director

WSR 97-15-145
PROPOSED RULES
OFFICE OF THE FAMILY
AND CHILDREN'S OMBUDSMAN

[Filed July 23, 1997, 10:52 a.m.]

Original Notice.

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

Title of Rule: Office of the Family and Children's Ombudsman.

Purpose: Rules governing the internal operations of the agency.

Statutory Authority for Adoption: RCW 43.06A.030(6).

Statute Being Implemented: Chapter 43.06A RCW.

Summary: Rules defining the agency, terms, duties, and implementation of duties.

Reasons Supporting Proposal: To govern the internal operations of the agency.

Name of Agency Personnel Responsible for Drafting: Charlotte E. Clark-Mahoney, Assistant Attorney General, (206) 464-6597; and Implementation: Vickie Wallen, Office of the Family and Children's Ombudsman, Director, (206) 439-3870.

Name of Proponent: Office of the Family and Children's Ombudsman, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Definition of the agency, terms, and duties. Rules relating to implementation of duties and internal operations of the agency.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt under RCW 19.85.025(2).

RCW 34.05.328 does not apply to this rule adoption. Exempt under RCW 34.05.328 (5)(b)(ii).

Hearing Location: Office of the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, WA 98164-1012, on August 27, 1997, at 4:00 p.m.

Assistance for Persons with Disabilities: Contact Charlotte Clark-Mahoney by August 22, 1997, TDD (206) 439-3789, or (206) 464-6597.

Submit Written Comments to: Dennis Ichikawa, 6720 Fort Dent Way, Suite 240, Tukwila, WA 98188, FAX (206) 439-3877, by August 25, 1997.

Date of Intended Adoption: October 14, 1997.

July 22, 1997
Dennis Ichikawa
Ombudsman

Title 112 WAC
OFFICE OF THE
FAMILY AND CHILDREN'S OMBUDSMAN

WAC 112 Title. This chapter shall be known as the Office of the Family and Children's Ombudsman.

[NEW SECTION]

WAC 112-10-010 Preamble. The Office of the Family and Children's Ombudsman (OFCO) was established to promote public awareness and understanding of family and children's services, to identify systems issues, to monitor and ensure compliance with administrative acts, statutes, rules, and policies pertaining to family and children's services and to those pertaining to the placement, supervision, and treatment of children in the state's care, in state-licensed facilities or residences, or in state operated facilities.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 112-10-020 Definitions. For purposes of these rules the following terms have the meanings indicated:

(1) "Administrative act" means an action, decision, or omission made by a governmental agency or a contracting or state-licensed agency that affects a child who is in need of state protection due to child abuse or neglect; a family who is under state supervision due to allegations of child abuse or neglect; or a child who is in state custody.

(2) "Family and children's services" are services provided by or through the Department of Social and Health Services (DSHS), or state-licensed agencies, to families who are at risk of child abuse or neglect; who are under state supervision due to allegations or findings of child abuse or neglect; or to children who are in state custody. These services include those provided by or through the Children's Administration, Juvenile Rehabilitation Administration, and Health and Rehabilitative Services Administration of DSHS.

(3) "Confidential and confidentiality" refer to information that OFCO deems to be protected by federal and state law from public disclosure or further dissemination.

(4) "Department" means the Department of Social and Health Services.

(5) "Investigative records" refers to all records obtained, held, or generated by OFCO in the performance of its duties.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 112-10-030 Location. OFCO is located organizationally within the Office of the Governor, reports directly to the Governor, and exercises the powers and duties of the

office independently of the Secretary of the Department of Social and Health Services.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 112-10-040 Authority. OFCO was created and receives its authority from RCW 43.06A.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 112-10-050 Duties. OFCO shall:

(1) Provide information as appropriate on the rights and responsibilities of individuals receiving family and children's services and on the procedures for providing these services.

(2) Investigate administrative acts alleged to be contrary to law, rule, or policy, imposed without an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds.

(3) Monitor the procedures of DSHS in carrying out its responsibilities in delivering family and children's services.

(4) Review periodically the facilities and procedures of state institutions serving children and state-licensed facilities or residences.

(5) Recommend changes in the procedures for addressing the needs of families and children.

(6) Submit an annual report to the Governor and the Legislative Oversight Committee (LOC) analyzing the work of OFCO, including recommendations.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 112-10-060 Implementation of duties (1) Investigations

(a) OFCO investigates administrative acts.

(b) OFCO investigations may be initiated based upon receipt of a complaint or on its own initiative.

(c) OFCO may decline to investigate any complaint that is not within the scope and/or priorities of OFCO's policies and resources.

(d) OFCO may conduct its investigations based upon records review, interviews, and any other investigative tools necessary to carry out its duties.

(d) Actions to be taken by OFCO after an investigation may include:

(i) Recommendations to the agency for changes in policy, procedure, or practice that should be implemented to improve service delivery and/or accountability;

(ii) Recommendations to the Legislature for legislative enactments that would improve services and/or accountability; and/or

(iii) Recommendations to the Governor for legislation, policy, and/or executive order changes that would improve services and/or accountability.

(2) *Periodic Review of Facilities.*

(a) OFCO will periodically review the policies and procedures of state institutions serving children and state-licensed or operated facilities where children reside.

(b) OFCO may review physical facilities based upon review of agency records or reports; review of agency policies and procedures; receipt of a complaint; or as patterns raising concern arise through other investigations.

(3) *Handling of DSHS Records.*

(a) As provided by applicable federal and state law, OFCO shall have access to, and permission to copy, all records held or accessible by DSHS that are relevant to any OFCO investigation. Access shall be as established pursuant to interagency protocol.

(b) Any records received from DSHS shall be deemed to be OFCO investigative records.

(c) The determination of relevance of records held or accessible by DSHS shall be made by OFCO.

(4) *Release of Confidential Records.*

(a) OFCO investigative records are confidential and exempt from disclosure under the Public Disclosure Act, RCW 42.17.

(c) Records received by OFCO shall be maintained as provided for under the law.

(d) Relevant investigative records created by OFCO shall be released to the Legislative Oversight Committee (LOC) upon request, unless prohibited by law.

(e) The determination of relevance of records to be released to the LOC shall be made by OFCO.

(b) OFCO shall treat all matters under investigation and investigative records as confidential.

Effective date—

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

**WSR 97-15-147
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)
(Wildlife)**

[Filed July 23, 1997, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-09-085.

Title of Rule: Personal use rules.

Purpose: Amend personal use rules.

Statutory Authority for Adoption: RCW 75.08.080 and 77.12.040.

Statute Being Implemented: RCW 75.08.080 and 77.12.040.

Summary: WAC 220-16-470 and 232-12-001, redefine "wild" to be generic and include both food fish and gamefish. Selective wild salmon release is now required, and a generic definition simplifies application of this conservation measure.

WAC 220-56-124, chinook release at the Hoodspout Hatchery will provide protection for south Hood Canal chinook broodstock, particularly fish returning to the Skokomish River.

WAC 220-56-190, adjust coastal salmon seasons based on preseason forecasts. The quotas have been set based on recommendations of the Pacific Fisheries Management Council.

WAC 220-56-191, adjust Puget Sound salmon seasons on preseason forecasts. The quotas have been set based on recommendations of the Pacific Fisheries Management Council.

WAC 220-56-195, eliminate closures at Carr Inlet Naval Acoustic Range and Port Susan. Other Puget Sound management strategies have eliminated the need for these closures.

WAC 220-56-205 and 232-12-619, adjust nonbuoyant lure restrictions and night closures. The Toutle and Green rivers were added as salmon fishing will occur in 1997, and adjustments to other rivers is based on observations from 1996.

Chapter 220-57 WAC, adjust river seasons based on preseason forecasts. Generally, coho protection measures are needed and the adjustments reflect this. Additional fishing opportunity is provided on the Cascade, Green, and Toutle rivers. The seasonal adjustments are based on recommendations from the Pacific Fisheries Management Council.

Chapter 220-57A WAC, Lakes Washington and Sammamish are opened to a coho only fishery based on preseason forecasts and recommendations of the Pacific Fisheries Management Council.

WAC 232-28-619, adjust gamefish seasons for salmon conservation. Closures of waters containing both gamefish and salmon will prevent hooking mortality when salmon are taken inadvertently. Affected waters are the Dungeness, Gray Wolf, Green, and Lewis rivers.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, WA 902-2325; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, WA, 902-2927.

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

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect personal use food fish and game fish, not small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Conference Room, 1st Floor, Natural Resources Building, 1111 Washington Street, Olympia, on August 26, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by August 12, 1997, TDD (360) 902-2295, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by August 25, 1997.

Date of Intended Adoption: August 26, 1997.

July 23, 1997

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-16-470 Wild. "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish with all fins intact. A fish missing an adipose or ventral fin with a healed scar at the site is not a wild fish.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-56-124 Unlawful provisions—Hoodspout Hatchery. During the period October ((46)) 1 through December 15, those waters of Catch Record Card Area 12 within a 2,000 foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodspout Salmon Hatchery are regulated as provided for in this section:

(1) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.

(2) Special daily limit of four ((ehum)) salmon, except release chinook salmon - October 1 through October 15. Special daily limit of four salmon of which no more than two may be chinook salmon - October 16 through December 15.

(3) During the period October ((46)) 1 through December 15 it is unlawful to fish for or possess salmon taken from these waters from 8:00 p.m. to 6:00 a.m.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-56-190 Coastal salmon—Saltwater seasons and daily limits. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the daily limit codes in WAC 220-56-180:

(1) ((Catch Record Card Areas 1, 2, 3, 4 and those waters of the Strait of Juan de Fuca west of the mouth of the Sekiu River—Closed.)) Catch Record Card Area 1 - Special daily limit of two salmon, special cumulative limit of four salmon in any seven consecutive days - Sundays through Thursdays only, July 21 through September 25, except closed 0-3 miles offshore and closed in the Columbia River Mouth Control Zone 1, see WAC 220-56-195.

(2) Catch Record Card Area 2 - Special daily limit of two salmon, special cumulative limit of four salmon in any seven consecutive days - Sundays through Thursdays only, July 21 through September 25, except closed 0-3 miles offshore.

(3) Grays Harbor (Catch Record Card Area 2-2) (a) Special daily limit of six salmon, not more than four of which may be adult salmon, defined as chinook salmon over 24 inches in length, coho salmon over 20 inches in length or pink, chum or sockeye salmon greater than 12 inches in

length - August 16 through January 31 in the Westport boat basin only. (b) Daily Limit A, except release all coho - September ((+6)) 1 through ((January 31)) September 30: Waters of Catch Record Card Area 2-2 east of the Channel Marker 13 Line.

~~((3))~~ (4) Willapa Bay (Catch Record Card Area 2-1) Special daily limit of six salmon, not more than ~~((four))~~ three of which may be adult salmon, defined as chinook salmon over 24 inches in length, coho salmon over 20 inches in length or pink, chum or sockeye salmon greater than 12 inches in length - August 16 through January 31.

(5) Catch Record Card Area 3 - Special daily limit of two salmon - July 21 through September 25.

(6) Catch Record Card Area 4 - (a) Waters west of the Bonilla-Tatoosh line - Special daily limit of two salmon, except release coho - July 21 through September 25. (b) Waters east of the Bonilla-Tatoosh line: September 15 through July 31, closed; August 1 through August 29 - Special daily limit of two salmon except release coho and chinook; August 30 through August 31 - Special daily limit of two salmon except release chinook; September 1 through September 14, catch and release only and terminal gear limited to surface flies only.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-56-191 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, sizes, and for the species designated in this section and as defined in the daily limit codes in WAC 220-56-180. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 220-56-190. In all fisheries provided for in this section, chinook salmon minimum size 22 inches and no minimum size for other salmon.

(1) Catch Record Card Areas 5 and 6 -

(a) Special daily limit of 2 salmon April 16 through June 15 except all chinook salmon greater than 30 inches in length and all coho salmon must be released.

(b) During the period April 16 through September 30 and November 1 through April 15, Dungeness Bay is closed to salmon angling. October 1 through October 31, special daily limit of two coho salmon.

(c) Special daily limit of 2 salmon June 16 through ((October 31 - Closed)) June 30, except release coho.

(d) ~~((Notwithstanding the provisions of this subsection October 1 through October 31 in Dungeness Bay - Special daily limit of 2 coho salmon.))~~ July 1 through July 31 - Closed.

(e) ~~((November))~~ August 1 through August 10 - Special daily limit of 2 salmon, except release coho and chinook.

(f) August 11 through September 15, special daily limit of 2 salmon, except release chinook.

(g) September 16 through January 31 - Closed.

(h) February 1 through April 15 - Special daily limit of 2 salmon. Release all coho.

(2) Catch Record Card Area 7:

(a) ~~((May))~~ October 1 through ((April 30)) July 31 - Special daily limit of 2 salmon. During the period April 16

through June 15 all chinook salmon greater than 30 inches in length must be released.

(b) August 1 through September 30 - Special daily limit of 4 salmon, not more than 2 of which may be coho or chinook.

(c) Notwithstanding the provisions of this subsection during the period ~~((September))~~ October 1 through ((November 30)) December 31 the special daily limit in Bellingham Bay is 4 salmon no more than 2 of which may be chinook.

(3) Catch Record Card Area 8-1:

(a) ~~((September 1 through October 31 - Open only in those waters of Oak Harbor west of a line from Forbes Point to Blowers Bluff (Oak Harbor). - Special daily limit of 2 coho salmon.~~

~~((b) November 1))~~ September 16 through April 15 - Special daily limit of 2 salmon. During the period September 16 through September 30 release chinook.

~~((b) April 16 through August 15 - Closed.~~

~~((c) August 16 through September 15 - Special daily limit of 4 salmon, not more than 2 of which may be coho and release all chinook.~~

(4) Catch Record Card Area 8-2:

(a) August 1 through September 30 - ~~((Open in))~~ Special daily limit of 2 salmon except release chinook salmon taken outside the Tulalip Bay zone, defined as those waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet from shore between the pilings at Old Bowers Resort northerly to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point ((Tulalip Special Area Fishery). - Special daily limit of 2 salmon).

(b) October 1 through ~~((April 30))~~ May 31 - Special daily limit of 2 salmon.

(c) ~~((May))~~ June 1 through ((September 30)) July 31 - Closed.

(5) Catch Record Card Area 9:

(a) ~~((May))~~ November 1 through ((July 4)) June 30 - Special daily limit of 2 salmon.

(b) July ~~((5))~~ 1 through ((October 15)) July 31 - Closed.

(c) ~~((October 16))~~ August 1 through ((October 31)) September 1 - Special daily limit of 2 salmon except release ((coho)) chinook salmon. (d) ((November 1 through April 30 - Special daily limit of 2 salmon.)) September 2 through September 30 - Closed.

(e) October 1 through October 31 - Special daily limit of 2 salmon except release coho.

(f) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-around from the Edmonds Fishing Pier - Special daily limit of 2 salmon and all salmon species may be retained.

~~((f) Notwithstanding the provisions of this subsection, those waters of Port Gamble south of a line from the Point Julia Dock true west to the mainland - Open September 1 through October 31 - Special daily limit of 2 salmon.))~~

(6) Catch Record Card Area 10:

(a) October 16 through ~~((July 4))~~ June 30 - Special daily limit of 2 salmon.

(b) July ~~((5))~~ 1 through October 15 - ((Open only in those waters south of Agate Pass Bridge and those waters south of a line from Restoration Point to Alki Point.)) Special daily limit of 2 salmon except:

(i) During the period July 1 through September 15, Elliott Bay east of a line from Pier 91 to Duwamish Head is closed.

(ii) During the period July 1 through October 15, Shilshole Bay east of a line from Meadow Point to West Point is closed.

(iii) During the period July 1 through August 31, release chinook in waters north of a line from West Point to Skiff Point and in waters northeast of the Agate Pass Bridge.

(iv) During the period September 16 through October 15, release chinook in the Duwamish Waterway from the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island.

(c) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-around from the Elliott Bay public fishing pier at Terminal 86 and Seacrest Pier - Special daily limit of 2 salmon and all salmon species may be retained.

(7) Catch Record Card Area 11 - May 1 through April 30 - Daily limit of 2 salmon.

(8) Catch Record Card Area 12 ~~((--May 1))~~;

(a) December 16 through ~~((October 31, closed except Quileene/Dabob Bays northerly of a line drawn due east from Whitney Point open August 16 through October 31:))~~ July 15 - Special daily limit of 2 ~~((eoh))~~ salmon. ~~((November 1 through April 30 - Daily limit of 2 salmon except))~~

(b) July 16 through September 30 - Special daily limit of 4 salmon, not more than 2 of which may be pink salmon and release all chinook and chum.

(c) October 1 through October 15 - Special daily limit of 4 salmon, not more than 2 of which may be chinook and release all chum.

(d) October 16 through December 15 - Special daily limit of 4 salmon, not more than two of which may be chinook.

(e) Waters of the Hoodsport Hatchery Zone are managed separately as provided for in WAC 220-56-124.

(9) Catch Record Card Area 13 - May 1 through April 30 - Daily limit of 2 salmon.

(10) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Additionally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, and Budd Inlet, and at Titlow Beach and the Edmonds underwater park and the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-56-195 Closed areas—Saltwater salmon angling. The following areas shall be closed to salmon angling during the times indicated:

(1) Skagit Bay: Those waters lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the state Highway 532 Bridge between Camano Island and the mainland and south of a line between the south end of McGlenn Island and the light at the south end of Fidalgo Island (Qk Fl) at the

south end of Swinomish Slough shall be closed to salmon angling April 16 through June 15.

(2) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island thence to March Point on Fidalgo Island and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling April 16 through July 31.

(3) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling from April 16 through July 31.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling April 16 through September 30.

~~((c) Those waters of Carr Inlet and Hale Passage north of a line from Penrose Point to the Carr Inlet Acoustic Range Naval Facility Pier and northwesterly of the Fox Island Bridge shall be closed to salmon angling from April 16 through June 15.))~~

(4) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red buoy, and then to the Port Williams boat ramp are closed to salmon angling April 16 through September 30 and November 1 through April 15.

(5) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 15.

~~((6) ((Port Susan: Those waters of Port Susan north of a line from Camano Head to Hermosa Point are closed to salmon angling April 16 through September 30 except waters of the Tulalip Special Area Fishery as provided for in WAC 220-56-191 (4)(a).))~~

~~((7))~~ Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as the ocean area surrounding the Columbia River mouth west of the Buoy 10 line and bounded by a line extending for 6 nautical miles due west from North Head along 46°18'00" N. latitude to 124°13'18" W. longitude, then southerly along a line of 167° true to 46°11'06" N. latitude and 124°11'00" W. longitude (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the south jetty are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling or the Buoy 10 fishery is open.

~~((8))~~ (7) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed from April 16 through June 30.

AMENDATORY SECTION (Amending Order 97-53, filed 3/19/97, effective 5/1/97)

WAC 220-56-205 Hook rules—Nonbuoyant lures.
It is unlawful to fish for or to possess salmon taken for personal use from freshwater unless the hooks used meet the requirements of this section:

(1) Nonbuoyant lure restriction: In the following waters and during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank:

Area	Time period
Naselle River (including all forks)	((September 1–November 30))
<u>Hwy 101 Bridge to Hwy 4 Bridge</u>	<u>July 1–January 31</u>
<u>Hwy 4 Bridge to Big Hill Bridge</u>	<u>October 16–January 31</u>
Willapa River	((September 1–November 30))
<u>Mouth to Hwy 6 Bridge</u>	<u>October 1–November 30</u>
<u>Hwy 6 Bridge to Fork Creek</u>	<u>October 16–January 31</u>
Humtulpis River	September 1–November 30
Satsop River (including all forks)	September 1–November 30
((North)) <u>Nemah River–North Fork</u>	((September)) <u>October 1–November 30</u>
<u>Nemah River–Middle Fork</u>	<u>September 1–November 30</u>
Dungeness and Gray Wolf Rivers	August 1–October 15
Kennedy Creek	October 1–December 31
((South Fork)) <u>Nooksack River–South Fork</u> Mouth to Skookum Creek	August 1–October 31
((South Fork)) <u>Nooksack River–South Fork</u> Upstream from Skookum Creek	June 1–September 30
Big Quilcene River	August 1–December 31
Samish River	August 1–December 31
Stillaguamish River (including all forks)	August 1–November 30
Whatcom Creek	August 1–December 31
Cowlitz River	
From Mill Creek to Barrier Dam	((April)) <u>August 1–October 31</u>
Kalama River	
((From 200 feet above Modrow Trap to mouth))	
<u>Mouth to temporary rack</u>	September 1–October 31
((North)) <u>Lewis River–North Fork</u>	
From ((overhead powerlines below Ariel Dam to)) lower Cedar Creek Boat Ramp <u>to Colvin Creek</u>	((April)) <u>August 1–</u> ((October)) <u>December 31</u>
Washougal River	
Downstream of Salmon Falls Bridge	September 1–October 31
Icicle River	
From Leavenworth Federal Fish Hatchery to mouth	May 8–June 30
Wenatchee River	
From mouth of Icicle River to Highway 2 Bridge	May 8–June 15
Skagit River (and tributaries)	
Upstream of Gilligan Creek	July 1–November 30
Tokul Creek	
From mouth to posted cable markers	December 1–March 31
Capitol Lake	August 1–November 30
Deschutes River	August 1–November 30
Elochoman River	September 1– ((November 30)) <u>October 31</u>
Grays River	September 1– ((November 30)) <u>October 31</u>
Green/Duwamish River	
mouth to Highway 164 Bridge	August 1–November 30
McAllister Creek	August 1–November 30
Nisqually River	August 1–November 30
Puyallup River	
mouth to Carbon River	August 1–November 30
Skykomish River (including all forks)	August 1–November 30
Snohomish River	August 1–November 30
White/Stuck River	October 1–November 30
<u>Toutle River–North Fork</u>	<u>September 1–October 31</u>

Green River (Cowlitz Co.)
mouth to 1500 feet below hatchery rack

September 1-October 31

(2) No leads, weights or sinkers may be attached below or less than 12 inches above a buoyant lure.

(3) All hooks must be attached within three inches of the bait or lure.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-130 Bogachiel River. Daily Limit A except release adult coho salmon - July 1 through November 30: Downstream from the Highway 101 Bridge. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-135 Calawah River. Daily Limit A except release adult coho salmon - July 1 through November 30: Downstream from the Highway 101 Bridge. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-137 Carbon River. Daily Limit A except up to 4 adult salmon may be retained, provided that not more than 2 are adult chinook and release all pink salmon - September 1 through November 30 downstream from the old bridge abutments near the east end of Bridge Street in Orting.

NEW SECTION

WAC 220-57-13701 Cascade River. Daily Limit A except release wild coho - October 1 through November 30: Upstream from mouth to hatchery road bridge.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-140 Chehalis River. (1) Daily Limit A - ~~((July 1))~~ May 16 through ((August 31)) July 15: Downstream from the ~~((Porter))~~ high bridge on the Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek.

(2) Daily Limit A - September 1 through ~~((October 31))~~ September 30 except release adult coho salmon: Downstream from the ~~((Mellon Street))~~ Porter Bridge ((in Centralia)). Single point barbless hooks required.

~~((3))~~ Daily Limit A - November 1 through January 31: Downstream from the high bridge on Weyerhaeuser Logging Road Number 17.)

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-155 Clearwater River (Jefferson County). Daily Limit A except release adult coho salmon - June 1 through ~~((August 31))~~ November 30: Downstream from the mouth of the Snahpish River.

AMENDATORY SECTION (Amending Order 97-53, filed 3/19/97, effective 5/1/97)

WAC 220-57-160 Columbia River. (1) Daily Limit C - ~~((June))~~ August 1 through December 31: Downstream from Chief Joseph Dam to Rocky Reach Dam.

(2) Rocky Reach Dam to Priest Rapids Dam: Daily Limit C - ~~((June))~~ August 1 through September 15; Daily Limit A - September 16 through December 31.

(3) Priest Rapids Dam to the Vernita Bridge: Daily Limit C - ~~((June))~~ August 1 through August 15; Daily Limit A - August 16 through October 31; Daily Limit C - November 1 through December 31.

(4) Vernita Bridge to old Hanford townsite wooden power line towers; Daily Limit C - ~~((June 16))~~ August 1 through August 15; Daily Limit A - August 16 through October 22.

(5) Old Hanford townsite wooden power line towers to Highway 395 Bridge connecting Pasco and Kennewick: Daily Limit C - ~~((June))~~ August 1 through August 15; Daily Limit A - August 16 through December 31.

(6) Highway 395 Bridge connecting Pasco and Kennewick to the ~~((Interstate 5))~~ Megler-Astoria Bridge: Daily Limit A - August 1 through December 31. It is unlawful to take or possess sockeye or chum salmon taken downstream of the Highway 395 Bridge.

~~((7))~~ Interstate 5 Bridge to the Megler-Astoria Bridge: Daily Limit A - August 1 through March 31.) During September, it is unlawful to fish for or possess salmon taken for personal use in those waters of the Columbia River north of a line from Abernathy Point Light to a boundary marker east of the mouth of Abernathy Creek. It is unlawful to take or possess sockeye or chum salmon taken downstream from the Interstate 5 Bridge to the Megler-Astoria Bridge.

~~((8))~~ (7) Megler-Astoria Bridge to the Buoy 10 Line:

(a) Daily Limit F ~~((except release chinook salmon))~~ - August 1 through ~~((Labor Day. It is unlawful to use barbed hooks in the fishery provided for in this subsection.~~

~~((b))~~ Daily limit F - the day after Labor Day through) September 30.

~~((e))~~ (b) Daily Limit A - October 1 through ((March)) December 31.

~~((d))~~ (c) It is unlawful to take or possess sockeye or chum salmon taken downstream from the Megler-Astoria Bridge to the Buoy 10 Line.

~~((9))~~ (8) North Jetty (mouth of Columbia River): Open to angling from the bank only when state waters north of the control zone are open to salmon angling. During such periods fishing from the north jetty is open 7 days per week and the daily limit shall be the same as for the ocean waters when open. Also open to angling from the bank only concurrent with the Buoy 10 fishery. Daily limit and gear requirement will be identical with those in the Buoy 10 fishery. It is unlawful to take or possess sockeye or chum salmon taken from the North Jetty.

PROPOSED

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-175 Cowlitz River. (1) Daily Limit A except ~~((release chinook salmon greater than 24 inches in length August 1 through October 15 and))~~ release chinook salmon greater than 28 inches in length caught upstream from Blue Creek October ~~((16))~~ 1 through December 31 - August 1 through April 30: Downstream from fishing boundary markers approximately 400 feet below barrier dam structures at the Cowlitz Salmon Hatchery Barrier Dam except closed to salmon angling from the markers to the mouth of Mill Creek when fishing from the south shore August 1 through October 15.

(2) Special daily limit of one salmon - May 1 through July 31: Downstream from I-5 Bridge.

(3) Salmon angling from boats is prohibited the entire year in designated open waters between the barrier dam and a line from the mouth of Mill Creek to a boundary marker on the opposite shore.

(4) Daily Limit A except minimum size of 8 inches - open the entire year: From the confluence of the Muddy Fork and Ohanapecosh rivers downstream to Scanewa Lake (Cowlitz Falls Reservoir).

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-190 Deschutes River. Daily Limit A except release coho salmon - July 1 through November 30: Upstream from Interstate 5 Bridge except closed from a point 400 feet below the lower fish ladder at Tumwater Falls upstream to the Old Highway 99 Bridge immediately upstream from Tumwater Falls.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-200 Dickey River. Daily Limit A except release adult coho salmon - July 1 through November 30: Downstream of the mouth of east fork of the Dickey River to the National Park boundary. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-230 Elk River. ~~((Daily Limit A July 1 through January 31: Downstream from the confluence of the west and middle forks to the Highway 105 Bridge.))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-235 Elochoman River. (1) Daily Limit A ~~((except release chinook salmon 24 inches in length and greater))~~ - September 1 through ~~((October 15))~~ September 30: Downstream from the mouth of the west fork.

(2) Daily Limit A except release chinook salmon greater than 28 inches ~~((or greater))~~ taken upstream from the Foster Road Bridge - October ~~((16))~~ 1 through December 31: Downstream from the mouth of the west fork.

(3) The following waters are closed to salmon angling at all times:

(a) From a point 100 feet above the upper hatchery rack to the Elochoman Salmon Hatchery Bridge located approximately 400 feet below the upper hatchery rack.

(b) From the department of fish and wildlife's temporary rack downstream to Foster (Risk) Road Bridge while this rack is installed in the river.

(c) Between points 50 feet above and 100 feet below the outlet pipes from the most downstream Elochoman Salmon Hatchery rearing pond and extending 30 feet out from the south bank of the river.

(d) From the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-240 Elwha River. (1) Special daily limit ~~((A except release chinook, pink and chum salmon))~~ of six coho of which no more than four can be adult coho - October 1 through ~~((October 31))~~ November 15.

(2) It is unlawful to fish for or possess salmon taken from the waters of the Elwha River between markers located approximately 50 yards upstream and downstream from the tribal hatchery outfall, from the slough connecting the hatchery outfall to the mainstem of the river or within 200 feet downstream of the south spillway on Aldwell Lake Dam to Aldwell Dam.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-250 Grays River. Daily Limit A except release all chum salmon and release chinook salmon ~~((24))~~ greater than 28 inches in length ~~((or greater))~~ October 1 through October 31 - September 1 through October 31: Open from mouth to mouth of South Fork Grays River. West Fork Grays River closed to salmon angling.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-255 Green River (Cowlitz County). ~~((Closed to salmon angling the entire year.))~~ Daily Limit A except release chinook salmon over 28 inches in length October 1 through November 30 - September 1 through November 30: Mouth to 1000 Road Bridge. Closed waters from 1,500 feet below salmon hatchery rock upstream to the water intake at the upper end of the hatchery grounds.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-270 Hoh River. (1) Daily Limit C - May 16 through August 31: Downstream from the mouth of the south fork Hoh to the Morgan's Crossing boat launch, including Olympic National Park.

(2) Daily Limit A - May 16 through August 31: Downstream from the Morgan's Crossing boat launch to the Highway 101 Bridge.

(3) Daily Limit A except release adult coho salmon - ~~((September 1))~~ May 16 through November 30: Down-

PROPOSED

stream from the Highway 101 Bridge. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-280 Hoquiam River—All forks. ~~((Main Hoquiam River, west fork of Hoquiam River downstream from the bridge on the Dekay Road and east fork of Hoquiam River downstream from the abandoned flat ear bridge below the mouth of Berryman Creek—Daily Limit A—July 1 through January 31.))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-285 Humptulips River. ~~((1) Daily Limit C—July 1 through January 31: Downstream of confluence of east and west forks to Highway 101 Bridge.~~

~~(2))~~ Daily Limit A - ~~((July 1))~~ September 1 through ~~((January 31))~~ October 15: Downstream from the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-300 Johns River. ~~((Daily Limit A—July 1 through January 31: Downstream from Old M&B Logging Camp Bridge at upper boundary of Johns River Habitat Management Area to Highway 105 Bridge.))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-310 Kalama River. (1) Daily Limit A - June 1 through December 31: From Summers Creek upstream to the 6420 Road (approximately one mile above the gate at the end of the county road) fly fishing only.

(2) Daily Limit A - open the entire year: Downstream from the mouth of Summers Creek to the markers approximately 1,000 feet above the Kalama Falls (Upper) Salmon Hatchery.

(3) Daily Limit A except release chinook salmon greater than twenty-eight inches in length ~~((or greater))~~ during the period October ~~((16))~~ 1 through December 31 upstream from the natural gas pipeline - August 1 through April 30: Downstream from a point 1,000 feet below the fishway at the upper salmon hatchery to the Modrow Bridge, with the following special gear restrictions: During the period September 1 through October 31, that portion of the Kalama River from markers at the Lower Kalama Hatchery pumphouse (intake) downstream to the natural gas pipeline crossing at Mahaffey's Campground fly fishing only.

(4) Daily Limit A ~~((except special daily limit of 1 salmon May 1 through July 31))~~ - ~~((May))~~ August 1 through April 30: Downstream from Modrow Bridge, except during the time the department of fish and wildlife's temporary rack is installed just below the Modrow Bridge, that portion of the river from ~~((a point 200 feet above))~~ the temporary rack downstream to a set of markers 1,500 feet below the temporary rack is closed to salmon angling and August 1

through October 15 those waters downstream from the temporary rack are closed to salmon angling.

(5) Fishing from boats with motors is prohibited at all times in waters upstream of the Modrow Bridge.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-319 Lewis River. (1) Mainstem - Daily Limit A except during the period May 1 through July 31 the daily limit is one salmon and release chinook ~~((greater than 24 inches in length))~~ August 1 through December 31 - Open entire year: Downstream from east fork to mouth.

(2) East fork:

(a) Daily Limit A except 20 inch minimum length - April 16 through May 31: Downstream from posted markers at top boat ramp at Lewisville Park.

(b) Daily Limit A except 14 inch minimum length - June 1 through July 31 ~~((and October 16 through March 15))~~: Downstream from posted markers downstream from Lucia Falls. ~~((All chinook salmon over 28 inches must be released during the period October 16 through December 31.))~~

(3) North fork:

(a) Daily Limit A except during the period May 1 through July 31 the daily limit is one salmon and release chinook salmon ~~((greater than 24 inches in length))~~ August 1 through December 31 - January 1 through December 31: Downstream from Johnson Creek.

(b) Daily Limit A except release chinook salmon ~~((greater than 24 inches in length))~~ August 1 through December 31 - August 1 through April 30: Downstream from the mouth of Colvin Creek (approximately 1/4 mile upstream of the salmon hatchery) to Johnson Creek, except that at all times it is unlawful to take, fish for or possess salmon taken for personal use from waters shoreward of the cable, buoy, and corkline located at the mouth of the Lewis River Salmon Hatchery Fishway. During the period August 16 through October 15, bank fishing only.

(c) Daily Limit A except release chinook salmon ~~((greater than 24 inches in length))~~ August 1 through September 30 - August 1 through September 30 and January 1 through April 30: Downstream from the overhead powerlines downstream from Merwin Dam to Colvin Creek.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-370 Puyallup River. Daily Limit A except ~~((up to 4 adult salmon may be retained provided no more than 2 are chinook))~~ release pink salmon in odd-numbered years - ~~((July 16))~~ August 1 through ~~((November 30))~~ December 15: Downstream from the mouth of the Carbon River to the 11th Street Bridge.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-385 Quillayute River. Daily Limit A except release adult coho salmon - March 1 through November 30: Downstream from the confluence of the Soleduck and Bogachiel rivers including Olympic National Park waters. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-415 Satsop River. Daily Limit A ~~((except release chinook salmon upstream from middle fork at all times and release chinook salmon downstream from middle fork during the period July 1 through))~~ October ~~((31 - July 1))~~ 10 through ~~((January 31))~~ November 2: Downstream from the bridge at Schafer State Park on east fork. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-425 Skagit River. (1) Special daily limit of ~~((2-chum))~~ 4 salmon not more than 2 of which may be coho salmon and release all chinook salmon - ~~((November 1))~~ August 16 through ~~((December))~~ October 31: Downstream from the mouth of ~~((Corkindale Creek))~~ the Cascade River. Only one single barbless hook may be used and bait is prohibited upstream from the Sauk River.

(2) Special daily limit of 2 salmon except release coho salmon - November 1 through December 31.

(3) All waters of the Skagit River between a line projected across the thread of the river 200 feet above the east bank of the Baker River and a line projected across the thread of the river 200 feet below the west bank of the Baker River are closed.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-430 Skokomish River. ~~((1) Daily Limit A except release coho and chum salmon - August 1 through August 31: Downstream from the Highway 101 Bridge.~~

~~((2))~~ Special daily limit ((A except release coho salmon)) of six salmon, not more than four of which may be adult salmon and release all adult chinook salmon - ((November 1)) September 20 through December 15: Downstream from the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-435 Skykomish River. (1) Special daily limit of two salmon except release chinook salmon and pink salmon - September 1 through December 31: Downstream from the confluence of north and south forks.

(2) During even-numbered years it is unlawful to retain pink salmon.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-460 Sol Duc River. Daily Limit A except release adult coho salmon - March 1 through November 30: Downstream from the concrete pump station at the Sol Duc Hatchery. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-465 Stillaguamish River. (1) Special daily limit of 4 pink salmon - August 16 through September 30: Downstream from the confluence of the north and south forks except waters of Cook Slough are closed at all times from the water flow control structure to a point 400 feet downstream.

(2) Special daily limit of two chum salmon - November 1 through December 31: Downstream from confluence of north and south forks except waters of Cook Slough are closed at all times from the water flow control structure to a point 400 feet downstream.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-480 Toutle River—North Fork. ~~((Closed to salmon angling the entire year.))~~ Daily Limit A except release chinook salmon over 28 inches in length October 1 through November 30 - September 1 through November 30: Highway 504 Bridge to mouth of Green River.

NEW SECTION

WAC 220-57-493 Wallace River. Special daily limit of 2 coho salmon - September 1 through November 30: Downstream from the Highway 2 Bridge.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-495 Washougal River. Daily Limit A except release chinook salmon over 28 inches in length upstream from the mouth of Little Washougal River during the period October ~~((16))~~ 1 through December 31 - June 1 through ~~((July 31 and October 16 through))~~ March 15: Downstream from bridge at Salmon Falls to mouth.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-525 Wynoochee River. Daily Limit A except release adult coho salmon - ~~((July))~~ September 1 through ~~((January))~~ October 31: Downstream from the 7400 line bridge upstream of the mouth of Schafer Creek. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57A-145 Sammamish Lake. ~~((Closed to salmon angling the entire year.))~~ Special daily limit of 2 coho salmon - October 1 through November 30. Waters within 1/4 mile of the mouth of Issaquah Creek are closed.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57A-175 Lake Washington. ~~((Closed to salmon angling the entire year.))~~ Special daily limit of 2 coho salmon - October 1 through November 30. Open only north of Hwy 520 Bridge and east of the Montlake Bridge.

AMENDATORY SECTION (Amending Order 97-50, filed 3/19/97, effective 5/1/97)

WAC 232-12-001 Definition of terms. Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless otherwise provided:

(1) "Snagging" means an effort to take fish with a hook and line in a manner such that the fish does not take the hook voluntarily in its mouth.

(2) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(3) "Spearing" and "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.

(4) A "valid" license, permit, tag, stamp or catch record card means a license, permit, tag, stamp, or catch record card that was issued to the bearer for the current season and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(5) "Hook" means one single, double, or treble hook. A "single hook" means a hook having a single point; a "double hook" means a hook having two points on a common shank; and a "treble hook" means a hook having three points on a common shank. "Barbless hook" means a hook on which all barbs have been deleted when manufactured, filed off, or pinched down.

(6) "Falconry" means possession, control, or use of a raptor for the purpose of hunting and free flight training.

(7) "Anadromous game fish" means:

(a) Steelhead trout, *Oncorhynchus mykiss*, defined as any searun rainbow trout over twenty inches in length

(b) Searun cutthroat, *Oncorhynchus clarkii*

(c) Searun Dolly Varden, *Salvelinus malma*

(8) "Handgun" means any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.

(9) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent and/or flavoring to attract fish. "Nonbuoyant lure" means a lure, complete with hooks, swivels or other attachments, that does not float in freshwater.

(10) "Bait" means any substance which attracts fish or wildlife by scent and/or flavor. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which uses scent and/or flavoring to attract fish or wildlife.

(11) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(12) "Daily limit" means the maximum number of game fish which a person may legally retain in a single day.

(13) "Boat fishing" means fishing while in or on a boat, raft, or any other floating device.

(14) "Catch-and-release" means a type of angling where none of the fish caught are retained by the angler.

(15) "Fish in possession" means any fish retained, secure from escape, whether dead or alive. Bass or Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.

(16) "Mouth" of stream, river, or slough means those waters upstream of a line projected between the outermost

uplands at the mouth. Outermost uplands means those lands are not covered by water during an ordinary high water.

(17) Fish length means the length of a fish measured from snout to tip of tail not fork.

(18) Slough means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Many waters commonly called sloughs are not connected to a river and, therefore, are considered lakes.

(19) "In the field or in transit" means any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motorhome or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(20) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from May 1st through the following April 30th.

(21) "Wild steelhead" means a steelhead trout that does not have the adipose or a ventral fin removed and a healed scar at the removal site.

(22) "Fresh" means game fish that are refrigerated, iced, salted, or surface glazed.

(23) "Frozen" means a game fish that is hard frozen throughout.

(24) "Processed" means a game fish that has been processed by heat for human consumption as kippered, smoked, boiled or canned.

(25) "Juvenile" means a person under fifteen years old.

(26) "Wild (~~trout~~)" when used to describe the difference between a hatchery fish and a nonhatchery fish means a (~~trout with a~~) fish with all fins intact. A fish missing an adipose fin (~~and~~) or a ventral fin with a healed scar at the location of the missing fin is not a wild fish.

AMENDATORY SECTION (Amending Order 97-50, filed 3/19/97, effective 5/1/97)

WAC 232-12-619 Permanent Washington state-wide game fish regulations. The following state-wide regulations apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day.

(2) It is unlawful to:

(a) Use a gaff hook to land steelhead in waters designated as "wild steelhead release."

(b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow. A hunting license is required to take bullfrogs.

(c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.

(d) Fish for game fish with a bow and arrow or spear.

(e) Possess fish which are under the minimum size or over the maximum size as shown in general or special regional regulations.

(3) Annual limit - steelhead trout only: Each adult angler who possesses a valid steelhead catch record card may not retain more than thirty steelhead over twenty inches in length per year (May 1 to April 30).

(4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at

a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

(5) Selective fishery regulations: In waters designated as being under selective fishery regulations, only artificial flies with a barbless single hook or lures with a barbless single hook are lawful. It is unlawful to use bait. Fish may be released until the daily limit is retained. It is unlawful to fish from any floating device equipped with a motor, unless specifically allowed under special rules for individual waters.

(6) Night closure: In waters designated as having a night closure, it is unlawful to fish from one hour after official sunset to one hour before official sunrise.

(7) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.

(8) Wild steelhead release: In waters requiring wild steelhead release, it is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.

(9) Free fishing weekends: The weekends corresponding with National Fishing Week have been declared as family fishing weekends in Washington. On these weekends a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish, except that it is unlawful to fish for or possess steelhead trout without the required license and catch record card. During free fishing weekends only the licensing requirement is affected, and all other rules remain in effect.

(10) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steelhead trout may be caught and released while using bait until the daily limit is retained.

(11) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to so.

(12) OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS:	YEAR AROUND, unless specified otherwise under exceptions to state-wide rules.
RIVERS, STREAMS AND BEAVER PONDS:	JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under exceptions to state-wide rules.

Note: The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.

Waters managed under April through October seasons are listed under the exceptions to state-wide rules.

(13) Daily limits and minimum sizes:

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
BASS	Five - not more than three over fifteen inches Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession.	None
GRASS CARP....	It is unlawful to fish for or retain grass carp.	
TROUT (except Eastern Brook trout)	A total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds . No more than two of the trout daily catch limit of 5 may be Steelhead.	None in Lakes, Ponds, and Reservoirs. Eight inches in Rivers, Streams, and Beaver Ponds.
EASTERN BROOK TROUT (Salvelinus fontinalis)	Five - to be considered part of the trout daily catch limit.	None
(a) The following game fish species are managed as trout:		
Eastern brook trout		
Brown trout		
Cutthroat trout		
Dolly Varden/Bull trout		
Golden trout		
Kokanee/Silver trout		
Lake trout		
Landlocked Atlantic salmon		
Rainbow trout/Steelhead		
Landlocked chinook and coho		
(b) Wild steelhead release June 1 through November 30.		
(c) All waters, state-wide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.		
Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the exceptions to state-wide rules, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.		
WALLEYE	Five, not more than one over twenty-four inches Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.	Eighteen inches
WHITEFISH	Fifteen	None
ALL OTHER GAME FISH	No Limit	None
BULLFROGS	Ten	None

(14) Seasonal wild steelhead limits.

(a) It is unlawful for any person to retain more than two wild steelhead from the following watersheds:

- (i) Clearwater River - mouth to Snahapish River.
- (ii) Hoh River - mainstem, south fork and tributaries thereto.

PROPOSED

(b) It is unlawful for any person to retain more than five wild steelhead from all of the following rivers and tributaries thereto:

- (i) Bogachiel River.
- (ii) Calawah River.
- (iii) Dickey River.
- (iv) Sol Duc River.
- (v) Quillayute River.

(15) Possession limit. Except as otherwise provided, the possession limit is two daily limits in fresh, frozen or processed form.

(16) River mouths. The following river mouth definitions are exceptions to the general river mouth definition:

Abernathy Creek	Highway 4 Bridge.
Bear River	Highway 101 Bridge.
Bone River	Highway 101 Bridge.
Chehalis River	Highway 101 Bridge in Aberdeen.
Cowlitz River	A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.
Dakota Creek	A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.
Deschutes River	A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.
Drano Lake	Highway 14 Bridge.
Duwamish River	First Avenue South Bridge.
Elk River	Highway 105 Bridge.
Entiat River	Highway 97 Bridge.
Hoquiam River	Highway 101 Bridge.
Humptulips River	Mouth of Jessie Slough.
Johns River	Highway 105 Bridge.
Kalama River	Boundary markers located at the mouth.
Kennedy Creek	An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.
Kettle River	Napoleon Bridge.
Lake Washington Ship Canal	A line 400 feet west of the fish ladder at the Chittenden Locks.

Lewis River
Little White Salmon River

Methow River
Naselle River
North Nemah River
Niawiakum River
North River
Palix River
Puyallup River
Samish River

Sammamish River
Skagit River

Skamokawa Creek
Skookum Creek

Snohomish River

South Nemah River

Spokane River
Tucannon Creek

Wallace River

Washougal River

Boundary markers at the mouth.
At boundary markers on the river bank downstream from the Little White Salmon National Fish Hatchery.
Highway 97 Bridge.
Highway 101 Bridge.
Highway 101 Bridge.

Highway 101 Bridge.
Highway 105 Bridge.
Highway 101 Bridge.
11th Street Bridge.
Samish Island Bridge (Bayview-Edison Road).

68th Ave. N.E. Bridge.
A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.

Highway 4 Bridge.
A line 400 yards below the old railroad bridge.
Burlington Northern Railway Bridges crossing main river and sloughs.

Lynn Point 117 degrees true to the opposite shore.

State Route 25 Bridge.
State Highway 261 Bridge.

The furthest downstream railroad bridge.

A straight line projected from the James River pumphouse southeasterly across the Washougal River to the east end of Highway

PROPOSED

PROPOSED

Whatcom Creek	14 Bridge at the upper end of Lady Island. A line projected approximately 14 degrees true from the flashing light to the south-westerly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.	Creek Big Quilcene River Samish River Stillaquamish River (including all forks) Whatcom Creek Cowlitz River From Mill Creek to Barrier Dam	June 1 - September 30 August 1 - December 31 August 1 - December 31 August 1 - November 30 August 1 - December 31 ((April)) August 1 - October 31
White Salmon River	Markers downstream of the Burlington Northern Railroad Bridge.	Kalama River From ((200 feet above Modrow Trap to)) mouth to <u>temporary rack</u> ((North)) Lewis River - <u>North Fork</u> From ((overhead powerlines below Ariel Dam to)) lower Cedar Creek Boat Ramp to <u>Colvin Creek</u>	September 1 - October 31 ((April)) August 1 - ((October)) December 31
Wind River	Boundary line/markers at mouth.	Washougal River Downstream of Salmon Falls Bridge	September 1 - October 31
Willapa River	South Bend boat launch.	Icicle River From Leavenworth Federal Fish Hatchery to mouth	May 8 - June 30
Yakima River	Highway 240 Bridge.	Wenatchee River From mouth of Icicle River to Highway 2 Bridge	May 8 - June 15

(17) Nonbuoyant lure and night closure restriction: In the following waters and during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank and a night closure is in effect:

Area	Time period
Naselle River (including all forks) <u>Hwy 101 Bridge to Hwy 4 Bridge</u> <u>Hwy 4 Bridge to Big Hill Bridge</u> Willapa River	((September 1 - November 30)) <u>July 1 - January 31</u> <u>October 16 - January 31</u> ((September 1 - November 30))
<u>Mouth to Hwy 6 Bridge</u> <u>Hwy 6 Bridge to Fork Creek</u> Humptulips River Satsop River (including all forks) ((North)) Nemah River - <u>North Fork</u>	<u>October 1 - November 30</u> <u>October 16 - January 31</u> September 1 - November 30 September 1 - November 30 ((September)) <u>October 1 - November 30</u>
<u>Nemah River - Middle Fork</u> Dungeness and Gray Wolf Rivers Kennedy Creek ((South Fork)) Nooksack River - <u>South Fork</u> mouth to Skookum Creek ((South Fork Nooksack River)) Upstream from Skookum	<u>September 1 - November 30</u> August 1 - October 15 October 1 - December 31 August 1 - October 31
	<u>September 1 - November 30</u> From mouth to posted cable markers Capitol Lake Deschutes River Elochoman River Grays River Green/Duwamish River mouth to Highway 164 Bridge McAllister Creek Nisqually River Puyallup River mouth to Carbon River Skykomish River (including all forks) Snohomish River White/Stuck River <u>Toutle River - North Fork</u> <u>Green River (Cowlitz Co.) mouth to 1,500 feet below hatchery rack</u>
	December 1 - March 31 August 1 - November 30 August 1 - November 30 September 1 - ((November 30)) <u>October 31</u> September 1 - ((November 30)) <u>October 31</u> August 1 - November 30 August 1 - November 30 August 1 - November 30 August 1 - November 30 August 1 - November 30 October 1 - November 30 <u>September 1 - October 31</u> <u>September 1 - October 31</u>

(18) Freshwater fishing hours: It is unlawful to fish during a night closure. A night closure is in effect for all waters during the period of a nonbuoyant lure restriction.

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

AMENDATORY SECTION (Amending Order 97-50, filed 3/19/97, effective 5/1/97)

WAC 232-28-619 Washington game fish— Exceptions to state-wide rules. (1) County freshwater exceptions to state-wide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to state-wide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to state-wide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(2) Specific freshwater exceptions to state-wide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat. Release all steelhead June 1 through October 31.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective fishery regulations except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited.

Alexander Lake (Kitsap County): Closed waters.

Alkali Flat Creek (Whitman County): Year around season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective fishery regulations, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches. Additional season October 1 through November 30. Selective fishery regulations. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County), from mouth to Rainier Fork: Selective fishery regulations.

Alpowa Creek (Garfield County): Last Saturday in April through June 30 season.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective fishery regulations and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective fishery regulations.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Ballinger Lake (Snohomish County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: June 1 through August 15 season.

Bear Lake (Spokane County): Juveniles and holders of free licenses only.

PROPOSED

Bear River (Pacific County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Bearpaw Lake (Whatcom County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily and possession limit one, minimum length eighteen inches.

Beaver Creek (Thurston County): Selective fishery regulations. Trout: Minimum length twelve inches.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beaver Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective fishery regulations, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective fishery regulations.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective fishery regulations. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through October 31 season. Trout: Release all cutthroat trout.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective fishery regulations except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5

through October 31, selective fishery regulations, and all species: Release all fish.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Salmon Creek, Dempsey Creek: Selective fishery regulations. Trout: Minimum length twelve inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blooms Ditch (Thurston County): Selective fishery regulations. Trout: Minimum length twelve inches.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective fishery regulations. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective fishery regulations, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective fishery regulations, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): March 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to National Park boundary: June 1 through April 30 season. December 1 through April 30, selective fishery regulations from Highway 101 to National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, not more than one wild steelhead per day, and Highway 101 to National Park boundary, release wild steelhead.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to bridge on USFS Road No. 4930: Closed waters.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit two, minimum length fourteen inches. The inlet and outlet streams to Boyle Lake are closed waters.

Bridges Lake (King County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit two, minimum length fourteen inches. The inlet and outlet streams to Bridges Lake are closed waters.

Browns Lake and inlet streams (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to American River: Selective fishery regulations. Whitefish: Additional December 1 through March 31 season. Release all fish other than whitefish.

From mouth of American River to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Whitefish: Additional December 1 through March 31 season. Release all fish other than whitefish.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Butter Creek (Lewis County): Selective fishery regulations. Trout: Minimum length ten inches.

Cady Lake (Mason County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective fishery regulations from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, not more than one wild steelhead per day, and Highway 101 to mouth of south fork, wild steelhead release.

Calawah River, South Fork (Clallam County) from mouth to National Park boundary: June 1 through last day in Febru-

ary season. December 1 through last day in February, selective fishery regulations. Trout: Minimum length fourteen inches. December 1 through last day in February, release wild steelhead.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower and Upper (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective fishery regulations.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): September 1 through March 31 season.

Campbell Lake (Skagit County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Canyon Creek (Klickitat County): Trout: Daily limit five.

Canyon Creek (Mason County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through July 31 season. Trout: Daily limit five, minimum length eight inches. Additional August 1 through March 31 season. Trout: Daily limit two, minimum length fourteen inches.

Carbon River (Pierce County), from its mouth to the Highway 162 Bridge: June 1 through January 31 season. Trout: Minimum length fourteen inches. Additional February 1 through March 31 season. Trout: Minimum length fourteen inches. Release wild steelhead.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Minimum length fourteen inches.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through October 31 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Cases Pond (Pacific County): Last Saturday in April through October 31 season. Juveniles only.

Cashmere Pond (Chelan County): Juveniles only.

Cassidy Lake (Snohomish County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Castle Lake (Cowlitz County): Selective fishery regulations. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to junction of Chelatchie Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County): Closed waters.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective fishery regulations, except electric motors allowed. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Union Pacific Railroad Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat and wild steelhead.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat and wild steelhead.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Lake (Chelan County): Year around season except closed April 1 through June 30 north of a line between Purple Point at Stehekin and Painted Rocks and April 1 through June 30 within 400 feet of the mouths of all tributaries north of Fields Point. Trout except kokanee: Daily limit two except south of Fields Point May 15 through September 30 daily limit 5, not more than two of which may be over 15 inches in length. Trout except kokanee minimum length 15 inches except south of Fields Point minimum length 8 inches May 15 through September 30. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Salmon: Minimum length 15 inches. Burbot: One set line per angler, no maximum number of hooks; set lines must be identified with fisher's name and address.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective fishery regulations.

Chelan River (Chelan County): Year around season. Trout, minimum length twelve inches.

Chewelah Creek, forks and tributaries (Stevens County): Selective fishery regulations.

Chewuch River (Chewack River) (Okanogan County), from mouth to Lake Creek: Selective fishery regulations. Trout, minimum length twelve inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County), from mouth to South Fork: Selective fishery regulations.

Chiwawa River (Chelan County), from mouth to Rock Creek: Selective fishery regulations.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Additional season November 1 through May 31, steelhead only. Release wild steelhead and all fish other than steelhead.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective fishery regulations and all species: Release all fish.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Lake (Pierce County): Chumming permitted.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, not more than one wild steelhead per day.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: One set line per angler, no maximum number of hooks; set lines must be identified with fisher's name and address.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild cutthroat.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective fishery regulations. Trout: Daily limit one, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coldwater Lake (Cowlitz County): Selective fishery regulations except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year around season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30.

Walleye: No minimum size. Daily limit eight fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length.

From bridge at Valley upstream and tributaries: Selective fishery regulations.

Columbia Park Pond (Benton County): Juveniles only.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: General species provisions (unless otherwise provided for in this section): Bass: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other gamefish: No daily limit, except release all grass carp. Bullfrog: Daily limit 10 frogs.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to the Megler-Astoria Bridge: Trout: Wild steelhead release. Release all steelhead April 1 through July 31. Fishing from the north jetty is allowed during salmon season openings.

From the Megler-Astoria Bridge to the I-5 Bridge: Closed waters: September 1 through September 30 at mouth of Abernathy Creek from the Washington shore to a line between Abernathy Point light and a boundary marker east of the mouth of Abernathy Creek. Trout: Release wild steelhead and wild cutthroat. Release all steelhead April 1 through May 15.

From the I-5 Bridge to the Highway 395 Bridge at Pasco, including Drano Lake: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. Trout: Release wild steelhead. Release all trout March 16 through June 15.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release wild steelhead.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24)((-46)): All species: June 16 through October 22 season. Trout: Release wild steelhead.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to midstream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. All species: June 1 through March 31 season. Trout: Release wild steelhead.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to boat fishing from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release wild steelhead.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Coot Lake (Grant County): March 1 through July 31 season.

Copolis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Copei Creek (Walla Walla County): Last Saturday in April through June 30 season.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Asotin County): Trout: Release all steelhead.

Cottonwood Creek (Lincoln County): Year around season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Cow Lake (Adams County): Channel catfish: Daily limit, five. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout: Daily limit five, minimum length eight inches.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Year around season. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. All species: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat and wild steelhead. Below Barrier Dam release all steelhead missing right ventral fin.

From Mayfield Dam to mouth of Muddy Fork: Year around season. Release wild steelhead.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length may be retained.

Coyote Creek and Ponds (Adams County): March 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln County) and tributaries: Year around season.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): June 1 through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): September 1 through March 31 season

Dayton Pond (Columbia County): Juveniles only.

Deadman Creek (Garfield County): Year around season.

Deadman Lake (Adams County): March 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through October 31 season. Juveniles only.

Deep Creek (Clallam County): Closed waters.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year around season. Trout: Minimum length 14 inches.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

Dempsey Creek (Thurston County): Selective fishery regulations. Trout: Minimum length twelve inches.

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to Vail Road Bridge one mile southwest of Lawrence Lake, except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Desire Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to bridge on Bear Creek-Dewatto Road, additional November 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, not more than one wild steelhead per day.

Dollar Lake (Grant County): March 1 through July 31 season.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Dry Creek (Walla Walla County): Last Saturday in April through June 30 season.

Dry Falls Lake (Grant County): Last Saturday in April through November 30 season. Selective fishery regulations. Trout: Daily limit one.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness River, October 16 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of ((Gray Wolf River)) Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through July 31 season.

Eagle Lakes, Big and Little (King County): Closed waters.

East Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild cutthroat.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; waters from the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild steelhead and wild cutthroat.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Release wild steelhead.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek: Selective fishery regulations. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Fox Creek: June 1 through March 31 season. Selective fishery regulations June 1 through November 30. Trout: Minimum length twelve inches. Release wild steelhead.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Findley Lake (King County): Closed waters.

Finnel Lake (Adams County): Channel catfish: Daily limit five. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year around season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: June 1 through October 31 season. Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Flowing Lake (Snohomish County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Lake (Lewis County): Last Saturday in April through last day in February season. Juveniles only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Gadwall Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat. Release all steelhead June 1 through October 31.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to Foggy Dew Creek: Selective fishery regulations.

Goldsborough Creek (Mason County): June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February, not more than one wild steelhead per day.

Goodwin Lake (Snohomish County): Chumming permitted. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of free licenses only.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year around season. Selective fishery regulations September 1 through May 31. Trout: Minimum length twelve inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through April 15 season. Selective fishery regulations June 1 through August 31. Trout: Minimum length twelve inches. Release wild steelhead September 1 through April 15.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective fishery regulations. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to mouth of South Fork: September 1 through March 15 season. All species: Release all fish except steelhead. Trout: Minimum length twenty inches. Release wild steelhead.

Grays River, East Fork (Wahkiakum County): Selective fishery regulations. Trout: Minimum length fourteen inches.

Grays River, West Fork (Wahkiakum County), downstream from hatchery trap site: June 1 - August 31 season.

Green Lake and Green Lake, Lower (Okanogan County): December 1 through March 31 season.

Green (Duwamish) River (King County):

From the First Avenue Bridge to Tacoma Headworks Dam: June 1 through last day in February season, except waters from the Auburn-Black Diamond Bridge downstream to the 8th St. N.E. Bridge in Auburn are closed September 1 through October 15 and waters from the Auburn-Black Diamond Bridge downstream to the Highway 18 Bridge are closed September 1 through October 31. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. Wild steelhead may be retained July 1 through November 30.

From the SR 167 Freeway Bridge to the Tacoma Headworks Dam: Additional March 1 through March 15 season. Fishing from any floating device prohibited. Trout, minimum length fourteen inches. Release wild steelhead.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: June 1 through November 30 season except closed from ~~((salmon hatchery rack))~~ the water intake at the upper end of the hatchery grounds downstream to a point 1500 feet ((downstream)) below the salmon hatchery rack during the period September 1 through November 30. All species: Release all fish except steelhead. Trout: Minimum length twenty inches.

From 2800 Bridge to source: Closed waters.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective fishery regulations. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective fishery regulations, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): March 1 through September 30 season.

Hallin Lake (Adams County): Channel catfish: Daily limit five. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Hamilton Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

From falls to mouth of Boulder Creek: Trout: Daily limit five, no minimum length.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): March 1 through July 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Hart Lake (Pierce County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective fishery regulations.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek (Lincoln County): Year around season.

Hays Creek and Ponds (Adams County): March 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles and holders of free licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): June 1 through October 31 season. Selective fishery regulations. Trout: Daily limit two, minimum length fourteen inches. Release wild steelhead.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to mouth of South Fork: June 1 through April 15 season. December 1 through April 15, from Highway 101 to mouth of south fork, selective fishery regulations. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to Highway 101 not more than one wild steelhead per day, and from Highway 101 to mouth of south fork, wild steelhead release.

Hoh River South Fork (Jefferson County), outside Olympic National Park boundary: June 1 through April 15 season. December 1 through April 15, selective fishery regulations. Trout: Minimum length fourteen inches. December 1 through April 15, wild steelhead release.

Hoko River (Clallam County): Trout, minimum length fourteen inches.

From mouth to cement bridge on Lake Ozette Highway (upper Hoko Bridge): Additional November 1 through March 15 season. Trout: Minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Horseshoe Lake (Clark/Cowlitz counties): Last Saturday in April through last day in February season.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humtulpis River (Grays Harbor County), from mouth to forks: June 1 through April 30 season. Trout: Minimum length fourteen inches.

Humtulpis River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humtulpis Guard Station and Grisdale: June 1 through April 30 season. Trout: Minimum length fourteen inches.

Humtulpis River, West Fork (Grays Harbor County), from mouth to bridge on Forest Service Road # 2204 (about one-half mile above the mouth of Chester Creek): June 1 through April 30 season. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): March 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 and 2 (Yakima County): Walleye: Unlawful to retain walleye.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited.

Icehouse Lake (Skamania County): Last Saturday in April through last day in February season.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: June 1 through March 31 season. Trout, minimum length twelve inches. Release wild steelhead. From Rock Island Bridge upstream to Leland Creek: Selective fishery regulations.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective fishery regulations. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): Closed waters.

Indian Dan Pond (Okanogan County): July 1 through October 31 season.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Issaquah Creek (King County): Closed waters.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Juveniles only.

Jefferson Park Pond (Walla Walla County): Last Saturday in April through October 31 season. Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

John's Creek (Mason County): Closed waters.

Johns River, including North and South Forks (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild cutthroat.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective fishery regulations. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: One set line per angler, no maximum number of hooks; set lines must be identified with fisher's name and address.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Kalama River (Cowlitz County): Trout, minimum length 14 inches. Release wild cutthroat and wild steelhead.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year around season except during the period the temporary fish rack is installed. Waters from two hundred feet above to one thousand five hundred feet below the rack are closed waters. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. September 1 through October 31.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around season.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fly fishing only.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective fishery regulations.

Kapowsin Lake (Pierce County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Kathleen Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: One set line per angler, no maximum number of hooks; set lines must be identified with fisher's name and address.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. Trout: Selective fishery regulations, minimum length 12 inches. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length.

Additional season: November 1 through March 31. All species except walleye and whitefish: Selective fishery regulations and release all fish. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length. Whitefish: Single hook only.

Additional season: April 1 through May 31. All species except whitefish: Selective fishery regulations and release all fish. Whitefish: Single hook only.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Klaus Lake (King County): Last Saturday in April through October 31 season, except the inlet and outlet to first Weyerhaeuser spur are closed waters. Selective fishery regulations. Trout: Daily limit two, minimum length fourteen inches.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: June 1 through November 30 season. Trout: Minimum length twelve inches.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Last Saturday in April through last day in February season.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective fishery regulations. All species: Release all fish.

Kress Lake (Cowlitz County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Only bass less than twelve inches or over eighteen inches in length may be retained.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Lake Creek, upstream from Pasayten Wilderness boundary (Okanogan County): June 1 through August 31 season. Selective fishery regulations.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year around season.

Lawrence Lake (Thurston County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than two over twelve inches in length.

Lemna Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Lenice Lake (Grant County): March 1 through October 31 season. Selective fishery regulations. Trout: Daily limit one.

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season:

PROPOSED

Selective fishery regulations, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective fishery regulations, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year around season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to (~~overhead powerlines below Merwin Dam~~) Johnson Creek: Year around season (~~except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters~~). Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

From (~~lower Cedar Creek concrete boat ramp~~) Johnson Creek to Colvin Creek: (~~Night closure April 1 through October 31~~) June 16 through April 30 season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Fishing from any floating device prohibited August 16 through October 15. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: December 16 through September 30 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse: Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective fishery regulations. All species: Release all fish.

Lewis River, East Fork (south) (Clark/Skamania counties): Closed waters: From the posted markers four hundred feet below to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls to one hundred feet above Sunset Falls. Trout: Release wild steelhead.

From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout: Minimum length fourteen inches.

From one hundred feet above Sunset Falls to source: June 1 through December 31 season. Trout: Minimum length fourteen inches.

Mouth to posted markers at top boat ramp at Lewisville Park: Trout: Additional April 16 through May 31 season. Release all fish other than steelhead.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective fishery regulations, and all species: Release all fish.

Lincoln Pond (Clallam County): Juveniles only.

Little Ash Lake (Skamania County): Last Saturday in April through last day in February season.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County), Pileup Creek to Road 1913 Bridge: Selective fishery regulations.

Little Nisqually River (Lewis County): Selective fishery regulations. Trout: Minimum length ten inches.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season: Trout: Minimum length fourteen inches. Release wild steelhead.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year around season.

From SR 291 Bridge upstream to the West Branch: April 30 through October 31 season. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Little Twin Lake (Okanogan County): December 1 through March 31 season.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County), from Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Selective fishery regulations.

Little White Salmon River (Skamania County): Closed waters: From markers at federal fish hatchery a distance of one thousand five hundred feet upstream to fishway. Trout: Daily limit five.

Loma Lake (Snohomish County): Last Saturday in April through October 31 season.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Kitsap County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From one-quarter mile above bridge to mouth of Monument Creek: Selective fishery regulations. Trout: Minimum length twelve inches.

From mouth of Drake Creek to outlet of Cougar Lake: Selective fishery regulations. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lower Lena Lake (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lucas Slough (Skagit County): Closed waters.

Ludlow Lake (Jefferson County): Last Saturday in April to October 31 season.

Lyons Park Pond (at College Place) (Walla Walla County): Last Saturday in April through October 31 season. Juveniles only.

Lyre River (Clallam County)

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

From falls to source: Trout: Minimum length twelve inches.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through October 31 season.

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

May Creek (tributary of Lake Washington) (King County): Closed waters.

McAllister Creek (Thurston County): Trout: Minimum length fourteen inches.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

McLane Creek (Thurston County), from the south bridge on Highway 101 upstream: Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective fishery regulations. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through October 31 season. Selective fishery regulations. Trout: Daily limit one.

Methow River (Okanogan County):

From mouth upstream to second powerline crossing (approximately 1 mile): June 1 through March 31 season. Trout: Minimum length twelve inches. Release wild steelhead.

From second powerline crossing to mouth of Lost River: Selective fishery regulations June 1 through September 30. Trout: Minimum length twelve inches. Release wild steelhead.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Migraine Lake (Grant County): March 1 through July 31 season.

Mill Creek (Cowlitz County), from mouth to forks (approximately one mile): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat. Release all steelhead June 1 through October 31.

Mill Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Mill Creek (Walla Walla County):

From mouth to 9th St. Bridge: June 1 through April 15 season. All species: Release all fish except steelhead September 1 through April 15. Trout: Release wild steelhead.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge to Bennington Lake flood diversion dam: Trout: Daily limit five.

From Bennington Lake flood diversion dam upstream, including all tributaries: June 1 through October 31 season.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mima Creek (Thurston County): Selective fishery regulations. Trout: Minimum length twelve inches.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective fishery regulations. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth. Trout: Minimum length fourteen inches.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to outside the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective fishery regulations.

Moose Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): March 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective fishery regulations. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective fishery regulations. Trout: Daily limit two.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective fishery regulations.

Myron Lake (Yakima County): Selective fishery regulations. Trout: Daily limit two.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Rattlesnake Creek: Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

From Rattlesnake Creek to Little Naches River: Trout: Maximum length twenty inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Naneum Pond (Kittitas County): Juveniles only.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and September 1 through January 31, waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery. Trout: Minimum length fourteen inches.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. Trout: Minimum length fourteen inches.

South Fork, from mouth to Bean Creek: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Nason Creek (Chelan County) from the Kahler Creek Bridge (near Coles Corner) upstream to Stevens Creek: Selective fishery regulations.

Nason Creek Fish Pond (Chelan County): Juveniles and disabled persons only.

Negro Creek (Lincoln County): June 16 through March 31 season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Newhalem Ponds (Whatcom County): Closed waters.

New Mire Creek (tributary of Lake Sawyer) (King County): Last Saturday in April through October 31 season. Juveniles only.

Newaukum River, main river, Middle Fork and South Fork (Lewis County): June 1 through March 31 season. Trout: Minimum length fourteen inches. Release wild steelhead.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches. Release wild steelhead.

From Chehalis city water intake upstream: Closed waters.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through November 30 season. Trout: Minimum length fourteen inches.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through March 15 season. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through March 15. Trout: Minimum length fourteen inches. Release wild steelhead.

Nooksack River, South Fork (Skagit/Whatcom counties):

From its mouth to source: During all open periods: Selective fishery regulations. Trout: Minimum length fourteen inches. Release wild steelhead.

From mouth to Skookum Creek: June 1 through March 15 season. Fishing from a floating device equipped with a motor prohibited November 1 through March 15.

From Skookum Creek upstream: Trout: Release all steelhead June 1 through September 30.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through October 10 season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream: Trout: Minimum length fourteen inches.

From Highway 105 Bridge to Falls River: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through October 31 season. Closed waters: Outlet stream of Nunnally Lake. Selective fishery regulations. Trout: Daily limit one.

Oak Creek (Yakima County): Trout: Daily limit five, no minimum length.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective fishery regulations. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Okanogan River (Okanogan County): Year around season. Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle. Trout: Minimum length twelve inches. Release wild steelhead.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette River (Clallam County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Palouse River and tributaries (Whitman County): Year around season.

Palmer Lake (Okanogan County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained. Burbot: A single set line per fisher with unlimited hooks may be used for burbot, provided the set line is clearly identified with the fisher's name and address.

Pampa Pond (Whitman County): Last Saturday in April through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Selective fishery regulations. Trout: Minimum length twelve inches.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): March 1 through July 31 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Pataha Creek (Garfield County):

From mouth to Pomeroy city limits: Year around season.

Within the city limits of Pomeroy: Last Saturday in April through October 31 season. Juveniles only.

From city limits of Pomeroy upstream: Selective fishery regulations.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year around season.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Phantom Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective fishing regulations. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From 500 feet below diversion dam to diversion dam: Closed waters.

Pillar Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie and bluegill: Combined daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective fishery regulations. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective fishery regulations. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Trout: Minimum length fourteen inches.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches. Release wild steelhead.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground June 1 through last day in February season: Trout: Minimum length fourteen inches. Release wild steelhead.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

From the upper boundary of Falls View Campground to the water diversion at the mouth of Tunnel Creek: Trout: Daily limit five, no minimum length.

Quillayute River (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, not more than one wild steelhead per day.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Quincy Lake (Grant County): March 1 through July 31 season.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Rat Lake (Okanogan County): December 1 through March 31 season.

Rattlesnake Creek (Yakima County): Selective fishery regulations. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective fishery regulations, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Ridley Lake (Whatcom County): July 1 through October 31 season. Selective fishery regulations. Trout: Daily and possession limit one, minimum length eighteen inches.

Riffe Lake (Reservoir) (Lewis County): Lawful to fish up to the base of Swofford Pond Dam.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit two, minimum length fourteen inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (below Landsburg) (King County): Closed waters.

Rock Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). Trout: Daily limit one.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective fishery regulations and all species: Release all fish.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek, and April 1 through May 31 in Kettle arm upstream to Napoleon Bridge. Trout: No more than two over twenty inches in length. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective fishery regulations, except fishing from a floating device equipped with a motor

allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Trout: Daily limit two.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through October 31 season. Trout: Minimum length twelve inches. Release all steelhead and wild cutthroat. Additional season: November 1 through March 15. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective fishery regulations.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Salmon Creek (Thurston County): Selective fishery regulations. Trout: Minimum length twelve inches.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches. Release wild steelhead.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Chumming permitted. Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild steelhead December 1 through March 15.

From Highway 99 Bridge to department salmon rack: Closed waters.

Sammamish Lake (King County): Trout: No more than two over fourteen inches in length. Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. June 1 through August 31 season. Selective fishery regulations. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, including all forks (Grays Harbor County): Selective fishery regulations on East Fork upstream from mouth of Bingham Creek. All open periods: Trout: Minimum length twelve inches. Release wild cutthroat, except on east fork above Bingham Creek.

From mouth to bridge at Schafer Park: Additional November 1 through March 15 season. Release wild steelhead.

Middle Fork (Turnow Branch), from mouth to posted deadline at bridge on Matlock Grisdale Road: Additional November 1 through last day in February season. Trout: Release wild steelhead.

West Fork, from mouth to bridge on Matlock Grisdale Road: Additional November 1 through last day in February season. Trout: Release wild steelhead.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North and South Forks: Selective fishery regulations. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective fishery regulations. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted.

Scabrock Lake (Grant County): March 1 through July 31 season.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season. Release wild steelhead.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): March 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoecraft Lake (Snohomish County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Shoveler Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective fishery regulations. Trout: Minimum length twelve inches.

Silver Lake (Cowlitz County): Use of water dogs or salamanders for fishing prohibited. Bass: Minimum length fourteen inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: June 1 through March 31 season. Selective fishery regulations June 1 through November 30. Trout: Minimum length twelve inches. Release wild steelhead.

From Enloe Dam to Canadian border: Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective fishery regulations. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Release steelhead April 1 through May 31. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gorge Powerhouse at Newhalem: June 1 through last day in February season except closed June 15 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) to pipeline crossing at Sedro Woolley: Additional March 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From pipeline crossing at Sedro Woolley to mouth of Bacon Creek: Additional March 1 through March 15 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective fishery regulations, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches. Release wild steelhead.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: June 1 through last day in February season. Trout: Minimum

length twelve inches. Release wild steelhead and wild cutthroat.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

From mouth of Church Creek to headwaters: Selective fishery regulations. Trout: Minimum length twelve inches.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective fishery regulations. Trout: Release all fish.

Skookum Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

From Skookumchuck Reservoir upstream and all tributaries: Selective fishery regulations. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Sultan River: June 1 through last day in February season. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Additional March 1 through April 30 season: Selective fishery regulations. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. All species: Release all fish.

From the mouth of the Sultan River to the forks: June 1 through March 31 season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Release wild steelhead March 1 through March 31.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to one thousand feet above Bear Creek Falls: Closed waters.

From one thousand feet upstream of Bear Creek Falls to Quartz Creek: Selective fishery regulations. All species: Release all fish.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective fishery regulations. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Snake River: Year around season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than two over twenty inches. Release all steelhead June 16 through August 31. Release wild steelhead September 1 through March 31. Barbless hooks required when fishing for steelhead on that portion of the Snake River which forms the boundary between Washington and Idaho.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Snoqualmie River (King County):

From mouth to the falls: June 1 through March 31 season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective fishery regulations, except fishing from a floating device equipped with a motor allowed. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Trout: Minimum length fourteen inches.

From Snoqualmie Falls, including the North and South Forks: Selective fishery regulations. Trout: Minimum

length ten inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish.

Snoqualmie Middle Fork from mouth to source including all tributaries: Selective fishery regulations. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries except Crocker Lake: Closed waters.

Sol Duc River (Clallam County): June 1 through April 30 season. November 1 through April 30, selective fishery regulations from the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek. Trout: Minimum length fourteen inches. December 1 through April 30, from mouth to the concrete pump station at the Soleduck Hatchery, not more than one wild steelhead per day. November 1 through April 30, from the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek, release wild steelhead.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective fishery regulations except fishing from a floating device equipped with an electric motor permitted. Trout: Minimum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year around season.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Kittitas County): Trout: Daily limit sixteen.

Spectacle Lake (Okanogan County): March 1 through July 31 season. All species: Release all fish except trout.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit eight, no more than one over twenty inches in length. Release walleye sixteen inches to twenty inches in length, and April 1 through May 31 release all walleye.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Selective fishery regulations. Trout: Daily limit one. Release wild trout.

From Monroe Street Dam upstream to Upriver Dam: Year around season.

From Upriver Dam upstream to the Idaho/Washington state line: Selective fishery regulations, except fishing from a floating device equipped with a motor permitted. Trout: Daily limit one, minimum length 12 inches.

Sportsman's Lake (San Juan County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Sprague Lake (Adams/Lincoln counties):

Waters northeast of the lakeside edge of the reeds to Danekas Road: Closed waters: Inlet stream (Negro Creek), April 1 through June 15. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained. Channel catfish: Daily limit five.

Waters southeast of the lakeside edge of the reeds to Danekas Road: July 1 through September 15 season. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained. Channel catfish: Daily limit five.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective fishery regulations. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective fishery regulations. Trout: Minimum length fifteen inches. Additional March 1 through June 30 season. Selective fishery regulations. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Bass: Daily limit one, minimum length eighteen inches.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Warm Beach-Stanwood Highway, including all sloughs: Year around season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From Warm Beach-Stanwood Highway to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Release wild steelhead May 1 through November 30.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year around season. Fly fishing only April 16 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Trout: Minimum length fourteen inches. Release wild steelhead March 1 through November 30.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through April 1 through May 31, release all walleye November 30 season.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective fishery regulations.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County), from mouth to Iron Creek: Selective fishery regulations.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Daily and possession limit two. Only bass less than twelve inches or over eighteen inches in length may be retained. Channel catfish: Minimum length twenty inches.

Tahuya River (Mason County): Trout: Minimum length twelve inches. Release wild cutthroat.

From mouth to Bear Creek-Dewatto Road crossing, additional November 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Taneum Creek (Kittitas County): Selective fishery regulations.

Tanwax Lake (Pierce County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year around season.

Tarboo Lake (Jefferson County): Last Saturday in April through October 31 season.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective fishery regulations. All species: Release all fish.

Teal Lake (Jefferson County): Last Saturday in April to October 31 season.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15 except fishing from floating dock permitted. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Trout: Daily limit five, no minimum length. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length.

Tilton River, East, North, South and West Forks (Lewis County): Selective fishery regulations. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokol Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season. Trout: Minimum length fourteen inches.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective fishery regulations. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the mouth of Yellow Creek on the North Fork, and to the dam on the South Fork: Closed waters.

From mouth of Yellow Creek upstream on North Fork: Trout: Selective fishery regulations and release all trout.

From dam upstream on South Fork: Selective fishery regulations. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From mouth to confluence of north and south forks: June 1 through October 31 season. Trout: Daily limit five. Release wild steelhead. Additional season: November 1 through April 15. All species: Release all fish except steelhead and brown trout. Trout: Steelhead and brown trout minimum size twenty inches. Release wild steelhead.

From confluence of north and south forks upstream, including all tributaries: June 1 through October 31 season. Release all steelhead.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. All species: Release

all fish except steelhead. Trout: Minimum length twenty inches.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective fishery regulations. All species: Release all fish except steelhead. Trout: Release wild steelhead.

Tradition Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Selective fishery regulations. Trout: Minimum length fourteen inches.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries. During all open periods release wild steelhead.

From the Highway 261 Bridge upstream to Turner Road Bridge: Trout: Daily limit five, no more than two of which may be steelhead. Additional season November 1 through April 15. All species: Release all fish except steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Additional season November 1 through April 15. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to the Deer Lake footbridge about 3/4 mile upstream of the Tucannon hatchery: Closed waters.

From the Deer Lake footbridge to the Panjab Creek Bridge: Selective fishery regulations. Trout: Legal to retain Dolly Varden/Bull Trout in the daily trout limit, minimum length twenty inches.

From the Panjab Creek Bridge upstream: Closed waters.

Tucannon River tributaries (Columbia/Walla Walla counties): Closed waters.

Tunnel Lake (Skamania County): Last Saturday in April through last day in February season.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: Selective fishery regulations. Trout: Minimum length twelve inches.

Tye River (King County): June 1 through October 31 season: Selective fishery regulations. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish.

U Lake (Mason County): Last Saturday in April through October 31 season.

Uncle John Creek (Mason County): Closed waters.

Union River (Mason County):

From mouth to watershed boundary: Trout: Minimum length fourteen inches.

From mouth to lower bridge on the Old Belfair Highway, additional November 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Last Saturday in April through October 31 season.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Voight's Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Waddell Creek (Thurston County): Selective fishery regulations. Trout: Minimum length twelve inches.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through September 1 season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth to mouth of Olney Creek: Additional November 1 through last day in February season. Fishing

from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches

Walla Walla River (Walla Walla County): Wild steelhead release.

From mouth to the Touchet River: Year around season. Trout: Release trout April 1 through May 31.

From the Touchet River upstream to state line: June 1 through October 31. Additional season November 1 through April 15. All species: Release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective fishery regulations except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective fishery regulations except fishing from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): March 1 through July 31 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Bass: Only bass less than 12 inches or over fifteen inches in length may be retained. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February: Release all steelhead and rainbow trout over twenty inches in length. March 1 through June 30: Minimum length twelve inches, and release all steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year around. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Release wild steelhead. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. All species: Release all fish except steelhead. Trout: Release wild steelhead.

From bridge at Salmon Falls to its source: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Watson Lake (Columbia County):

March 1 through October 31 season. Fishing from any floating device prohibited.

Wenas Lake (Yakima County):

Trout: Daily limit five, of which not more than two may be brown trout.

Wenatchee Lake (Chelan County):

Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

From mouth to Icicle River Road Bridge at Leavenworth: June 1 through March 31 season. Selective fishery regulations June 1 through November 30. Trout: Minimum length twelve inches. Release wild steelhead.

From Icicle River Road Bridge at Leavenworth to Lake Wenatchee: June 1 through November 30 season. Selective fishery regulations. Trout: Minimum length twelve inches, maximum length twenty inches.

West Twin River (Clallam County):

June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Chumming permitted. Trout: No more than one over fourteen inches in length.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

White River (Chelan County), from mouth of Napeequa River upstream to White River Falls: Selective fishery regulations.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: June 1 through September 30: Closed waters. October 1 through last day in February season: Trout: Minimum length fourteen inches. Release wild steelhead.

From R Street Bridge to Highway 410 Bridge at Buckley, except waters of Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin are closed waters: October 1 through October 31 season only. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: Year around season. Trout: Minimum length fourteen inches. Release wild steelhead.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to June 15 season. Trout: Minimum length fourteen inches. Release wild steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective fishery regulations. Trout: Minimum length twelve inches.

Whitestone Lake (Okanogan County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County), including all forks: Closed waters: Four hundred feet below falls on South Fork to falls.

From department boat launch in South Bend upstream: Trout: Minimum length fourteen inches.

From department boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season. Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek. Trout: Minimum length fourteen inches.

South Fork: Additional November 1 through last day of February season. Trout: Minimum length fourteen inches.

Williams Creek (Pacific County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Willow Lake (Whatcom County): July 1 through October 31 season. Selective fishery regulations. Trout: Daily and possession limit one, minimum length eighteen inches.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only. Trout: Daily limit five, no minimum length.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: June 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild steelhead.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source: June 1 through November 30 except closed from an upper boundary sign along Carson National Fish Hatchery grounds to a lower boundary marker 800 yards downstream June 1 through August 31. Trout: Release wild steelhead.

Tyee Springs: Closed waters.

From one hundred feet above Shipherd Falls fish ladder to source, including all tributaries: June 1 through November 30 season. Trout: Minimum length fourteen inches.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective fishery regulations. Trout: Minimum length ten inches.

Wiser Lake (Whatcom County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Wishkah River (Grays Harbor County), including all forks: Closed waters: East and West forks, and mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to outlet. Trout: Minimum length twelve inches. Release wild cutthroat.

From the mouth to Cedar Creek: Additional November 1 through March 31 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake: Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length twelve inches. Release wild cutthroat.

From mouth to 7400 line bridge above mouth of Schafer Creek: Additional November 1 through March 31 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries.

From mouth to four hundred feet below Roza Dam: Year around season. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31.

From Roza Dam to four hundred feet below Easton Dam: Year around season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Trout: Selective fishery regulations, and release all trout. Whitefish: Bait and single-pointed, barbed hooks may be used for whitefish December 1 through last day in February.

From Lake Easton to Keechelus Dam: Selective fishery regulations.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective fishery regulations. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

(3) Specific marine water exceptions to state-wide rules:

(a) Marine water area codes and boundaries:

(i) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point. Effective January 1, 1989, Area 1 includes only waters west of the Buoy 10 Line and north to Leadbetter Point.

(ii) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(iii) Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater.

(iv) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.

(v) Area 3 (La Push): From the Queets River north to Cape Alava.

(vi) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(vii) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(viii) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Navigation Buoy BW "R" - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(ix) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(x) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.

(xi) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light # 2 on Camano Island (F1 red 4 sec.).

(xii) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light # 2 on Camano Island (F1 red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(xiii) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(xiv) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(xv) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(xvi) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(xvii) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

(b) Marine waters regulations: These regulations apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below):

(i) Fishing hours: Twenty-four hours per day year around, except those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(ii) License requirements: A valid current Washington state department of fish and wildlife game fish license, and, if appropriate, a steelhead license, is required to fish for game fish including steelhead in marine waters. All steelhead taken from marine areas shall be entered on the steelhead catch record card using the words Marine Area and followed by the appropriate marine area code number.

(iii) Gear restrictions: Angling gear only, and in those waters of Area 10 downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island, nonbuoyant lure restriction July 1 through November 30. In all areas, underwater spearfishing, spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

(iv) Trout: Daily limit two fish, minimum length fourteen inches, except release Dolly Varden/Bull Trout and wild steelhead in all areas, release wild cutthroat in Marine Areas 12 and 13, and release all trout November 1 through May 31 in Chambers Bay and that portion of Marine Area 13 inside a line from Gordan Point to the dock at Pioneer gravel pit (second gravel pit approximately 1.2 miles north of Chambers Bay).

WSR 97-15-150

PROPOSED RULES

INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 96-11—Filed July 23, 1997,
11:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-24-106.

Title of Rule: Continuing education requirements for licensees involved in the transaction of long-term care or long-term care partnership policies.

Purpose: These rules clarify existing continuing education requirements and add a certification form for use by issuers.

Statutory Authority for Adoption: RCW 48.02.060, 48.17.150, and 48.85.030.

Statute Being Implemented: RCW 48.01.030, 48.17.150, 48.85.030, and 48.85.040.

Summary: These rules clarify to whom the current continuing education requirements apply, allow the required six-hour course to apply towards the prescribed total hours of continuing education, and establish a reporting process and add a certification form for use by issuers to ensure compliance of continuing education rules adopted last year.

Reasons Supporting Proposal: Licensees requested clarification. Agents asked the commissioner to include the six-hour course of study in the total of thirty-two hours of continuing education required every two years.

Name of Agency Personnel Responsible for Drafting: Jon Hedegard, Olympia, Washington, (360) 664-4615; Implementation: Sue Davidson, Lacey, Washington, (360) 438-7708; and Enforcement: Bill Frandsen, Lacey, Washington, (360) 438-7697.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 284-17-220 was amended, and WAC 284-85-085 was adopted, in 1996 to require six hours of specialized continuing education every two years for brokers and agents engaged in the transaction of either long-term care or long-term care partnership insurance. This was in addition to the thirty-two hours of continuing education already required every two years for all agents and brokers. Since adoption, the commissioner has received numerous calls from licensees asking if the new rules apply to them and requesting that they be allowed to apply the specialized course to the total thirty-two hour continuing education requirement. These rules clarify who must comply with this requirement and allow the course to be applied toward the total continuing education hours required to renew a license. Finally, they clarify the requirement that the issuer of a long-term care or long-term care partnership policy may accept only policies submitted by licensees who have completed this requirement. To make it easier for issuers to comply with this requirement, a certification form attesting to compliance is provided.

The changes should eliminate confusion, ensure compliance, and result in more competent, better-educated licensees in the fields of long-term care and long-term care partnership.

Proposal Changes the Following Existing Rules: WAC 284-17-220 and 284-85-085 are both amended. The changes clarify who must complete this educational course. Also, they allow the existing six-hour long-term care and long-term care partnership education requirement to be included in the total thirty-two continuing education hours needed for license renewal. Previously, the long-term and long-term care partnership education requirements were additional to the thirty-two hours necessary for license renewal. The proposed rule provides a standard form for companies issuing long-term care or long-term care partnership policies to certify that affiliated licensees selling long-term care or long-term care partnership policies have fulfilled all of the requirements of WAC 284-17-220. This form is provided for the convenience of issuers and does not require issuers to provide any new information.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business economic impact statement was prepared because this rule does not impose any new requirements on licensees. The rules only clarify or reduce the impact on licensees. See Explanation of Rule above.

EVALUATION OF PROBABLE COSTS AND BENEFITS and

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

Long-Term Care and Long-Term Care Partnership Educational Requirements

Insurance Commissioner Matter No. R 96-11

Introduction: This report analyzes a proposed rule to modify the educational requirements for agents selling long-term care (LTC) and long-term care partnership (LTCP) policies. The changes are proposed to improve the clarity of the requirements, simplify the filing process, and expand the

benefits of continuing education for courses concerning LTC and LTCP. This evaluation is completed to demonstrate that the proposed rule increases the probable benefits of the rule while imposing no additional costs on the regulated industry. An analysis of the economic impact on small businesses is also included as part of this evaluation.

Background: In 1996, the Insurance Commissioner adopted a rule requiring agents of long-term care (LTC) and long-term care partnership (LTCP) to take additional continuing education in their respective fields. The requirements were placed in chapter 284-17 WAC, the chapter pertaining to licensing and continuing education requirements for all agents. During the last year, staff from the Office of the Insurance Commissioner (OIC) received a number of calls from agents with questions regarding the rule and to whom it applies. It did not appear to be clear to the agents that the requirements were directed only to persons selling LTC and LTCP policies. The proposed rule improves the clarity of these requirements.

In addition to questions regarding the clarity of the rule, the commissioner received a number of requests to allow continuing education credits earned in the field of LTC and/or LTCP to count toward the thirty-two continuing education credit hours required by all agents. The rule, as written in 1996, required agents selling LTC or LTCP policies to take six hours of LTC or LTCP continuing education in addition to the thirty-two hours required for all agents. The proposed rule allows an approved six-hour course in long-term care and long-term care partnership to count toward the thirty-two required continuing education credit hours set forth in WAC 284-17-220 (2)(a). To simplify the filing process, the proposed rule provides a standard form for companies issuing LTC or LTCP policies to certify that affiliated licensees selling LTC or LTCP policies fulfill all of the requirements of WAC 284-17-220.

Federal Law and other State Law: The proposed rule is not required by federal law or federal regulation. This rule does not require any person to take an action that violates requirements of any other federal or state law. A task force was formed to address issues regarding LTC and LTCP policies in 1996. The task force is made up of providers, consumers, insurers, agents, attorneys and representatives from multiple state agencies and advocacy groups. Rule drafters consulted with members of this task force regarding the proposed changes to the rule.

Industry Codes: The proposed rule would affect all licensees and insurers selling LTC or LTCP policies in the state of Washington. This would affect Accident and Health Insurance Companies (industry code #6321), Hospital and Medical Service Plans (industry code #6324), and Insurance Agents, Brokers, and Services (industry code #6411).

Probable Costs: The proposed rule does not impose any direct costs on the regulated industry. The proposed rule improves the efficiency and clarity of regulation concerning continuing education requirements. The rule does not impose new educational or filing requirements. The proposed rule provides a standard form for companies issuing LTC or LTCP policies to certify that affiliated licensees selling LTC or LTCP policies fulfill all of the requirements of WAC 284-17-220. This form is provided for the convenience of the issuers and does not request issuers to provide any new information.

The commissioner recognizes the potential for costs associated with the time required to read and comprehend the amended rule. These probable costs would be insignificant relative to the benefits associated with the rule. The Office of Insurance Commissioner will need to devote staff time to administer the new continuing education requirements and track the information requested. These impacts should be minor and the OIC will bear the costs of its administration.

Probable Benefits: The rule increases opportunities for agents to earn continuing education credit by allowing LTC or LTCP courses to count toward the thirty-two hours of required continuing education. Representatives from insurance agent groups and insurance companies support these changes. Consumers of LTC and LTCP policies would potentially benefit from working with agents who have received additional training and knowledge from the required LTC/LTCP classes.

This rule also improves the clarity of regulation concerning continuing education. The licensing division of the OIC has received a number of calls with questions regarding these requirements. The improved clarity should reduce the confusion of those having to comply with the requirements as well as the time spent by OIC staff answering questions regarding this issue.

Small Business Impact: The proposed rule does not impose a disproportionately higher economic burden on small businesses within the four-digit classification. Agents and agent groups selling LTC and LTCP policies are the smallest of the businesses affected by this rule. The proposed rule would have a beneficial impact on these agents.

There are no new filing requirements associated with this rule. The rule has been amended to include a standard filing form for the convenience of the issuers of these policies. Small businesses will not be required to change their business practices in any way to comply with the proposed rule.

Mitigation: Mitigation to reduce the economic impact of the proposed rule on small businesses is not necessary because there are no cost impacts on small businesses. The proposed rule could be considered a form of mitigation itself, because it reduces compliance costs and provides for additional benefits. In order to reduce potential filing preparation costs to the issuers of these policies, the OIC provides a form with a standard certification statement.

Industry Involvement: Businesses that will be affected by the proposed rules were invited to provide assistance to the OIC throughout the rule-writing process. Rule writers consulted with participants of a task force formed to implement LTC regulation throughout the rule-drafting process. The commissioner solicited and received comments from insurance agents, insurance company representatives, insurance consultancy groups, insurance associations, legislators on health care committees from both parties, consumers, and staff from the Department of Social and Health Services and the Health Care Authority.

Conclusion: The proposed rule improves the efficiency of regulation by potentially increasing the educational credits earned by agents selling LTC/LTCP policies without increasing the costs of compliance. The proposed rule also clarifies continuing education requirements and simplifies the filing process. This rule does not impose any direct costs on

the regulated industry. The proposed rule benefits agents and insurers selling LTC and LTCP policies as well as consumers of these policies. Because this rule increases potential benefits without imposing any direct costs, it is reasonable to conclude that the probable benefits of this proposed rule are greater than probable costs.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is not a "significant legislative rule" as defined at RCW 34.05.328 (5)(c)(iii).

Hearing Location: 14th and Water, Insurance Building, 2nd Floor Conference Room, Room 200, on August 26, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Steve Carlsberg by August 22, 1997, TDD (360) 664-3154.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, Internet e-mail inscomr@aol.com, FAX (360) 586-3535, by August 22, 1997.

Date of Intended Adoption: September 4, 1997.

July 23, 1997

Ida T. Zodrow

Deputy Commissioner

AMENDATORY SECTION (Amending Matter No. R 95-16, filed 8/13/96, effective 9/13/96)

WAC 284-17-220 Continuing education requirement.

(1) Twenty-four credit hours of approved continuing education must be presented as a prerequisite to each license renewal or reinstatement.

(2)(a) Effective July 1, 1996, the number of required continuing education credit hours will be increased from twenty-four to thirty-two hours for each two-year licensing period.

~~(b)(i) ((Effective June 1, 1997, an additional six hours in every two year period of continuing education credits will be required of agents and brokers engaged in the transaction of long term care partnership insurance business. The commissioner will prescribe the course of study. Each course for these special lines of insurance shall be approved by the commissioner in advance.~~

~~(ii) Effective January 1, 1998, an additional six hours in every two year period of continuing education credits will be required of agents and brokers engaged in the transaction of long term care insurance business.~~

~~(iii) Agents involved in the transaction of both long-term care and long-term care partnership insurance are required to pass only six total hours of specialized long-term care and long-term care partnership continuing education combined.~~

~~(iv) An issuer shall annually certify to the commissioner that its appointed agents have completed the required education. Such reports shall be attached to the annual long-term care partnership report required at RCW 48.85.030~~

(2)(d)) Licensees engaged in the transaction of long-term care insurance, long-term care partnership insurance, or both, are required to take an approved six-hour course on long-term care, long-term care partnership, or both, every two years. The commissioner shall prescribe the content of the course. Each course shall be approved by the commissioner in advance.

(ii) Effective January 1, 1998, a licensee shall not submit an application for a long-term care or long-term care partnership policy to an issuer unless the licensee has completed the approved course.

(iii) The approved six-hour course may count towards the thirty-two required continuing education credit hours set forth in (a) of this subsection.

(iv) An issuer of long-term care or long-term care partnership policies shall annually certify to the commissioner that:

(A) Its affiliated licensees involved in the transaction of long-term care or long-term care partnership policies have completed the approved six-hour course requirement every two years; and

(B) The issuer has only accepted applications from licensees in compliance with the provisions of (b)(i) of this subsection.

The certification shall be filed with the commissioner on or before March 31 of each year.

(c) Each course credit applied toward satisfaction of the continuing education requirement must have been completed within the twenty-four month period immediately preceding the licensee's assigned license renewal date and the credit may not have been used previously to comply with the continuing education requirement.

(3) The course participated in and for which credit is received shall be reported to the commissioner as part of the application for license renewal and shall be subject to verification by audit.

(4) Repeating an approved course for which the licensee has previously claimed credit will not satisfy the continuing education requirement.

(5) The licensee must retain the certificate of completion for three years from the date on the certificate and must present the original of such certificate upon request of or audit by the commissioner.

NEW SECTION

WAC 284-54-750 Standards for education of licensees soliciting long-term care contracts. (1) Every issuer shall annually certify to the commissioner that each licensee involved in the transaction of long-term care insurance has completed an approved six-hour course on long-term care or long-term care and long-term care partnership every two years in accordance with WAC 284-17-220 (2)(b)(i). Applications may only be accepted if the licensee involved in the transaction meets all of the requirements of WAC 284-17-220 (2)(b)(i).

(2) Beginning with the calendar year 1998, issuers shall file a copy of the following certification report with the commissioner on or before March 31 of each year:

**Annual Filing of Compliance with the
Long-Term Care and Long-Term Care Partnership
Education Requirements of WAC 284-17-220(2)(b)(i)**

To be filed with the commissioner on or before March 31 of each year

For the period of January 1 to December 31 of _____ (Year)

Company Name _____

Address _____

Insurance Policies Offered:

Long-Term Care _____ Long-Term Care Partnership _____ Both _____

I hereby certify that all of our affiliated licensees involved in the transaction of each long-term care or long-term care partnership policy we issued in Washington fulfilled the requirements of WAC 284-17-220(2)(b)(i). I certify that to the best of my knowledge, we did not accept or process any applications that involved the participation of a licensee who was not in compliance with WAC 284-17-220(2)(b)(i).

Signature of Officer:

Date:

Name and Title of Officer:

Phone Number:

Prepared by:

Phone Number:

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

AMENDATORY SECTION (Amending Matter No. R 95-16, filed 8/13/96, effective 9/13/96)

WAC 284-85-085 Standards for education of ((agents)) licensees soliciting long-term care partnership contracts. (1) Every issuer shall annually certify to the commissioner that each ((agent appointed by the issuer involved in the solicitation of a long-term care partnership

~~contract or the conversion of a long-term care contract or partnership contract, that each such agent has passed six hours of specialized education specifically related to insurance coverage under the Washington Long-Term Care Partnership Act in every two year period beginning with the calendar year 1998, as required at WAC 284-17-220.) licensee involved in the transaction of long-term care partnership insurance has completed an approved six-hour course on long-term care partnership or long-term care partnership and long-term care every two years in accordance with WAC 284-17-220 (2)(b)(i). Applications may~~

PROPOSED

only be accepted if the licensee involved in the transaction meets the requirements of WAC 284-17-220 (2)(b)(i).

(2) Beginning with the calendar year 1998, issuers shall file a copy of the following certification report with the commissioner on or before March 31 of each year:

**Annual Filing of Compliance with the
Long-Term Care and Long-Term Care Partnership
Education Requirements of WAC 284-17-220(2)(b)(i)**

To be filed with the commissioner on or before March 31 of each year

For the period of January 1 to December 31 of _____ (Year)

Company Name _____

Address _____

Insurance Policies Offered:

Long-Term Care _____ Long-Term Care Partnership _____ Both _____

I hereby certify that all of our affiliated licensees involved in the transaction of each long-term care or long-term care partnership policy we issued in Washington fulfilled the requirements of WAC 284-17-220(2)(b)(i). I certify that to the best of my knowledge, we did not accept or process any applications that involved the participation of a licensee who was not in compliance with WAC 284-17-220(2)(b)(i).

Signature of Officer:

Date:

Name and Title of Officer:

Phone Number:

Prepared by:

Phone Number:

WSR 97-15-151
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed July 23, 1997, 11:46 a.m.]

Title of Rule: WAC 16-536-040, increase the grower assessments on dry peas and lentils.

Purpose: To consider a proposal from the dry pea and lentil growers to increase the assessment on all varieties of dry peas and lentils from one percent of net receipts at first point of sale to two percent.

Continuance of WSR 97-11-085.
Preproposal statement of inquiry was filed as WSR 97-

08-083.

PROPOSED

Statutory Authority for Adoption: Washington State Agricultural Enabling Act of 1961—Commodity Boards, RCW 15.65.050.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: The proposal, if adopted, will increase the assessment on dry peas and lentils grown in the state of Washington from one percent of net receipts at the first point of sale to two percent.

Reasons Supporting Proposal: The director of agriculture received a petition from the producers of dry peas and lentils to increase the assessment. The Dry Pea and Lentil Commission received approval from the 55th legislature (ESB 5514) to increase assessment above the fiscal growth factor as required by I-601. The assessment increase must also be approved by a vote of the growers.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, 1111 Washington Street, 2nd Floor, Olympia, WA, (360) 902-1928; Implementation and Enforcement: Tim McGreevy, 5071 Highway 8 West, Moscow, ID, (208) 882-3023.

Name of Proponent: United States Dry Pea and Lentil Council, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Affected producers must approve the assessment increase by a referendum vote before the increase becomes effective.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will increase the assessment of dry peas and lentils grown in the state of Washington from one percent of net receipts at the first point of sale to two percent. The rule is proposed because the dry pea and lentil industry faces reduced federal funding in the area of research and market development. Without an assessment increase, the industry may lose its entire research program and its competitive position in the domestic and export markets.

Proposal Changes the Following Existing Rules: The rule, if approved by a majority vote of the growers, would increase the assessment on dry peas and lentils from one percent of net receipts at the first point of sale to two percent.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Date of Intended Adoption: August 13, 1997.

July 23, 1997

William E. Brookreson
Assistant Director
Agency Operations

WSR 97-13-092
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed June 18, 1997, 10:55 a.m.]

Date of Adoption: June 17, 1997.

Purpose: 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 (chapter 26.21 RCW), and to provide for oral requests for hearing.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-14-400, 388-14-405, 388-14-425 and 388-14-430; and amending WAC 388-14-020, 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.

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

Adopted under notice filed as WSR 97-09-020 on April 8, 1997.

Changes Other than Editing from Proposed to Adopted Version: (1) Withdrew changes to WAC 388-14-030 and (2) added to new section WAC 388-14-495 a provision that, if the responsible parent requests a hearing on the issue of registration of a foreign support order, the physical custodian shall be a party to the hearing.

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 8, amended 13, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 8, amended 13, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 17, 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 non-assistance 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.

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.

(c) 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 avail-

able 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.~~

~~(j)) 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~~

~~((g)) (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.~~

~~(c) 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.~~

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

(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 388-14-376 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 regula-

tions, 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; ~~((e))~~
- (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.

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

PERMANENT

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:~~

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

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

(c) 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:

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

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

(c) 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.

(a) 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.

(b) 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."

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~~((+))~~ (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; ~~((¶))~~

(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), ~~((¶))~~ (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)(c) 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.

(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.

(e) 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;

(c) ((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.~~

~~(e) 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.

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 non-registering 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).

(a) If the contesting party presents evidence establishing a full or partial defense under RCW 26.21.540(1), the presiding officer may:

(i) Stay enforcement of the registered order;

(ii) Continue the proceeding to permit production of additional relevant evidence; or

(iii) Issue other appropriate orders.

(b) An uncontested portion of the registered order may be enforced by all remedies available under the law of this state.

(c) 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.

(d) The physical custodian, or payee of the order, shall be a party to any hearing under this section.

(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:

(a) By operation of law upon failure to contest registration; or

(b) 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;

(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 388-14-376, 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 97-14-012
PERMANENT RULES
GAMBLING COMMISSION

[Filed June 20, 1997, 11:28 a.m.]

Date of Adoption: June 13, 1997.

Purpose: Pull tab rules, to clarify and eliminate ambiguity of existing pull tab rules. These amendments represent housekeeping and organizational changes with a few exceptions relating to pull tab operations, reimbursement for defective games, and fees for identification stamps. References to carry over jackpots/pull tabs are deleted; carry over jackpots will be addressed in a separate rule.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-202, 230-04-203, 230-08-017, 230-30-030, 230-30-040, 230-30-050, 230-30-055, 230-30-070, 230-30-072, 230-30-080, 230-30-102, 230-30-103, 230-30-104, 230-30-106, 230-30-210 and 230-30-300; and new sections WAC 230-08-270 and 230-12-315.

Statutory Authority for Adoption: RCW 9.46.070 (5), (6), (11), (14).

Adopted under notice filed as WSR 97-09-077 on April 22, 1997.

Changes Other than Editing from Proposed to Adopted Version: (1) WAC 230-08-017 deleted reference to carry over jackpot by eliminating subsection (3)(a)(iv); (2) WAC 230-30-040 deleted references to carry over jackpots for pull tabs; (3) WAC 230-30-070 for purpose of triggering requirements for marking off flares and recording winners, the prize limits are changed from fifty dollars to "over twenty dollars"; (4) WAC 230-30-080 deleted references to carry over jackpots; prize limits remain at \$500 instead of rising to \$1,000; and (5) WAC 230-30-106 substituted references to subsection (4) and (5) for (3) and (4) in subsection (6)(b)(i).

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 June 20, 1997

Soojin Kim
 Rules and Policy Coordinator

AMENDATORY SECTION (Amending Order 304, filed 11/21/96, effective 1/1/97)

WAC 230-04-202 Fees—Bona fide charitable/nonprofit organizations. Bona fide charitable and nonprofit organizations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed

the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	SEE
1. AMUSEMENT GAMES (Fee based on annual gross gambling receipts)		
* Class A	Premises only	\$ 52
Class B	Up to \$10,000	\$ 52
Class C	Up to \$25,000	\$ 276
Class D	Up to \$50,000	\$ 443
Class E	Over \$50,000	\$ 772

* Allows a charitable or nonprofit organization to enter into a contract with Class "B" or above commercial amusement game licensee to locate and operate amusement games on their premises.

2. BINGO GROUP (Fee based on annual gross gambling receipts)		
Class A	Up to \$ 15,000	\$ 52
Class B	Up to \$ 50,000	\$ 161
Class C	Up to \$ 100,000	\$ 329
Class D	Up to \$ 250,000	\$ 886
Class E	Up to \$ 500,000	\$ 1,492
Class F	Up to \$1,000,000	\$ 2,996
Class G	Up to \$1,500,000	\$ 4,324
Class H	Up to \$2,000,000	\$ 5,776
Class I	Up to \$2,500,000	\$ 7,216
Class J	Up to \$3,000,000	\$ 8,658
Class K	Up to \$3,500,000	\$ 9,712
Class L	Up to \$4,000,000	\$ 11,102
Class M	Over \$4,000,000	\$ 12,492
((and above)) and above		

3. CARD GAMES		
Class A	General (Fee to play charged)	\$ 553
Class B	Limited card games - hearts, rummy, mahjongg, pitch, pinochle, and cribbage (Fee to play charged)	\$ 161
Class C	Tournament only - no more than ten consecutive days per tournament	\$ 52
Class D	General (No fee to play charged)	\$ 52

4. FUND-RAISING EVENT		
Class A	One event - not more than 24 consecutive hours	\$ 329
Class B	One event - not more than 72 consecutive hours	\$ 553
Class C	Additional participant in joint event (not lead organization)	\$ 161
Class D	Fund-Raising Event Equipment Distributor - rents or leases, equipment for fund-raising event or recreational gaming activity for no more than ten times per year*	\$ 219
Class E	Fund-Raising Event Equipment Distributor - rents or leases equipment for fund-raising event or recreational gaming activity more than ten times per year.	\$ 553

* Charitable and nonprofit organizations licensed to conduct fund-raising events may rent their equipment up to four occasions during the term of the license without getting licensed as a distributor.

5. PUNCHBOARDS/ PULL TABS (Fee based on annual gross gambling receipts)			
Class A	Up to \$ 50,000	\$ 5,000	VARIANCE(((*)*)* \$ 527
Class B	Up to \$ 100,000	\$ 5,000	\$ 940

PERMANENT

Class C	Up to \$ 200,000	\$10,000	\$ 1,774
Class D	Up to \$ 300,000	\$10,000	\$ 2,578
Class E	Up to \$ 400,000	\$10,000	\$ 3,330
Class F	Up to \$ 500,000	\$10,000	\$ 4,020
Class G	Up to \$ 600,000	\$10,000	\$ 4,658
Class H	Up to \$ 700,000	\$10,000	\$ 5,242
Class I	Up to \$ 800,000	\$10,000	\$ 5,776
Class J	Up to \$1,000,000	\$20,000	\$ 6,548
Class K	Up to \$1,250,000	\$25,000	\$ 7,268
Class L	Up to \$1,500,000	\$25,000	\$ 7,938
Class M	Up to \$1,750,000	\$25,000	\$ 8,490
Class N	Up to \$2,000,000	\$25,000	\$ 8,992
Class O	Over \$2,000,000	Nonapplicable	\$ 9,880

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

6. RAFFLES (Fee based on annual gross gambling receipts)

Class A	Up to \$ 5,000	\$ 52
Class B	Up to \$10,000	\$ 161
Class C	Up to \$25,000	\$ 329
Class D	Up to \$50,000	\$ 553
Class E	Up to \$75,000	\$ 886
Class F	Over \$75,000	\$ 1,326

7. ((COMBINATION LICENSE))

COMBINATION LICENSE

CLASS A	Allows gross gambling receipts of up to \$25,000 from bingo, \$7,500 from raffles, and \$7,500 from amusement games, not to exceed \$30,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 100
CLASS B	Allows gross gambling receipts of up to \$60,000 from bingo, \$15,000 from raffles, and \$15,000 from amusement games, not to exceed \$75,000 combined gross] gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 260
CLASS C	Allows gross gambling receipts of up to \$125,000 from bingo, \$30,000 from raffles, and \$30,000 from amusement games not to exceed \$150,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 600

8. SEPARATE PREMISES

BINGO	Per occasion (see WAC 230-04-300)	\$ 26
--------------	-----------------------------------	-------

9. PERMITS

AGRICULTURAL FAIR-BINGO	(See WAC 230-04-191)	\$ 26
RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-25-330 and 230-02-505)	\$ 52

10. CHANGES

NAME	(See WAC 230-04-310)	\$ 26
LOCATION	(See WAC 230-04-320)	\$ 26
FRE	(Date or time) (See WAC 230-04-325)	\$ 26
LICENSE CLASS	(See WAC 230-04-260)	\$ 26
DUPLICATE LICENSE	(See WAC 230-04-290)	\$ 26

11. SPECIAL FEES

INVESTIGATION	(See WAC 230-04-240)	As required
REPLACEMENT	((See WAC 230-30-016))	\$ 26
IDENTIFICATION STAMPS	((See WAC 230-30-017)) (See WAC 230-08-017)	
EXCEEDING LICENSE CLASS	(See WAC 230-04-260)	As required
REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	((See WAC 230-08-017)) (See WAC 230-12-315)	As required

12. SIX-MONTH PAYMENT PLAN	(See WAC 230-04-190)	\$ 26
-----------------------------------	----------------------	-------

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 Order 304, filed 11/21/96, effective 1/1/97)

WAC 230-04-203 Fees—Commercial stimulant and other business organizations. All persons seeking to operate gambling activities at business locations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	SEE
1. CARD GAMES		
Class B	Limited card games - hearts, rummy, pitch, pinochle, mahjongg, and/or cribbage (Fee to play charged)	\$ 161
Class C	Tournament only, no more than ten consecutive days per tournament.	\$ 161
Class D	General (No fee to play charged)	\$ 52
Class E	General (Fee to play charged)	
E-1	One table only	\$ 386
E-2	Up to two tables	\$ 663
E-3	Up to three tables	\$1,106
E-4	Up to four tables	\$2,214
E-5	Up to five tables	\$3,330

2. COMMERCIAL AMUSEMENT

((GAMES)) GAMES	(Fee based on annual gross gambling receipts)	
* Class A	Premises only	((**)) ** \$276/\$126
Class B	Up to \$ 50,000	\$ 386
Class C	Up to \$ 100,000	\$ 992
Class D	Up to \$ 250,000	\$2,214
Class E	Up to \$ 500,000	\$3,884
Class F	Up to \$1,000,000	\$6,662
Class G	Over \$1,000,000	\$8,334

* Allows a business that is qualified under WAC 230-04-138 (1)(f), (g), (h), (i), or (j) to enter into a contract with a class "B" or above commercial amusement game licensee to locate and operate amusement games upon their premises.

PERMANENT

** Provides for a fee reduction of \$150 when: Renewing an annual license; applying for an additional license(s) at the same premises; and/or applying for multiple licenses at the same premises.

3. PUNCHBOARDS/

PULL TABS	(Fee based on annual gross gambling receipts)	VARIANCE*	
Class A	Up to \$50,000	\$ 5,000	\$ 527
Class B	Up to \$100,000	\$ 5,000	\$ 940
Class C	Up to \$200,000	\$10,000	\$1,774
Class D	Up to \$300,000	\$10,000	\$2,578
Class E	Up to \$400,000	\$10,000	\$3,330
Class F	Up to \$500,000	\$10,000	\$4,020
Class G	Up to \$600,000	\$10,000	\$4,658
Class H	Up to \$700,000	\$10,000	\$5,242
Class I	Up to \$800,000	\$10,000	\$5,776
Class J	Up to \$1,000,000	\$20,000	\$6,548
Class K	Up to \$1,250,000	\$25,000	\$7,268
Class L	Up to \$1,500,000	\$25,000	\$7,938
Class M	Up to \$1,750,000	\$25,000	\$8,490
Class N	Up to \$2,000,000	\$25,000	\$8,992
Class O	Over \$2,000,000	Nonapplicable	\$9,880

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

4. DISTRIBUTOR

(Fee based on annual gross sales of gambling related supplies and equipment)

(a) Class A	Nonpunchboard/pull tab only	\$ 553
Class B	Up to \$ 250,000	\$1,106
Class C	Up to \$ 500,000	\$1,660
Class D	Up to \$1,000,000	\$2,214
Class E	Up to \$2,500,000	\$2,882
Class F	Over \$2,500,000	\$3,550

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.

(b) FUND-RAISING

EVENT EQUIPMENT DISTRIBUTOR

Class A	Rents or leases equipment for fund-raising event or recreational gaming activity up to 10 times per year.	\$219
Class B	Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year.	\$553

5. MANUFACTURER

(Fee based on annual gross sales of gambling related supplies and equipment)

Class A	Machines only	\$ 553
Class B	Up to \$ 250,000	\$1,106
Class C	Up to \$ 500,000	\$1,660
Class D	Up to \$1,000,000	\$2,214
Class E	Up to \$2,500,000	\$2,882
Class F	Over \$2,500,000	\$3,550

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification, quality control inspection for additional activities or product lines, and renewal of licenses when travel cost is incurred to complete the investigation.

6. PERMITS

AGRICULTURAL FAIR/
SPECIAL PROPERTY
BINGO

Class A	One location and event only (See WAC 230-04-191)	\$ 26
Class B	Annual permit for specified different events and locations (See WAC 230-04-193)	\$161
RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-02-505 and 230-25-330)	\$ 52

7. CHANGES

NAME	(See WAC 230-04-310)	\$26
LOCATION	(See WAC 230-04-320)	\$26
BUSINESS CLASSIFICATION	(Same owners) (See WAC 230-04-340)	\$52
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus (See WAC 230-04-290)	\$26
DUPLICATE LICENSE	(See WAC 230-04-340)	\$52
OWNERSHIP OF STOCK LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340, and 230-04-350)	\$52

8. SPECIAL FEES

INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND INSPECTION	(See WAC 230-08-017)	As required
SERVICES STAMPS QUALITY CONTROL INSPECTION FEES	(See WAC 230-30-030)	As required
REPLACEMENT OF IDENTIFICATION STAMPS	((See WAC 230-30-016)) ((See WAC 230-30-017)) (See WAC 230-30-017)	\$26
EXCEEDING LICENSE CLASS REVIEW, INSPECTION AND/ OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-04-260)	As required
SPECIAL SALES PERMITS	(See WAC 230-04-115)	As required

9. SIX-MONTH

PAYMENT PLAN	(See WAC 230-04-190)	\$26
--------------	----------------------	------

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 94-01-033, filed 12/6/93, effective 1/6/94)

WAC 230-08-040 Sales invoices—Minimum information to be recorded for transfer of gambling equipment and merchandise—Retention—Penalties. The following requirements apply to sales invoices:

(1) In addition to entries required by WAC 230-08-025, the following information shall be recorded on invoices for sales or transfer of gambling equipment and merchandise:

~~((1) Punchboards/pull tabs for each board or series:~~

PERMANENT

- (a) Trade name of device;
- (b) Type of device;
- (c) Form number or other manufacturer assigned scheme to specifically identify a device, including the size or number of chances; and

(d) Identification and inspection services stamp number.

(2) Pull tab dispensing devices:

(a) Trade name of device;

(b) Type of device; and

(c) Identification and inspection services stamp number.

(3) Disposable bingo cards — for each set of cards or collation of packets:

(a) Type of product, including product line;

(b) Description of product, including the number of cartons, "series," "on," "cut," and "up";

(c) Identification and inspection services stamp number;

(d) Serial number or, if packets, serial number of the top page;

(e) Color and border pattern or, if packets, color and border pattern of the top page; and

(f) The unit or package number when a series or collation has been divided as authorized in WAC 230-20-192(6).

(4) All other gambling equipment:

(a) Trade name of device;

(b) Type of device;

(c) Serial number or other identification numbers or characteristics; and

(d) Identification and inspection services stamp number.)

(a) Punchboards/pull tabs - for each board or series:

(i) Trade name of device;

(ii) Type of device;

(iii) Form number or other manufacturer-assigned scheme to specifically identify a device, including the size or number of chances; and

(iv) Identification and inspection services stamp number.

(b) Pull tab dispensing devices:

(i) Trade name of device;

(ii) Type of device; and

(iii) Identification and inspection services stamp number.

(c) Disposable bingo cards - for each set of cards or collation of packets:

(i) Type of product, including product line;

(ii) Description of product, including the number of cartons, "series," "on," "cut," and "up";

(iii) Identification and inspection services stamp number;

(iv) Serial number or, if packets, serial number of the top page;

(v) Color and border pattern or, if packets, color and border pattern of the top page; and

(vi) The unit or package number when a series or collation has been divided as authorized in WAC 230-20-192(6).

(d) Merchandise to be used as prizes for any gambling activity, whether purchased from a licensed distributor or from other than a licensed distributor, must be recorded on a sales invoice or receipt. The following information must be on the sales invoice or receipt provided by the seller:

(i) The date of purchase;

(ii) The company's name and adequate business address;

(iii) A full description of each item purchased;

(iv) The quantity of items purchased; and

(v) The cost per individual items purchased; and

(e) All other gambling equipment:

(i) Trade name of device;

(ii) Type of device;

(iii) Serial number or other identification numbers or characteristics; and

(iv) Identification and inspection services stamp number.

(2) All sales invoices and receipts must be maintained by the operator for at least three years.

(3) Any manufacturer, distributor, or licensed representative of either, who fails to accurately complete any invoice for the sale or return of a punchboard, pull tab series, pull tab dispensing device, disposable bingo cards, related merchandise, or other gambling device may be assessed a fee of up to fifty dollars per incomplete invoice. The fee shall be used to defray extra costs incurred by the commission in tracking transfers or other monitoring procedures as a result of errors or omissions.

NEW SECTION

WAC 230-08-270 Transfer of any gambling devices requiring identification and inspection services stamps to be affixed. (1) Persons selling or otherwise furnishing punchboards, pull tabs, pull tab dispensing devices, disposable bingo cards, or other gambling equipment shall account for every such device received and/or transferred.

(2) All transfers shall be made by completing a sales invoice or credit memo, in accordance with WAC 230-08-040 and 230-08-025.

NEW SECTION

WAC 230-12-315 Request for services related to gambling activities—Fees. Any person requesting commission staff review, inspection, and/or evaluation of equipment, paraphernalia, services, or schemes related to licensed gambling activities shall reimburse the commission the cost to conduct such. If the requestor is currently licensed or has applied for a license, there will be no assessment of cost for the first two hours of service: *Provided*, That this two-hour exemption does not apply to any review conducted as part of a precicensing investigation. A deposit of the estimated cost may be required prior to performance of such service. If a deposit is required, it shall be received by the commission prior to the performance of any substantial work on the request.

AMENDATORY SECTION (Amending 304, filed 11/21/96, effective 1/1/97)

WAC 230-08-017 Control of gambling equipment—Use of identification and inspection services stamps. To ensure gambling equipment is used only as authorized, manufacturers, distributors, and operators shall maintain close control over all gambling equipment in their possession. Each transfer of such equipment shall be documented by completing an invoice or other written record setting forth the information required by WAC 230-08-040. Identification and inspection services stamps obtained from the commission shall be used to identify gambling equipment and shall be permanently and conspicuously affixed to all equipment

PERMANENT

and devices designated by the commission. Once attached, identification and inspection services stamps shall not be removed, disfigured, or otherwise tampered with by any person. These stamps shall be attached and controlled in the following manner:

(1) Identification and inspection services stamps shall be attached to the following gambling equipment and devices:

(a) Punchboards and pull tab series;

(b) Pull tab dispensing devices;

(c) Disposable bingo cards: *Provided*, That this requirement applies to cards shipped for use in Washington state after December 31, 1993. All inventory on hand at the distributor and operator level at the close of business on December 31, 1993, shall be exempt from this requirement;

(d) Coin or token-activated amusement games operated at any Class A amusement game license location;

(e) Electronic bingo card daubers; and

(f) Other gambling equipment or devices, as determined by the director.

(2) Identification and inspection services stamps shall only be sold to and attached by licensed manufacturers or commission staff: *Provided*, That a licensed owner of controlled gambling equipment may purchase and attach stamps (~~per WAC 230-30-018~~) as outlined in subsections (7) and (8) of this section;

(3) The fee charged for identification and inspection services stamps shall be set by the commission at a level sufficient to fund regulation and control of gambling equipment. Fees shall be as set out below:

(a) Punchboards and pull tabs:

(i) Standard - wagers fifty cents and below - twenty-seven cents;

(ii) Standard - wagers over fifty cents - one dollar;

(iii) ~~((ii))~~ Progressive jackpot pull tab series - ten dollars per series;

~~((iii) Bonus pull tab series with carry-over jackpot prizes - five dollars;))~~

(b) Pull tab dispensing devices(~~(f);(f-1))~~;

(i) Mechanical and electro-mechanical - twenty-seven cents;

(ii) Electronic - pull tab dispensing devices that require initial and ongoing evaluation of electronic components or functions, such as reading encoded data on pull tabs, accounting for income or prizes, and other functions determined by the director - one hundred dollars annually.

(c) Disposable bingo cards:

(i) Sets of individual cards or sheets of cards - twenty-seven cents;

(ii) Collations of cards - one dollar and ten cents.

(d) Coin or token-activated amusement games operated at any Class A amusement game license location - twenty-five dollars annually;

(e) Electronic bingo card daubers - ten dollars annually;

(f) Other equipment or devices - the actual cost of inspection or approval, as determined by the director.

(4) Devices that require identification and inspection services stamps to be installed annually shall have such stamps attached prior to placing any device into play and, on or before December 31 of the year preceding operation for each subsequent year: *Provided*, That annual identification and inspection services stamps shall be purchased and attached to electronic pull tab dispensing devices, coin

operated amusement games, and electronic bingo card daubers located in the state on December 31, 1996, prior to the operation of such devices on or after January 1, 1997.

(5) Identification stamps shall only be affixed to gambling equipment or devices in such a manner as to assure reasonable inspection without obstruction. If equipment is enclosed or packaged within protective materials, the stamps shall be readily visible for inspection without removal of any portion of the protective packaging: *Provided*, That when more than one device is packed in a shipping carton, this requirement shall not apply if the identification and inspection services stamp numbers of all devices contained in the carton are printed or otherwise noted on the outside of the carton. Stamps and records entry labels shall be affixed in the following manner:

(a) Punchboards - on the reverse side in an area that will not obstruct removal of punches: *Provided*, That if sufficient space is not available on the reverse side, the records entry labels may be wrapped around and/or partially attached to the edge of a punchboard in a manner that will not obstruct display of prizes available or other information required by rules of the commission;

(b) Pull tabs - on the face or reverse side of the flare. If placed on the face, then they must be in an area that will not obstruct prizes available or any other information required by rules of the commission;

(c) Pull tab dispensing devices - on the outside of the main body, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the pull tabs available for play. The records entry labels shall not be affixed to dispensing devices and may be discarded; and

(d) Disposable bingo cards - on the packing label attached to the outside of the shipping carton. Records entry labels shall be attached to the packing slip: *Provided*, That when a set or collation of cards is packed in more than one shipping carton, the stamp shall be attached to carton number one and the stamp number imprinted on all remaining shipping cartons.

(6) Identification and inspection services stamps shall not be attached to gambling equipment or devices that do not comply with rules of the commission. If a piece of equipment or a device requires specific commission approval, stamps shall not be affixed prior to such approval(~~(f) and~~);

(7) ~~((Any person requesting commission staff review, inspection, and/or evaluation of equipment, paraphernalia, services, or schemes related to licensed gambling activities shall reimburse the commission the cost to conduct such. If the person requesting the service is currently licensed, there will be no assessment of cost for the first hour of service. A deposit of estimated cost may be required prior to performance of such service.))~~ A licensed owner of gambling devices which require annual identifications and inspection services stamps may purchase such from the commission. The licensee shall submit the appropriate fee, along with a form provided by the commission, to obtain the stamps.

(8) A licensed owner of pull tab dispensing devices may obtain a commission identification and inspection services stamp to replace an identification stamp affixed to a pull tab dispensing device that has become unidentifiable due to wear. The fee for replacement of the stamp shall be as required by WAC 230-04-202 and/or 230-04-203. The

operator or distributor shall furnish the following information to the commission:

(a) A copy of the invoice from the operator, distributor or manufacturer for the purchase of the dispensing device in question; or

(b) A complete description of the pull tab dispensing device, serial number, manufacturer, and the commission stamp number previously affixed to the device, if known.

(9) Manufacturers shall maintain records that will allow accountability for all identification and inspection services stamps issued to them by the commission for at least three years after they are affixed to devices and sold. This accountability shall be by indefinite retention of unused or damaged stamps or by records as set out in WAC 230-08-025: *Provided*, That damaged stamps may be returned to the commission and will be replaced with serviceable stamps if they are accompanied by a detailed listing of the damaged stamps and a ten cent per stamp service charge.

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 spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 198, filed 10/17/89, effective 11/17/89)

WAC 230-30-030 Punchboard and pull tab quality control program—Special inspections ((and transfer invoices—Special fees to recover costs)), defective devices, reimbursements, and fees. In order to ensure the integrity of punchboards and pull tab series, the commission shall establish and maintain a quality control program. This program shall include a level of inspection and evaluation deemed necessary by commission staff to assure standards set forth in this title are met. The cost of administering this program shall be borne by licensed manufacturers. The quality control program shall include at least the following:

(1) Special inspections - the commission shall have the authority to select any punchboard or pull tab series, whether held by an operator, storage service, distributor, or manufacturer and to examine the quality and/or integrity of the punchboard or pull tab series in any manner, including punching out or pulling all chances remaining thereon((*Provided*, That if the punchboard or pull tab series so inspected is thereby altered in any manner and no defect, alteration, deceptive condition, or other violation is discovered, then the owner shall be reimbursed by the commission for his cost for the punchboard or pull tab series, and the device shall become the property of the commission. *Provided further*, That for each such punchboard or pull tab series inspected which is found to be defective in any area related to a quality control deficiency, by the manufacturer, a fee not to exceed \$100.00 per each such punchboard or pull tab series inspected may be assessed by the commission against the manufacturer of the punchboard or pull tab series to compensate the commission for the inspection.

(2) Transfer invoices—any manufacturer, distributor, or licensed representative of either, that fails to accurately

complete any invoice for the sale or return of a punchboard, pull tab series, dispensing device, or related merchandise as required by WAC 230-30-018 may be assessed a fee of up to \$50.00 per invoice. The fee shall be used to defray extra costs incurred by the commission in tracking transfers or other monitoring procedures as a result of errors or omissions)). Manufacturers shall be responsible for reimbursing distributors or operators for unused games selected by the commission for quality control testing purposes. The reimbursement process shall be determined by commission policy. Manufacturers may be billed for the cost of quality control investigations which exceed forty hours of commission staff time.

(2) Defective punchboards or pull tab series - each punchboard or pull tab series which is deemed to be defective or unplayable shall be treated as follows, based on the status of the game:

(a) No punchboard or pull tab series which has been placed out for play and for which punches or tabs have been sold shall be returned to the distributor or manufacturer without commission approval. Upon discovery of a defect, the operator shall remove the board or series from play and notify the commission. The commission shall complete a quality control report which shall be used to return the board or series to the distributor or manufacturer; and

(b) Defective or recalled boards or series which have not yet been opened may be returned to the distributor or manufacturer without a quality control report.

(3) Credits or reimbursements for defective punchboards or pull tab series:

(a) Manufacturers shall reimburse distributors or operators for the cost of a replacement board or series which comply with subsection (2) of this section;

(b) Manufacturers may, at their discretion, reimburse operators for only actual net losses resulting from the play of a board or series due to its defect; and

(c) Credits and reimbursements for defective punchboards or pull tab series shall be handled as follows:

(i) All boards or series returned to a distributor or manufacturer shall be properly recorded on a credit memo in accordance with WAC 230-08-025; and

(ii) Reimbursements of actual net losses incurred from manufacturers to operators may be given through a credit memo to a distributor or a check to the operator. Adequate supporting documentation for all reimbursements must be retained by the manufacturer.

(4) Commission fees to recover costs for defective punchboards or pull tab series - the commission may assess a fee not to exceed one hundred dollars for each defective punchboard or pull tab series sold to operators for which a quality control report is completed. In addition, this fee shall not be assessed beyond the fifth series of a particular form number with the same defect.

AMENDATORY SECTION (Amending Order 305, filed 11/21/96, effective 1/1/97)

WAC 230-30-040 Bonus pull tab ((games and carry-over jackpots))—Definitions—Restrictions. For purposes of this title, the following definition((s, restrictions,)) and requirements apply to bonus pull tab ((games and carry-over jackpots)) series:

(1) ~~((Definitions:~~

~~(a)) Bonus pull tab ((game)) series definition - A pull tab ((game)) series that includes a predetermined number of pull tabs which allow a player the opportunity to advance to a bonus section to determine the prize.~~

~~((b) Carry over jackpot prizes—A designated jackpot prize on a bonus pull tab game which, if not won, is carried over to another bonus pull tab game. There is no progression of the jackpot prize based on sales or receipts.))~~

What are the requirements of bonus pull tab games?

(2) Bonus pull tab ((games)) series must comply with the following:

(a) Each flare shall clearly set out the following:

(i) All prizes available, in accordance with WAC 230-30-106 ~~((2)(b))~~;

(ii) The number of chances available to advance and win a larger prize; and

(iii) The number of winning tabs at each prize level;

(b) Only guaranteed or minimum prizes may be used in calculating the sixty percent payout required by WAC ~~((230-30-075))~~ 230-30-080.

(c) The following are prohibited for use with bonus pull tab series:

(i) Substitute flares;

(ii) Merchandise prizes; and

(iii) "Last sale" prizes ((are not allowed on bonus pull tab games)).

~~((What additional requirements apply to bonus pull tab games with carry over jackpots?))~~

~~((3) Bonus pull tab games with carry over jackpot prizes must meet the following additional requirements:~~

~~(a) The carry over jackpot prize amount shall not be included in the sixty percent payout calculation;~~

~~(b) The amount of the carry over jackpot prize and the method of carry over shall be determined by the manufacturer and disclosed on the flare; and~~

~~(c) Carry over jackpot prize amounts may not exceed two thousand five hundred dollars as required by WAC 230-30-075(2); and~~

~~(d) Carry over jackpot prizes are authorized only on flares designed for bonus pull tab games. No substitute flares are allowed.))~~

~~((In bonus pull tab games with carry over jackpots how must winning tickets be redeemed and what records should I keep?))~~

~~((4) The following requirements apply to the redemption of winning tickets and record keeping for bonus pull tab games with carry over jackpots:~~

~~(a) For jackpot prizes one thousand two hundred dollars and over, the winner's full name, address, and social security number shall be recorded on a separate form for income tax purposes;~~

~~(b) All winning tabs and winner information for jackpot prizes, along with the game flares, must be retained for at least one year from the date from which the games were removed from play;~~

~~(c) Winning tabs shall be redeemed in the same manner as required by WAC 230-30-070. For prizes where the winning tab is part of the flare, the amount of the prize~~

~~awarded and the information required to be documented in WAC 230-30-070 (7)(a) shall be recorded on a separate piece of paper, as authorized by WAC 230-30-070 (7)(e); and~~

~~(d) Operators are required to maintain a separate record documenting the flow of carry over jackpots from one game to another.~~

~~(e) Once all opportunities in a section of the flare have been won, all references to prizes no longer available to be won must be deleted from the flare.))~~

~~((What aspects of bonus pull tab games with carry over jackpots require agency approval, and what standards are applicable to this approval process?))~~

~~(5) The director shall approve all bonus pull tab games with carry over jackpot prizes:~~

~~(a) The following shall be approved prior to sale in Washington:~~

~~(i) The manufacturing process used to manufacture bonus pull tab games with carry over jackpot prizes; and~~

~~(ii) The secondary win code system.~~

~~(b) Any costs related to the approval of bonus pull tab games with carry over jackpot prizes shall be billed to the persons requesting approval.))~~

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

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

AMENDATORY SECTION (Amending WSR 95-23-109, filed 11/22/95, effective 1/1/96)

WAC 230-30-050 Punchboard and pull tab ((operation)) operating restrictions and dispensing limitations. The following operating restrictions and dispensing limitations apply to punchboards and pull tabs:

(1) No person under the age of eighteen years and no person visibly intoxicated or visibly under the influence of any narcotic, shall be allowed to play or sell any punchboard or pull tab ~~((device))~~ series. It shall be the responsibility of both the licensee and ~~((the responsibility of))~~ the person physically operating the punchboard or pull tab ~~((device))~~ series to determine and ensure that no unauthorized person is allowed to play or sell.

(2) No operator shall permit the display or operation of any punchboard or pull tab which may have in any manner been marked, defaced, tampered with or otherwise placed in a condition, or operated in a manner, which may deceive the public or which affects the chances of winning or losing upon the taking of any chance thereon.

(3) ~~((All pull tabs must be sold from a commission approved dispensing device or a clear container. If pull tabs are sold out of a clear container, the complete series must be placed in a container and mixed prior to being offered for sale. Failure to mix may result in a minimum five day suspension of license for each series not mixed. Licensees may bundle pull tabs into stacks of up to twenty dollars,~~

~~provided the bundles are thoroughly mixed prior to sale to the public.~~

~~(4)) No punchboard or pull tab series shall be placed out for play unless it meets the requirements of WAC 230-30-080.~~

~~(4) Once placed out for play, a punchboard or pull tab series flare may not be modified or otherwise changed, except for the deletion of prizes as required by WAC 230-30-070.~~

~~(5) All records, reports and receipts relating to a punchboard or pull tab series in play must be retained on the licensed premises so long as the series or punchboard is in play and be made available on demand to law enforcement officers and representatives of the commission.~~

~~((5) When operators purchase merchandise to be used as prizes on punchboards or pull tab series from other than a licensed distributor, the following information must be on the invoice provided by the seller:~~

- ~~(a) The date of purchase;~~
~~(b) The company's name and adequate business address;~~
~~(c) A full description of each item purchased;~~
~~(d) The quantity of items purchased;~~
~~(e) The cost per individual items purchased; and~~
~~(f) The sales invoice or receipt must be maintained by the operator for at least three years.))~~

~~(6) Pull tab dispensing limitations:~~

~~(a) No pull tab shall be added to a series of pull tabs after that series has been shipped from its place of manufacture;~~

~~(b) All pull tabs must be sold from a commission approved dispensing device or a transparent container. If sold from a transparent container, the pull tabs must be visible to the players so that the players are able to estimate the number of chances remaining in the series;~~

~~(c) All pull tabs in a series must be thoroughly mixed prior to being placed in a dispensing device or clear container and being offered for sale. Failure to mix may result in a minimum five-day suspension of license for each series not mixed;~~

~~(d) Licensees may assemble pull tabs into bundles with a sales price of up to twenty dollars: *Provided*, That the bundles must be thoroughly mixed prior to sale to the public;~~

~~(e) No person shall put out any pull tab series for play unless the series of pull tabs is wholly contained within the device or container used for dispensing that series. In cases where a spindle is used, the series of pull tabs may sit upon the device or container used for dispensing that series: *Provided*, That progressive jackpot pull tab games, as authorized by WAC 230-30-025, may utilize more than one machine for a series;~~

~~(f) No pull tab series, or any portion thereof, shall be placed in any pull tab dispensing device or container until any other series of pull tabs previously in the device or container has been played out or permanently removed from play: *Provided*, That in the use of a multiple series dispensing device, each series shall be played independently and in accordance with this provision;~~

~~(g) Once placed out for play, no pull tab shall be removed from the dispensing device or container until it is sold or the series is permanently removed from play, except only:~~

(i) Those pull tabs removed by commission representatives or other law enforcement agency inspecting the device; or

(ii) Those tabs temporarily removed during necessary repair or maintenance of the dispensing device or container; and

(7) Any punchboard or pull tab series that is permanently removed from play shall not be placed out for further play under any circumstances: *Provided*, That boards or series may be temporarily removed from play for any of the following reasons and returned to normal play at a later time:

(a) Pull tab series removed under authority of subsection (6)(g);

(b) To reserve a game for a specific player when:

(i) The licensee has established house rules for reserving games that include reasons or conditions for reserving such games and the maximum time for which a game may be reserved;

(ii) The house rules are clear in meaning and posted in a manner that players can observe; and

(iii) The board or series is clearly identified as reserved;

(c) A board or series is designated to be played during certain hours of the licensee's operation, such as "happy hour." Such games shall be clearly identified and house rules shall be posted regarding hours of play and/or other conditions affecting play.

AMENDATORY SECTION (Amending Order 173, filed 11/23/87)

WAC 230-30-055 Standards for construction of punchboards. All punchboards sold for use in the state of Washington must comply with the following standards:

(1) **Patterns:** The punchboard shall be designed and manufactured with special care so as to eliminate any patterns between punchboards, or portions of punchboards, from which the location or approximate location of winning punches may be determined. *Winning punches shall be randomly distributed and mixed among all other punches in the punchboard.* Manufacturers shall employ at least the following steps to insure that no pattern exists.

(a) The form or permanent number sheets shall be mixed prior to cutting;

(b) After the strips (straws) have been crimped, all strips shall be thoroughly mixed prior to insertion in punchboards;

(c) When filling punchboards, workers shall alter the procedures for filling each separate set, so as to prevent any pattern between sets of punchboards; and

(d) No more than eight punchboards from any one set of boards shall be included in any case of punchboards for shipment to Washington.

(2) **Serial numbers:** ~~((Effective July 1, 1988,))~~ Serial numbers set forth on the form or permanent number sheets shall be nonsequential so as to ensure that no pattern is created which would permit the tracking of boards through the serial number.

(3) **Guaranteed numbers:** All numbers or symbols designated as winners on the flare must be guaranteed by the manufacturer as being present in the board. The manufacturer may at their option place a sticker or equivalent on the back of each punchboard setting forth additional numbers or

symbols that are guaranteed to be in the board. The additional numbers or symbols on the back of the board shall not exceed 5% of the total punches in the board without the written permission of the commission.

(4) **Security:** All punchboards must be sealed so it is impossible to determine the number or symbol of any punch prior to being punched out of the board by any method or device including but not limited to the use of markings or light. Punchboards which have taped sides, corners, or edges are prohibited.

(5) **Step-up boards:**

(a) All cards, straws, or punches that contain the winners in the step-up portion of any punchboard shall be completely sealed so as to prevent premature winner identification and such items shall be thoroughly mixed so as to ensure that no pattern of winners exists.

(b) Step-up boards that contain winners covered by seals must have at least twenty-five different face sheets for use on that specific step-up board. Face sheets shall be utilized in such a manner so as to ensure random distribution during the manufacturing process.

AMENDATORY SECTION (Amending Order 305, filed 11/21/96, effective 1/1/97)

WAC 230-30-070 Control of prizes — Restrictions — Bonus Prizes — Displaying — Procedures for awarding. Punchboard and pull tab prizes shall be closely controlled to ensure players are not defrauded.

What may be awarded as a punchboard or pull tab prize?

(1) All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise.

(a) No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

~~(a) Value of merchandise prizes.~~ (b) For purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid ~~((therefor))~~ by the licensed operator plus 50 percent of that actual cost.

~~((b))~~ ~~((b))~~ (2) Additional chances on a punchboard or pull tab game may not be awarded as a prize. Provided, That prizes may involve the opportunity to advance and win ~~((bonus prizes))~~ a larger prize on the same punchboard or pull tab game as set forth in subsection ~~(3)~~ (4) ~~((below))~~ of this section.

What is a bonus prize?

~~((2))~~ (3) A bonus prize is a prize offered in a bonus pull tab game, defined in WAC 230-30-040(1). A step-up prize is a prize offered on a punchboard. The awarding of these prizes involves an immediate, additional opportunity to advance to a section of the game to determine the prize.

What additional requirements apply to the offering of bonus or step-up prizes?

~~((3))~~ (4) ~~((The))~~ On games where players advance, the bonus or step-up prizes may not be less than the highest prize available, ~~((whether cash or merchandise,))~~ which might otherwise have been won by the punch or pull tab for which the opportunity was awarded. Each punchboard or pull tab game offering bonus or step-up prizes must clearly indicate on its flare the terms and conditions under which the

bonus or step-up prize may be won, including the amount of the bonus or step-up prize.

How must prizes be displayed?

~~((4))~~ (5) The licensee shall display prizes so that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises. In addition, the following requirements apply.

(a) Merchandise prizes shall be displayed as follows:

(i) In the immediate vicinity of the punchboard or pull tab series and in plain view;

(ii) If size or space constraints do not allow the prize to be displayed as provided in (a)(i) of this subsection, the merchandise prize may be displayed elsewhere on the premises provided that a specific reference to that actual prize is noted on the flare; or

(iii) If the merchandise prize cannot be displayed on the premises, an accurate description and/or photograph of the prize must be displayed in plain view on or immediately adjacent to the flare.

(b) Cash prizes shall be clearly represented on the prize flare;

(c) Combination cash and merchandise prizes must meet the requirements of both ~~((subsections))~~ (a) and (b) of this subsection;

What is the procedure for removing prizes from flares and presenting prizes to winning players?

~~((5))~~ (6) The following procedures apply to the removal of prizes from the game flare and the presentation of prizes to winning players:

(a) Upon determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from the flare and present the prize to the winner upon demand;

(b) Upon determination of a winner of any cash prize ~~((of))~~ over twenty dollars ~~((or more))~~, or of any merchandise prize with a retail value ~~((of))~~ over twenty dollars ~~((or more))~~, the licensee shall permanently and conspicuously delete all references to that prize from any flare, punchboard, or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. On ~~((bonus))~~ step-up punchboards and bonus pull tab games, once all opportunities in a section of the flare have been won, all references to prizes no longer available to be won must be deleted on the flare. Operators may correct an inadvertently deleted prize by noting on the flare that such prize is still available. Such reference shall be permanently and conspicuously deleted when the prize is actually awarded. Failure to permanently and conspicuously delete a prize from the flare may result in the director initiating actions to revoke a license for violation of RCW 9.46.190 (defrauding a participant). The prize shall be paid or delivered to the winner only after all reference to such prize has been deleted from the flare.

What must I do if someone buys out a punchboard or pull tab game?

~~((6))~~ (7) Payment of prizes. The licensee must pay or award to the customer or player playing the punchboard or pull tab series all such prizes that are required to be, but

have not been, deleted from the flare when the punchboard or pull tab series is completely played out.

What is the procedure for redemption of winning pull tabs or punches?

~~((7))~~ (8) Record of winners. When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. The record of the win shall be made in the following manner:

(a) The winners shall be required to print their name and date of birth, in ink, upon the side of the winning punch or tab opposite the winning symbol(s);

(b) The licensee or their representative shall then verify the winner's identity and record the date and initial the winning punch or tab; and

(c) If the pull tab or punch is constructed or printed in such a manner as to preclude recording the information required in (a) and (b) of this subsection in a legible manner, the licensee may record the required information on a sheet of paper not less than three inches by five inches and staple the winning tab or punch thereto.

~~((8))~~ (9) Defacing winning punches or tabs. The licensee shall, within twenty-four hours after a winning pull tab or punch of twenty dollars or more has been presented for payment, mark or perforate the winning symbols in such a manner that the pull tab or punch cannot be presented again for payment.

What special operating conditions apply to spindle, banded, or jar type pull tab games which award merchandise prizes only?

~~((9))~~ (10) Spindle, banded, or "jar" type pull tabs played in a manner which awards merchandise prizes only. Pull tab series which award only merchandise prizes valued at no more than twenty dollars, are hereby permitted to employ schemes whereby certain predesignated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall moneys collected and later reimbursed constitute revenue for the purposes of determining gross gambling receipts.

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 Order 261, filed 12/5/94, effective 1/5/95)

WAC 230-30-072 Punchboard and pull tab inventory control—Retention requirements—Audit adjustments. Each punchboard and pull tab series purchased or otherwise

obtained by an operator shall be controlled and accounted for ~~((in the following manner:—(1)))~~. Each operator shall closely monitor punchboard and pull tab series purchased to assure that Washington state identification and inspection service stamp numbers are correctly entered in all records and each device purchased is properly recorded. The following control procedures apply:

~~((a))~~ ~~At the time a punchboard or pull tab series is delivered, each operator will assure that all required data is correctly recorded by the distributor by comparing the actual Washington state identification and inspection services stamp number attached to each punchboard and pull tab series to the number recorded on the purchase invoice;~~

~~(b))~~ (1) The delivery/receipt of punchboards and pull tab series shall be recorded as follows:

(a) All purchases of punchboards or pull tab series shall be recorded on a standard distributor's invoice, which will be used by the operator as a record to account for the punchboard or pull tab series between the time it is purchased and removed from play. Each invoice shall include space for the operator to ~~((either))~~ attach ((a)) the records entry label ((or enter the Washington state identification and inspection services stamp number)) from the device and the date the device was placed out for play: *Provided*, That in lieu of the distributor's invoice recording system, licensees utilizing a computerized recordkeeping system may use a separate inventory record to account for purchases and uses of punchboards and pull tabs((—Entries required to be made by the distributor on the purchase invoice shall be entered by the operator on the alternative inventory record at the time devices are received. The inventory record may be manually maintained or generated from a computer data base. If generated from a computer data base, all requirements relating to computer data base records and printouts, as set out in WAC 230-08-010 (6) and (7) shall be followed. Inventory records shall include space for the following entries for each punchboard or pull tab series purchased or otherwise obtained:

(i) Distributor's name;
 (ii) Invoice number;
 (iii) Date of purchase;
 (iv) Name of the punchboard or pull tab series;
 (v) Date placed into play;
 (vi) The Washington state identification and inspection services stamp number entered by the distributor at the time of purchase; and

~~(vii) The Washington state identification and inspection services stamp number entered by the operator by attaching a records entry label at the time the device is placed into play: *Provided*, That a computer generated facsimile of the number may be imprinted on the inventory record in lieu of a records entry label;~~

(e)) as long as all necessary information is recorded. For these records, a computer generated facsimile of the stamp number may be imprinted on the inventory record in lieu of a records entry label.

(b) At the time a punchboard or pull tab series is delivered, each operator will assure that all required data is correctly recorded by the distributor by comparing the actual Washington state identification and inspection services stamp number attached to each punchboard and pull tab series to the number recorded on the purchase invoice;

(2) At the time a punchboard or pull tab series is placed into play, each operator shall record in the allotted space on the distributor's invoice or the inventory record the following:

((+)) (a) Date placed into play; and
 ((+)) (b) Washington state identification and inspection services stamp number by attaching a records entry label. ~~Provided, That a computer generated facsimile of the number may be imprinted on the inventory record in lieu of a records entry label).~~

~~((d) If a device is returned to a distributor for any reason, including commission required recall, the operator shall record the date, invoice or credit memo number, and "returned" on the original purchase invoice or inventory log in the spaces allotted for "date in play" and "records entry label";~~

(2)) (3) Each punchboard or pull tab series which is removed from ~~(operation)~~ play, together with the prize flare, all unplayed tabs, and all winning punches or tabs, shall be retained by the operator and made available for inspection, on the licensed premises, by commission agents and/or local law enforcement and taxing agencies. If devices are stored off premises, they must be produced for inspection upon demand. The minimum retention time for devices removed from play shall be:

(a) Charitable or nonprofit licensees - at least four months following the last day of the month in which the device was removed from play; ~~(and)~~

(b) Commercial stimulant licensees - at least two months following the last day of the month in which the device was removed from play: *Provided*, That all winning punches or pull tabs in excess of twenty dollars shall be retained for at least ninety days following the day the device was removed from play: *Provided further*, That any commercial stimulant licensee ~~(that)~~ who fails to comply with all recordkeeping requirements of this title or who misstates gross gambling receipts by more than one percent during any calendar quarter shall be required, after written notification by the director, to retain all devices for at least four months following the last day of the month in which it was removed from play. Any licensee so restricted may petition the director to remove the increased retention requirement imposed after a minimum of one year. Any such petition shall include documentation of the steps taken to correct recordkeeping deficiencies. For purposes of computing gross gambling receipts for determining compliance with the recording accuracy requirement, the procedures in subsection ~~((5))~~ (6) of this section apply; and

~~((3))~~ (c) In addition to (a) and (b) of this subsection, additional retention requirements may apply to specially authorized pull tab series;

(4) Each punchboard or pull tab series which is not placed out for ~~(public)~~ play or returned to the distributor or manufacturer from whom it was originally purchased, must be retained on the licensed premises and made available for inspection by the commission ~~(agents)~~ and/or local law enforcement and taxing agencies: *Provided*, That devices may be stored off premises if they are produced for inspection upon demand;

~~((4) Each punchboard or pull tab series which is deemed by the operator to be defective or unplayable, for any reason, shall not be returned to the distributor or~~

~~manufacturer without approval from the commission. If it is found to be defective after it has been placed out for play, all other rules apply and it must be recorded as required by WAC 230-08-010: *Provided*, That the retention time required by subsection (2) above may be shortened by the commission upon inspection and written release by a commission agent;~~)

(5) Each punchboard or pull tab series which has been placed out for play and is subsequently returned to a distributor or manufacturer is exempt from the retention requirements in subsection (3) of this section. The operator must retain a copy of the quality control report for the retention period normally applicable and must record each game on its monthly record required by WAC 230-08-010. If a device is returned to a distributor for any reason, including commission required recall, the operator shall record the date, invoice or credit memo number, and "returned" on the original purchase invoice or inventory record on the corresponding entry for the device;

(6) For purposes of compliance with the requirements of this section and license class compliance, gross gambling receipts from the operation of punchboards and pull tabs shall be adjusted for commission staff audit findings by using the following procedures:

(a) Unrecorded devices - gross gambling receipts shall be increased to account for any unrecorded devices purchased by an operator by adding the maximum amount that could be generated from the device, as determined by multiplying the total number of chances available by the price of a single chance. The adjustment shall be made to the records for the month in which the device was purchased; and

(b) Recording errors - gross gambling receipts shall be increased or decreased by an adjustment factor that is based upon the results of an audit of a sample of at least five devices randomly selected by the commission staff. The adjustment factor shall be determined by dividing the audited amount for the sample group of devices by the recorded amount for the same devices. The resulting product of this equation shall be applied to the total recorded gross gambling receipts for the calendar quarter from which the sample was taken and to the immediately preceding three quarters.

AMENDATORY SECTION (Amending Order 305, filed 11/21/96, effective 1/1/97)

WAC 230-30-080 ((Pull tab dispensing limitations-))
Punchboard and pull tab series restrictions—Prizes, size of game, and location of winners. ~~((1) No pull tabs shall be placed out for public play unless the total number of pull tabs originally in the series shall be clearly disclosed on the face of the flare advertising the prizes available from that series of pull tabs. The total number of pull tabs originally in the series will be placed upon the flare by the manufacturer prior to the series being sold to a distributor or operator.~~

~~(2) No pull tab shall be added to a series of pull tabs after that series has been shipped from its place of manufacture.~~

~~(3)(a) No pull tab series, or any portion thereof, shall be placed in, or if a spindle upon, any pull tab dispensing device or container until any other series of pull tabs~~

previously in, or upon, the device or container has been played out or permanently removed from public play.

(b) Provided, that in the use of a multiple series dispensing device, each series shall be played independently and in accordance with the provisions in (a) above.

(4) No pull tab once placed out for public play shall be removed from the dispensing device or container until the series is permanently removed from public play, except only:

(a) Those pull tabs actually played by consumers; [or]
 (b) Those pull tabs removed by commission representatives[,] or other law enforcement agency inspecting the device; or

(c) Those tabs temporarily removed during necessary repair or maintenance of the device.

(5) Once a pull tab has been removed from public play it shall not again be put out for public play, except tabs removed under subsection[s] (4)(b) and (c) [above].

(6) No person shall put out any pull tab series for public play unless the series of pull tabs is wholly contained within, or if a spindle upon, the device or container used for dispensing that series[.] ~~Provided, that progressive jackpot pull tab games, as authorized by WAC 230-30-025, may utilize more than one machine for a series.~~

(7) No person shall sell or transfer to another person in this state, or for use within this state, or put out for public play, any pull tab series which contains more than ten thousand individual pull tabs[.] ~~Provided, that progressive jackpot pull tab games, as authorized by WAC 230-30-025, may contain up to fifty thousand individual pull tabs.~~) No operator, distributor, or manufacturer, or representative thereof shall possess, display, put out for play, sell, or otherwise transfer to any person in this state, or for use in this state, any punchboard or pull tab series which:

(1) Does not offer prizes that are equal to or greater than sixty percent of the total gross receipts available from the punchboard or pull tab series. The following applies to the sixty percent calculation:

(a) For the purposes of determining the percentage of prizes offered on any punchboard, or in any pull tab series, total merchandise prizes shall be computed at the amount actually paid by the licensed operator plus fifty percent of that actual cost; and

(b) Prize and percentage requirements for progressive pull tab series shall be calculated as set forth in WAC 230-30-025;

(2) Offers a single prize that exceeds:

(a) Five hundred dollars in cash: *Provided, That progressive jackpot pull tab prizes, as authorized in WAC 230-30-025 shall be exempt from this requirement and shall be subject to the limits defined in those rules; or*

(b) A merchandise prize, or combination cash-merchandise prize, for which the operator has expended more than five hundred dollars;

(3) Has multiple winners on an individual pull tab or punch that combined values exceed the single cash or merchandise prize limit in subsection (2) of this section;

(4) Offers prizes for purchasing the last ticket or last punch that exceeds:

(a) One hundred dollars cash; or
 (b) Merchandise for which the licensee has expended more than one hundred dollars; or

(c) The highest prize offered, whichever is less;

(5) Contains more than ten thousand individual pull tabs: *Provided, That progressive jackpot pull tab series, as authorized by WAC 230-30-025, may contain up to fifty thousand individual pull tabs;*

(6) Utilizes a flare which does not meet the requirements of WAC 230-30-106;

(7) The winning punches or tabs have not been randomly distributed and mixed among all other punches or tabs in the board or series;

(8) The location, or approximate location, of any winning punches or tabs can be determined in advance of punching the punchboard or opening the tabs in any manner or by any device, by markings on the board, tabs, or container, or by use of a light;

(9) There exists a key to any winning numbers or symbols; or

(10) Does not conform in any other respect to the requirements of WAC rules as to the manufacture, assembly, or packaging of punchboards or pull tabs.

AMENDATORY SECTION (Amending Order 305, filed 11/21/96, effective 1/1/97)

WAC 230-30-102 Pull tab series assembly and packaging. (1) Manufacturers of pull tabs shall ((~~manufac-~~ture,)) assemble((;)) and package each pull tab series in one container ((~~and in such a manner that none of the winning pull tabs, nor the location or approximate location of any of the winning pull tabs can be determined, in advance of opening the pull tabs in any manner or by any device, including but not limited to any pattern in manufacture, assembly, packaging, markings, or by the use of a light.~~)); *Provided, That progressive jackpot pull tab games, as authorized by WAC 230-30-025, may be packaged in more than one container under the following conditions;*

(a) All boxes are shrink wrapped and sealed with a sticker or seal of the manufacturer;

(b) Each individual box must be identically labeled with a manufacturer designed referencing system to include:

(i) Individual box reference and total boxes per series;

(ii) Series number; and

(iii) Identification and inspection services stamp number;

(c) Each case must be labeled to include:

(i) Case reference and total cases per set; and

(ii) Series number; and

(d) Each box and/or case must be packaged and shipped together. Cases must be specially marked to easily identify the contents during shipping.

(2) Winning pull tabs shall be randomly distributed and mixed among all other pull tabs in a series so as to eliminate any pattern as between series, or portions of series, from which the location or approximate location of any of the winning tabs may be determined. The pull tab series must be assembled so that no placement of winners or losers exist that allows the possibility of prize manipulation or "pick out." ((~~Manufacturers shall not manufacture or offer for sale in Washington any pull tab series in which the winning pull tabs are not distributed and mixed among all other pull tabs in that series.~~))

(3) Manufacturers will mix pull tabs prior to placing them in their final packing container. The mix shall insure that pull tabs are separated from the original collated row

position and dispersed amongst all rows in the final packing container.

(4) Each series of pull tabs shall contain a packing slip placed inside the package containing the name of manufacturer, series number, date the series was packaged, and the name or identification of the person who packaged the series: *Provided*, That this information may be printed on the flare or the outside of the package, box or container in which the pull tabs are packed. This information must be readily available to commission staff from the manufacturer upon request. For progressive jackpot pull tab games, the packing slip and flare must be packaged with the first box of the series.

(5) Manufacturers of pull tabs shall print on the outside of the ~~((die-cut))~~ box, package, or other container of pull tabs the ~~((following))~~ message ~~("Washington State law requires that pull tabs NOT sold through a mechanical pull tab dispensing device must be removed from the packaging container and mixed before selling to the public. Failure to remove and mix pull tabs from a packaging container may result in a minimum five day suspension of a license for each series not mixed.")~~ that pull tabs must be removed from the packaging container and thoroughly mixed prior to sale to the public: *Provided*, That the above information may be printed on a crack and peel sticker and placed on the outside of the ~~((die-cut))~~ box, package, or other container of pull tabs~~((The above information may be printed))~~ or on a ~~((colored))~~ packing slip ~~((and))~~ placed inside the package of pull tabs. *Provided further*, That packages of jar tickets may be exempt from this requirement upon the director's approval.

AMENDATORY SECTION (Amending Order 305, filed 11/21/96, effective 1/1/97)

WAC 230-30-103 Standards for construction of pull tabs. (1) ~~((All pull tabs manufactured for use in the state of Washington after January 1, 1992 shall utilize a secondary verification code to prohibit counterfeiting on tabs that award prizes greater than \$20.00. Such codes shall be approved by the director prior to use within the state. Punchboards are exempt from the secondary verification code requirements.~~

~~((2)))~~ Determination of winners prohibited.

(a) Pull tabs shall be constructed and glued, sealed, or banded so that it is impossible to determine the covered or concealed numbers, symbol, set of symbols, or game protection on the pull tab until it has been dispensed to and opened by the player, by any method or device, including but not limited to, ~~((the use of a))~~ markings, variance in size, variance in paper fiber, color or printing variations or light. ~~((Winning and losing sheets for each game must be manufactured using the same paper stock and must be manufactured at the same time for all progressive jackpot pull tab games.~~

~~((3)))~~ (b) All pull tabs will be constructed to insure that, when offered for sale to the public, the pull tab is virtually opaque and free of security defects wherein winning pull tabs cannot be determined prior to being opened through the use of high intensity lights, peaking, or any other method.

(2) All pull tabs, except banded and latex covered pull tabs, will be constructed using a two or three ply paper stock construction. Winning and losing sheets for each game must

be manufactured using the same paper stock and must be manufactured at the same time for all progressive pull tab series, as authorized in WAC 230-30-025.

~~((4))~~ (3) The manufacturer shall conspicuously print on the ~~((face or cover sheet))~~ pull tab the series number and the name of the manufacturer or label or trademark identifying the manufacturer~~((On banded pull tabs, the series number and the name of the manufacturer or label or trademark identifying the manufacturer shall be printed))~~ so both are readily visible prior to opening the pull tab. The label or trademark must be filed with the commission prior to the printing of the pull tab.

~~((5))~~ ~~The cover sheet shall be color coded when individual series numbers are repeated and may show the consumer how to open the pull tab to determine the symbols or numbers.~~ (4) The cover sheet will contain perforated and/or clean-cut openings centered over the symbols or numbers on the back of the face sheet in such a manner as to allow easy opening by the consumer after purchase of the pull tabs, while at the same time, not permitting pull tabs to be opened prematurely in normal handling. Perforation should exist on both horizontal lines of the opening with either perforated or clean-cut on the vertical or elliptical line where the tab must be grasped for opening after bending the edge of ticket down. ~~((On latex covered pull tabs, either the face or back of the pull tab shall be color coded when individual series numbers are repeated and may show the consumer how to remove the latex to determine the symbols or numbers. On banded pull tabs, the paper stock shall be color coded when individual series numbers are repeated.~~

(6) ~~Pull tabs will be glued or sealed so that it is impossible to determine the covered or concealed numbers, symbol or set of symbols on the pull tab until it has been dispensed to and opened by the player.~~

(7) Thickness.

(a) Vendable pull tabs. Defined as pull tabs that are sold out of mechanical pull tab dispensing devices approved for such use in this state by the Washington state gambling commission.

(i) Single opening and double sided tabs. The overall bulk thickness of the pull tab shall be .045 inches plus or minus .003 inches.

(ii) Multiple opening tabs. The overall bulk thickness of the pull tab shall be .026 inches plus or minus .002 inches.

(b) Nonvendable pull tabs. Defined as pull tabs that cannot be sold out of mechanical pull tab dispensing devices approved for use in this state by the Washington state gambling commission. Nonvendable pull tabs may be dispensed from fishbowls, receptacles, packing boxes or spindles. Manufacturers may use any thickness, provided they comply with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be of the same thickness.

(8) Length and width.

(a) Vendable pull tabs.

(i) Single opening and double sided tabs shall be 1 7/8 inches x 1 inch plus or minus 1/8 inch.

(ii) Multiple opening tabs shall be [3 1/2] [3 2] inches by 1 7/8 inches plus or minus 1 inch.

~~(b) Nonvendable pull tabs — manufacturers may construct nonvendable pull tabs in any size provided the pull tab complies with all other rules of the commission.~~

~~(c) All pull tabs within a single pull tab series shall be uniform in length or width and not vary by more than 3/64 inch, provided that in no case shall winning pull tabs be identifiable by visible variation in dimension.~~

~~(9) All pull tabs will be constructed to insure that, when offered for sale to the public, the pull tab is virtually opaque and free of security defects wherein winning pull tabs cannot be determined prior to being opened through the use of high intensity lights, pecking, or any other method.~~

~~(10)) The tab may contain information to show the consumer how to open the pull tab or remove the latex to determine the symbols or numbers.~~

~~(5) No series numbers used on a series shall be repeated on that same manufacturer's form number within a three-year period.~~

~~(6) Each manufacturer shall establish ((his)) ((own game protection for each pull tab game or series of games. The game protection shall be a method of identifying)) methods of winner protection for each punchboard and pull tab series. Such protection shall afford operators, the commission, and other law enforcement personnel the ability to distinguish winning pull tabs from those that are non-winning, altered, forged ((pull tabs)), or from another series. Such protection shall be completely hidden from view and undetectable by any means prior to a pull tab being opened.~~

~~(a) Each manufacturer shall establish its own primary game protection for each pull tab series. This game protection shall be a method of identifying winning pull tabs, after they have been purchased and opened, so as to distinguish them from non-winning pull tabs. The manufacturer may use special numbers, colors, designs, ink, or any combination thereof to establish the primary game protection. Manufacturers ((will submit to the gambling commission a letter explaining the game protection and will keep the commission informed on any changes.)) shall provide a written explanation of each protection scheme to the commission. Such notification shall be detailed and include pictures, diagrams, and/or samples necessary to thoroughly explain the scheme. The commission shall be notified in writing of any changes to protection schemes.~~

~~(b) All pull tabs manufactured for use in the state of Washington after January 1, 1992, shall utilize a secondary verification code to prevent counterfeiting on tabs that award prizes greater than twenty dollars. Such codes shall be approved by the director prior to use within the state. Punchboards are exempt from the secondary verification code requirements.~~

~~(c) Spindle-type pull tab series when played in the manner set out in WAC 230-30-078(8) are exempt from this requirement.~~

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 90-21-053, filed 10/15/90)

WAC 230-30-104 Possession or sale of pull tab series in which winners or location of winners may be determined in advance—Prohibited. (1) No operator, distributor, or manufacturer, or representative thereof, with knowledge or in circumstances ~~((whereunder))~~ under which he or she reasonably should have known, shall possess, display, put out for play, sell, or otherwise furnish to any person any pull tab series or pull tab from any series:

(a) In which the winning tabs have not been distributed and mixed among all other tabs in the series; or

(b) In which the location, or approximate location, of any of the winning tabs can be determined in advance of opening the tabs in any manner or by any device, including but not limited to, any pattern in the manufacture, assembly, or packaging of the tabs by the manufacturer, by any markings on the tabs or container, or by the use of a light; or

(c) Which does not conform in any other respect to the requirements of these rules as to manufacture, assembly, or packaging of pull tabs.

~~((2) No manufacturer or distributor or representative thereof shall use as a sales promotion any statement, demonstration, or implication that any certain portion of a series of pull tabs contains more winners than other portions of the series or that any series of pull tabs may be sold by the operator in a particular manner that would give the operator any advantage in selling more of the pull tabs before having to pay out winners.)~~

AMENDATORY SECTION (Amending WSR 95-23-109, filed 11/22/95, effective 1/1/96)

WAC 230-30-106 ((Flare—Restrictions, standards for flares and substitute flares made by manufacturers, distributors or operators.)) Punchboard and pull tab flares restrictions — Standards — Substitute flares. The following restrictions, standards, and procedures apply to the use of flares and substitute flares:

(1) Except as set forth in subsection (6) ~~((2))~~ of this section, the flare advertising prizes available from the operation of any punchboard, or any series of pull tabs, shall be made by the manufacturer only ~~((Except as set forth below, flares shall not be altered by any operator or distributor, and shall:~~

(a) ~~Be placed as follows:~~

~~(i) Only upon the upper face, or on the top, of any such punchboard; or~~

~~(ii) In plain view and in the vicinity of any pull tab dispensing device or container, provided if the flare is not attached to the dispensing device or container, a numerical or alphabetical reference shall be included directly on the flare and dispensing device or container clearly indicating which flare corresponds to which series; and~~

~~(b) Clearly set out each of the prizes available and the number or symbol which wins prizes; and~~

~~(c) Set out the winning numbers or symbols for prizes of twenty dollars or more in cash, or merchandise worth twenty dollars or more at retail, in such a manner that each may be easily and clearly deleted or marked off as each prize is won and awarded. For the purposes of this subsec-~~

tion the retail value of a merchandise prize shall be the amount actually paid by the licensed operator plus 50 percent of that actual cost.)) and shall not be altered by any operator or distributor;

(2) ((Substitute flares

(a) Distributors may make and apply substitute flares to punchboards and pull tab series provided that the conditions set forth in (c) of this subsection are satisfied;

(b) Licensed operators may make and use substitute flares on punchboards and pull tab series which offer merchandise or combination merchandise-cash prizes provided that the conditions set forth in (c) of this subsection are satisfied;

(c) Use of substitute flares:

(i) The substitute flare must comply with all the requirements of subsection (1)(a), (b) and (c) of this section;

(ii) Substitute flares must meet the requirements of WAC 230-30-015;

(iii) The winning numbers or symbols on the substitute flare shall be selected from the winning numbers or symbols on the flare made by the manufacturer, or from the optional numbers placed on the back of the board by the manufacturer. Provided flares and games which offer merchandise, or combination merchandise-cash prizes, in excess of \$100.00 actual costs, must utilize numbers, not symbols to denote winners. Prizes must be assigned to the winning numbers consecutively starting with the highest value prize being assigned the lowest available winning number; and

(iv) The substitute flare is stapled to the manufacturer's flare and the manufacturer's flare is defaced so that it is unusable, but the identification and inspection services stamp is readable and visible.)) No person shall place or have out in public view more than one flare advertising the prizes available from the operation of any punchboard, or from any series of pull tabs;

(3) ((Spindle type pull tab series when played in the manner set out in WAC 230-30-070(9) are exempt from this section.)) Flares shall be placed as follows:

(a) Only upon the upper face, or on the top of any punchboard; or

(b) In plain view and in the vicinity of any pull tab dispensing device or container. If the flare is not attached to the dispensing device or container, a numerical or alphabetical reference shall be included directly on the flare and dispensing device or container clearly indicating which flare corresponds to which series.

((3)) (4) Standards for flares:

(a) Flares must clearly set out each of the prizes available and the numbers or symbols which win each prize. For progressive jackpot series, the progressive jackpot meter board shall be considered a supplement to the flare. Reference to such shall be made on the flare;

(b) Flares must set out the winning numbers or symbols for prizes of twenty dollars or more in cash, or merchandise worth twenty dollars or more at retail, in such a manner that each may be easily and clearly deleted or marked off as each prize is won and awarded. For the purposes of this subsection the retail value of a merchandise prize shall be the amount actually paid by the licensed operator plus 50 percent of that actual cost;

(c) The cost to the player for each punch or pull tab shall be clearly posted on the flare;

(d) The manufacturer shall clearly set out on the flare the series number assigned to that punchboard or pull tab series by the manufacturer. For pull tab series, this number shall be clearly displayed on the face of the flare. This series number shall not be altered by the distributor or operator;

(e) The flare shall contain the Washington state identification and inspection services stamp number assigned to the board or series, as required by WAC 230-08-017;

(f) For pull tab series, the total number of pull tabs originally in the series shall be clearly disclosed on the face of the flare. Effective July 1, 1997, the following flares shall prominently display the ticket count in one-half inch size lettering on the flare;

(i) Any newly designed flare;

(ii) Any previously designed flare for pull tab series with a ticket count over six thousand, which has not yet been packaged;

(g) Flares must contain the manufacturer of the board or series. A stamp, seal, or label which identifies the manufacturer may be substituted if the commission has been informed of such prior to its use.

((4)) (5) Additional standards for bonus pull tab flares:

(a) The manufacturer shall develop and use at least twenty-five different versions of flares for each form number of a bonus series. Face sheets shall be utilized in such a manner so as to ensure random distribution during the manufacturing and packing process;

(b) The middle or advance level shall be labeled with the term "ADVANCE SECTION" with a minimum one-quarter inch size lettering;

(c) The top tier level shall be labeled with the term "BONUS SECTION" with a minimum one-quarter inch size lettering;

(d) The number of winners which could be awarded in the top tier level shall be clearly noted on the flare with a minimum three-eighths inch size lettering. In addition, the number of winners and the number of advances in each advance level shall be clearly displayed;

(e) All prizes for each advance and bonus level shall be clearly displayed so that only the winners within the possible combinations are shown. Where applicable, the word "OR" shall be used to illustrate the possible combinations in which the bonus prizes can be won.((and)) Duplicate references to prizes shall not be shown on the flare.

(6) Substitute flares:

(a) A substitute flare may be utilized on punchboards or pull tabs, unless otherwise restricted by commission rules, provided all the requirements of this subsection are met.

(i) Distributors may apply manufacturer-produced substitute flares to punchboards and pull tab series;

(ii) Licensed operators or distributors may make and use substitute flares on punchboards and pull tab series which offer merchandise or combination merchandise-cash prizes.

(iii) The responsibility for ensuring the substitute flare meets the requirements set forth in this section shall rest with the manufacturer, distributor, or operator who changes the original flare and attaches the substitute flare.

(b) Substitute flare requirements:

(i) All substitute flares must comply with the requirements of subsections (4) and (5) of this section;

(ii) All substitute flares shall have the Washington state identification and inspection services stamp number and series number assigned to the punchboard or pull tab series permanently recorded in ink on the face of the substitute flare;

(iii) The original manufacturer's flare shall be permanently defaced so it is unusable and the substitute flare shall be attached to the original manufacturer's flare so that the original Washington state identification and inspection services stamp and series number can be accessed for inspection;

(iv) For flares converted from cash prizes to combination merchandise-cash prizes, at least fifty percent of the total value of prizes offered shall be merchandise; and

(v) Substitute flares which offer merchandise, or combination merchandise-cash, must utilize numbers, not symbols, to denote winners. The winning numbers on the substitute flare shall be selected from the winning numbers on the flare made by the manufacturer, or from the optional numbers placed on the back of the board by the manufacturer. Prizes must be assigned to the winning numbers consecutively, starting with the highest value prize being assigned the lowest available winning number.

(7) In addition to prizes established by manufacturers, commercial stimulant licensees may increase prizes or add additional prizes to punchboards or pull tab series if:

(a) Such prizes are cash or merchandise;

(b) The manufacturer's flare shall not be changed;

(c) Full details of the prizes, including requirements to qualify, shall be disclosed to players by means of an additional sign or notice that is permanently attached to the manufacturer's flare;

(d) The increase or additional prizes must be added to every prize that is within a tier or section of the flare; and

(e) Documentation regarding all additional prizes shall be stapled or otherwise permanently attached to the winning punch or pull tab for which such a prize is awarded. Minimum documentation shall include a description of the prize awarded and the name of the winner.

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 Order 5, filed 12/19/73)

WAC 230-30-210 (~~Buying from and selling to only licensees required.~~) Sales restrictions. (1) No manufacturer, distributor or distributor's representative, shall sell or otherwise make available to any person any punchboards, pull tabs, pull tab dispensing devices or related equipment in this state unless it has first determined that such person has a valid license issued by the commission to sell or otherwise distribute such equipment within this state, or to operate such activity on a particular premise within this state.

(2) No operator, distributor or distributor's representative, shall purchase or otherwise obtain from any person any

punchboard, pull tab, device for the dispensing of pull tabs or related equipment in this state until it has first determined that the person selling or otherwise offering such equipment has a valid license issued by the commission to sell the equipment in this state or has been registered with the commission as required.

(3) No operator shall put out for play and no distributor shall sell or otherwise furnish, any punchboard or series of pull tabs unless the manufacturer of punchboards or series of pull tabs has been licensed by the commission.

(4) No manufacturer or distributor or representative thereof shall use as a sales promotion any statement, demonstration, or implication that any certain portion of a series of pull tabs contains more winners than other portions of the series or that any series of pull tabs may be sold by the operator in a particular manner that would give the operator any advantage in selling more of the pull tabs before having to pay out winners.

(5) Manufacturers shall not offer for sale in Washington any punchboard or pull tab series in which the winning punches or pull tabs are not randomly distributed and mixed among all other punches or pull tabs in that board or series.

(6) This rule shall not prohibit licensed distributors from selling to Indian tribes operating Class II activities which are legal under federal law.

AMENDATORY SECTION (Amending Order 238, filed 4/21/93, effective 7/1/93)

WAC 230-30-300 Recall of defective punchboards, pull tabs or pull tab dispensing devices. (1) Upon a determination that punchboards, pull tabs or pull tab dispensing devices for sale in Washington do not meet commission standards, the director may order all defective products and all similarly constructed or printed products be recalled by the manufacturer(s).

(2) If the director orders such a recall, the manufacturer of the product shall be immediately notified regarding the items to be recalled, reason for the recall, effective date of the recall, and any other specific requirements. ((The)) Verbal notification shall be followed ((with a)) by written notification. Immediately upon ((the)) oral notification, manufacturers shall cease ((sale)) shipping affected product in the state and initiate actions to ensure complete compliance with the recall. Manufacturers ((with)) shall notify all distributors within ((72)) seventy-two hours of the items recalled, effective date of recall, and arrange for the prompt return of the defective items.

(3) Distributors, ((when)) once notified ((in writing)) of the recall by either the manufacturer or the commission ((of the recall)), shall immediately stop sales and/or delivery of the product. ((3)) The commission shall notify, in writing, each licensed distributor of gambling paraphernalia of the recall, effective dates thereof, the products involved, and of any special instructions if applicable.

(4) The commission shall ((then)) notify, in writing, each licensed operator who has received the product as to the items recalled, effective date and special instructions, if applicable. Operators shall not utilize any defective punchboards, pull tabs or pull tab dispensing devices after receiving written notification from the commission.

~~((4))~~ (5) Prior to any reintroduction in the state of any recalled or similar item, the manufacturer must first submit the revised or reworked item to ~~(the)~~ commission staff for review, evaluation and approval. The manufacturer will be notified in writing, of the approval or disapproval ~~(and)~~. A copy of the approving letter ~~(will)~~ shall be sent by the manufacturer to the distributor with the next five shipments of the reworked item.

~~((5))~~ (6) Manufacturers shall reimburse distributors the actual cost paid by the distributor for each punchboard, pull tab series or pull tab dispensing device recalled by order of the director. Manufacturers of recalled punchboards, pull tab series or pull tab dispensing devices shall compensate distributors for time and expenses incurred during a recall. Such compensation shall not exceed fifty cents per punchboard or pull tab series actually returned by the distributor to the manufacturer or ~~(r)~~ twenty-five dollars per pull tab dispensing device.

WSR 97-14-013
PERMANENT RULES
GAMBLING COMMISSION

[Filed June 20, 1997, 11:34 a.m.]

Date of Adoption: June 13, 1997.

Purpose: Bingo net income variance procedures, these rules establish procedures for filing for variance and for obtaining license upgrades.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-190, 230-04-260, 230-20-060, 230-20-062, 230-50-010, 230-50-012, and 230-20-242.

Statutory Authority for Adoption: RCW 9.46.070 (1), (2).

Adopted under notice filed as WSR 97-09-076 on April 22, 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 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 20, 1997

Soojin Kim

Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 96-24-007, 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) **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 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 ((#)) not to exceed one year from the date ((# employment or issuance)) the individual was assigned duties requiring a license, the date the license was actually issued, or as set forth elsewhere in this title, whichever occurs first: *Provided*, That a charitable or nonprofit gambling manager or distributor representative license shall ((expire as set out in WAC 230-04-145.)) become void upon a change of employer; 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.

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 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.

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 mitigate 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) 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;

~~((e) 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)).

~~((4))~~ (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 prices, 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 ~~((s 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 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 ~~((s))~~ 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 ~~((s))~~ from which it is being reduced;

(c) ~~((Provided further, That))~~ The reduction for the first violation shall be a maximum of two license classes ~~((s))~~; 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 ~~((am))~~ 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 period 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 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;

~~((ii))~~ (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.

AMENDATORY SECTION (Amending WSR 95-13-030, filed 6/13/95)

WAC 230-50-010 Adjudicative 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; ((e))

(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.

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 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)) ninety days of the effective date of the summary suspension ordered by the director.

WSR 97-15-003
PERMANENT RULES
HEALTH CARE AUTHORITY
(Basic Health Plan)
[Filed July 3, 1997, 11:25 a.m.]

Date of Adoption: July 3, 1997.

Purpose: Rules for eligibility and enrollment processes and for administering the Washington Basic Health Plan.

Citation of Existing Rules Affected by this Order: Amending WAC 182-25-010, 182-25-020, 182-25-030, 182-25-040, and 182-25-090.

Statutory Authority for Adoption: RCW 70.47.050.

Adopted under notice filed as WSR 97-08-067 on April 1, 1997.

Changes Other than Editing from Proposed to Adopted Version: Modified language in WAC 182-25-030(4), 182-25-040(9) and 182-25-090(2) for clarification, based on comments received during public comment period. No substantive changes made.

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 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.

July 2, 1997

Elin Meyer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

WAC 182-25-010 Definitions. The following definitions apply throughout these rules.

(1) "Administrator" means the administrator of the Washington state health care authority (HCA) or designee.

(2) "Appeal procedure" means a formal written procedure for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction.

(3) "Basic health plan" (or BHP) means the system of enrollment and payment on a prepaid capitated basis for basic health care services administered by the administrator through managed health care systems.

(4) "BHP plus" means the program of expanded benefits available to children through coordination between the department of social and health services (DSHS) and basic health plan. To be eligible for the program children must be under age nineteen, with a family income at or below two hundred percent of federal poverty level, as defined by the United States Department of Health and Human Services. They must be Washington state residents, not eligible for Medicare, and may be required to meet additional DSHS eligibility requirements.

(5) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a health care provider or to the MHCS.

(6) "Covered services" means those services and benefits in the BHP schedule of benefits (as outlined in the member handbook issued to the enrollee, or to a subscriber on behalf of the enrollee), which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments.

(7) "Disenrollment" means the termination of covered services in BHP for a subscriber and dependents, if any.

(8) "Effective date of enrollment" means the first date, as established by BHP, on which an enrollee is entitled to receive covered services from the enrollee's respective managed health care system.

(9) "Dependent." The following are eligible as dependents under BHP:

(a) Lawful spouse of the subscriber, if not legally separated, who resides in the same residence.

(b) Dependent child who is an unmarried child and who is:

(i) Younger than age nineteen and is one of the following: A natural child, stepchild or legally adopted child of a subscriber; or a child who has been placed with a subscriber pending adoption or is under legal guardianship of a subscriber.

(ii) Younger than age twenty-three and is a registered student in full-time attendance at an accredited secondary school, college, university, technical college or school of nursing. Dependent student eligibility continues year-round, including the quarter or semester following graduation, for those who attend full time (except for school holidays and scheduled spring and summer breaks) provided ~~((the subscriber is covered at the same time;))~~ the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(c) Legal dependent of any age who is incapable of self-support due to disability.

(10) "Eligible full-time employee" means an employee who meets all eligibility requirements in WAC 182-25-030 and who is regularly scheduled to work thirty or more hours per week for an employer. The term includes a self-employed individual (including a sole proprietor or a partner of a partnership, and may include an independent contractor) if the individual:

(a) Is regularly scheduled to work thirty hours or more per week; and

(b) Derives at least seventy-five percent of his or her income from a trade or business that is licensed to do business in Washington.

Persons covered under a health benefit plan pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements.

(11) "Eligible part-time employee" means an employee who meets all the criteria in subsection (10) of this section, but who is regularly scheduled to work fewer than thirty hours per week for an employer.

(12) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

(13) "Employer" means an enterprise licensed to do business in Washington state, as defined by RCW 50.04.080.

(14) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in BHP, and for whom applicable premium payments have been made.

(15) "Family" means an individual or an individual and spouse, if not legally separated, and dependents. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family.

(16) "Financial sponsor" means a person, organization or other entity, approved by the administrator, that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any dependents.

(17) "Gross family income" means total cash receipts, as defined in (a) of this subsection, before taxes, from all sources, for subscriber and dependents whether or not they are enrolled in BHP, with the exceptions noted in (b) of this subsection.

(a) Income includes:

(i) Money wages, tips and salaries before any deductions;

(ii) Net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses);

(iii) Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);

(iv) Regular payments from Social Security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance, alimony, child support, military family allotments, private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments;

(v) Work study or training stipends;

~~(vi) (College or university scholarships, grants, fellowships and assistantships, if received as or convertible by the recipient into cash;~~

~~(vii)) Dividends and interest accessible to the enrollee without a penalty;~~

~~((viii)) (vii) Net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.~~

(b) Income does not include the following types of money received:

(i) Capital gains;

(ii) Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;

(iii) Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation);

(iv) Noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance;

(v) Income earned by dependent children;

(vi) Income of a family member who resides in another household when such income is not available to the subscriber or dependents seeking enrollment in BHP;

(vii) College or university scholarships, grants, fellowships and assistantships ~~((if not convertible to cash));~~

(viii) Documented child care expenses for the care of a dependent child of a subscriber may be deducted (at a rate set by the administrator and consistent with Internal Revenue Service requirements) when calculating gross family income.

To qualify for this deduction, the subscriber must be employed during the time the child care expenses were paid, and payment may not be paid to a parent or step parent of the child or to a dependent child of the subscriber or his/her spouse.

(18) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence, and is licensed by the department of social and health services (DSHS) as a home care agency. In order to qualify, the agency must be under contract with one of the following DSHS programs: Chore, Medicaid Personal Care, Community Options Program Entry System (COPEs) or Respite Care (up to level three).

(19) "Insurance broker" or "agent" means a person who is currently licensed as a disability insurance broker or agent, according to the laws administered by the office of the insurance commissioner under chapter 48.17 RCW.

(20) "Managed health care system" (or "MHCS") means any health care organization (including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof) which has entered into a contract with the HCA to provide basic health care services.

(21) "Medicaid" means the Title XIX Medicaid program administered by the department of social and health services, and includes the medical care programs provided to the "categorically needy" and the "medically needy" as defined in chapter 388-503 WAC.

(22) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(23) "Nonsubsidized enrollee" or "full premium enrollee" means an individual who enrolls in BHP, as the subscriber or dependent, and who pays or on whose behalf is paid the full costs for participation in BHP, without subsidy from the HCA.

(24) "Open enrollment" means a time period designated by the administrator during which enrollees may enroll additional dependents or apply to transfer their enrollment from one managed health care system to another. There shall be at least one annual open enrollment period of at least twenty consecutive days.

(25) "Participating employee" means an employee of a participating employer or home care agency who has met all the eligibility requirements and has been enrolled for coverage under BHP.

(26) "Participating employer" means an employer who has been approved for enrollment in BHP as an employer group.

(27) "Preexisting condition" means any illness, injury or condition for which, in the three months immediately preceding an enrollee's effective date of enrollment in BHP:

(a) Treatment, consultation or a diagnostic test was recommended for or received by the enrollee; or

(b) The enrollee was prescribed or recommended medication; or

(c) Symptoms existed which would ordinarily cause a reasonably prudent individual to seek medical diagnosis, care or treatment.

(28) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.-060(2), which an individual, their employer or a financial sponsor makes to BHP for subsidized or nonsubsidized enrollment in BHP.

(29) "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.

(30) "Rate" means the per capita amount, including administrative charges and any applicable premium and prepayment tax imposed under RCW 48.14.020, negotiated by the administrator with and paid to a managed health care system, to provide BHP health care benefits to enrollees.

(31) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments, as described in the member handbook.

(32) "Service area" means the geographic area served by a managed health care system as defined in its contract with HCA.

(33) "Subscriber" is a person who applies to BHP on his/her own behalf and/or on behalf of his/her dependents, if any, who meets all applicable eligibility requirements, is enrolled in BHP, and for whom the monthly premium has been paid. Notices to a subscriber and, if applicable, a financial sponsor or employer shall be considered notice to the subscriber and his/her enrolled dependents.

(34) "Subsidized enrollee" or "reduced premium enrollee" means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA.

(35) "Subsidy" means the difference between the amount of periodic payment the HCA makes to a managed health care system on behalf of a subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

WAC 182-25-020 BHP benefits. (1) The administrator shall design and from time to time may revise BHP benefits, according to the requirements of chapter 70.47 RCW, as amended. These benefits will include physician services, prescription drugs and medications, and inpatient and outpatient hospital services, limited mental health care services, limited chemical dependency services, limited organ transplant services, and all services necessary for prenatal, postnatal and well-child care, and will emphasize proven preventive and primary care services. The Medicaid scope of benefits may be provided by BHP as the BHP plus program through coordination with DSHS for children under the age of nineteen, who are found to be Medicaid eligible. BHP benefits may include co-payments, waiting periods, limitations and exclusions which the administrator determines are appropriate and consistent with the goals and objectives of the plan. BHP benefits will be subject to a

three-month waiting period for preexisting conditions. Exceptions (for example, maternity, prescription drugs, services for a newborn or newly adopted child) are outlined in the schedule of benefits. Credit toward the waiting period will be given for any continuous period of time for which an enrollee was covered under similar health coverage if that coverage was in effect at any time during the three-month period immediately preceding the date of reservation or application for coverage under BHP. A list of BHP benefits, including co-payments, waiting periods, limitations and exclusions, will be provided to the subscriber.

(2) In designing and revising BHP benefits, the administrator will consider the effects of particular benefits, co-payments, limitations and exclusions on access to necessary health care services, as well as the cost to the enrollees and to the state, and will also consider generally accepted practices of the health insurance and managed health care industries.

(3) Prior to enrolling in BHP, each applicant will be given a written description of covered benefits, including all co-payments, waiting periods, limitations and exclusions, and be advised how to access information on the services, providers, facilities, hours of operation, and other information descriptive of the managed health care system(s) available to enrollees in a given service area.

(4) BHP will mail to all subscribers written notice of any changes in the amount and scope of benefits provided under BHP, or policy changes regarding premiums and co-payments at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect. The administrator may make available a separate schedule of benefits for children, eighteen years of age and younger, for those dependent children in the plan.

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

WAC 182-25-030 Eligibility. (1) To be eligible for enrollment in BHP, an individual must:

- (a) Not be eligible for Medicare; and
- (b) Reside within the state of Washington.

Persons not meeting these criteria, as evidenced by information submitted on the application for enrollment or otherwise obtained by BHP, will not be enrolled. An enrollee who subsequently fails to meet these criteria, or who is later determined to have failed to meet the criteria at the time of enrollment, will be disenrolled from the plan as provided in WAC 182-25-090.

(2) To be eligible for subsidized enrollment in BHP, an individual must have a gross family income that does not exceed two hundred percent of federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services, and must pay, or have paid on their behalf, the monthly BHP premium.

(3) To be eligible for nonsubsidized enrollment in BHP, an individual may have any income level and must pay, or have paid on their behalf, the full costs for participation in BHP, including the cost of administration, without subsidy from the HCA.

(4) An individual otherwise eligible for enrollment in BHP may be denied enrollment if the administrator has determined that acceptance of additional enrollment would

exceed limits established by the legislature, would jeopardize the orderly development of BHP or would result in an overexpenditure of BHP funds. In the event that the administrator closes or limits enrollment and to the extent funding is available, BHP will continue to accept and process applications for enrollment ~~(, but will not process those applications for determination of eligibility. BHP will place the names of applicants on a waiting list in the order in which applications are received, and will so notify the applicants))~~ from:

(a) Applicants who will pay the full premium;

(b) Children eligible for BHP Plus;

(c) Pregnant women who, prior to April 1, 1997, apply to BHP, are referred and qualify for maternity benefits through DSHS;

(d) Children eligible for subsidized BHP, who were referred to DSHS for BHP Plus coverage, but were found ineligible for BHP Plus;

(e) Employees of a home care agency group enrolled or applying for coverage under WAC 182-25-060;

(f) Eligible individual home care providers;

(g) Licensed foster care workers;

(h) Limited enrollment of new employer groups; and

(i) Subject to availability of funding, additional space for enrollment may be reserved for other applicants as determined by the administrator, in order to ensure continuous coverage and service for current individual and group accounts. (For example: Within established guidelines, processing routine income changes that may affect subsidy eligibility for current enrollees; adding new family members to an existing account; transferring enrollees between group and individual accounts; restoring coverage for enrollees who are otherwise eligible for continued enrollment under WAC 182-25-090 after a limited suspension of coverage due to late payment or other health care coverage; adding newly hired employees to an existing employer group; or adding new or returning members of federally recognized native American tribes to that tribe's currently approved financial sponsor group.)

Applicants for subsidized BHP who are not in any of these categories may reserve space on a reservation list to be processed according to the date the reservation or application is received by BHP. In the event that enrollment is reopened by the administrator, applicants whose names appear on the ((~~waiting~~)) reservation list will be notified by BHP of the opportunity to enroll. BHP may require new application forms and documentation from applicants on the ((~~waiting~~)) reservation list, or may contact applicants to verify continued interest in applying, prior to determining their eligibility.

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

WAC 182-25-040 Enrollment in the plan. (1) Any individual applying for enrollment in BHP must submit a signed, completed BHP application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or legal guardian, who shall also be held responsible for payment of premiums due on behalf of the child. If an applicant is accepted for enrollment, the applicant's signature acknowledges the applicant's obligation to pay the monthly premium in

accordance with the terms and conditions identified in the member handbook. Applications for subsidized enrollment on behalf of children under the age of nineteen shall be referred to the department of social and health services for Medicaid eligibility determination, unless the family chooses not to access this option.

(2) Each applicant shall list all eligible dependents to be enrolled and supply other information and documentation as required by BHP and, where applicable, DSHS medical assistance.

(a) Documentation will be required, showing the amount and sources of the applicant's gross family income. Acceptable documentation will include a copy of the applicant's most recently filed federal income tax form, and/or other documentation that shows year-to-date income, or income for the most recent thirty days or complete calendar month as of the date of application. An average of documented income received over a period of several months may be used for purposes of eligibility determination. Income documentation shall be required for the subscriber and dependents, with the exceptions listed under WAC 182-25-010 (17)(b).

(b) Documentation of Washington state residency shall also be required, displaying the applicant's name and address. Other documentation may be accepted if the applicant does not have a physical residence.

(c) BHP may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or managed health care system selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in BHP. Intentional submission of false information may result in disenrollment of the subscriber and all enrolled dependents.

(3) Each member may be enrolled in only one BHP account. Each family applying for enrollment must designate a managed health care system from which the applicant and all enrolled dependents will receive covered services. All applicants from the same family who are covered under the same account must receive covered services from the same managed health care system (with the exception of cases in which a subscriber who is paying child support for his/her dependents lives in a different service area). No applicant will be enrolled for whom designation of a managed health care system has not been made as part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) Managed health care systems may assist BHP applicants in the enrollment process, but must provide them with the toll-free number for BHP, information on all MHCS available within the applicant's county of residence and an estimate of the premium the applicant would pay for each available MHCS.

(5) Insurance brokers or agents who have met all statutory and regulatory requirements of the office of the insurance commissioner, are currently licensed through the office of the insurance commissioner, and who have com-

pleted BHP's training program, will be paid a commission for assisting eligible applicants to enroll in BHP.

(a) Individual policy commission: Subject to availability of funds, and as a pilot program, BHP will pay a one-time fee to any currently licensed insurance broker or agent who sells BHP to an eligible individual applicant if that applicant has never been a BHP member in the past.

(b) Group policy commission: Subject to availability of funds, and as a pilot program, fees paid for the sale of BHP group coverage to an eligible employer will be based on the number of employees in the group for the first and second months of the group's enrollment.

(c) Insurance brokers or agents must provide the prospective applicant with the BHP toll-free information number and inform them of BHP benefits, limitations, exclusions, waiting periods, co-payments, all managed health care systems available to the applicant within his/her county of residence and the estimated premium for each of them.

(d) All statutes and regulations of the office of the insurance commissioner will apply to brokers or agents who sell BHP, except they will not be required to be appointed by the MHCS.

(e) BHP will not pay renewal commissions.

(6) Except as provided in WAC 182-25-030(4), applications for enrollment will be reviewed by BHP within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(7) Eligible applicants will be enrolled in BHP in the order in which their completed applications, including all required documentation, have been received by BHP, provided that the applicant also remits full payment of the first premium bill to BHP by the due date specified by BHP. In the event a reservation list is implemented, eligible applicants will be enrolled in accordance with WAC 182-25-030(4).

(8) Not all family members are required to apply for enrollment in BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply, may not subsequently enroll as a family member until the next open enrollment period, unless the subscriber has experienced a qualifying change in family status:

(a) The loss of other continuous health care coverage, for family members who have previously waived coverage, upon proof of continuous medical coverage from the date the subscriber enrolled;

(b) Marriage; or

(c) Birth, adoption or change in dependency or custody of a child or adult dependent. Eligible newborn or newly adopted children may be enrolled effective from the date of birth or physical placement for adoption provided that application for enrollment is submitted to BHP within sixty days of the date of birth or such placement for adoption.

(9) Any enrollee who voluntarily disenrolls from BHP for reasons other than ineligibility or enrollment in other health care coverage may not reenroll for a period of twelve months from the effective date of disenrollment. After the twelve-month period, or if the enrollee disenrolled for reasons of ineligibility or enrollment in other health care coverage, he/she may reenroll in BHP, subject to enrollment

limits and portability and preexisting condition policies as referenced in WAC 182-25-020(1) and 182-25-030(4) and specified in the member handbook, provided he/she is determined by BHP to be otherwise eligible for enrollment as of the date of application. ((With the exception of)) Enrollees who are not under group coverage, ((enrollees who are disenrolled from BHP for nonpayment, in accordance with WAC 182-25-090(2), more than twice in a twelve-month period, and who have a lapse in coverage of one month or more,)) may not reenroll for a ((period)) minimum of twelve months from the effective date of ((the third disenrollment)) their last suspension if they are disenrolled from BHP for nonpayment under WAC 182-25-090 (2)(b) because:

(a) They failed to pay the premium within the billing cycle for the next coverage month following a suspension of coverage; or

(b) They have been suspended from coverage more than two times in a twelve-month period for failure to pay their premium by the due date.

If a reservation list has been implemented, an enrollee who was disenrolled in accordance with WAC 182-25-090(2) and is eligible to enroll from the reservation list prior to the end of the required twelve-month wait for reenrollment, will not be reenrolled until the end of the twelve-month period. If an enrollee who was disenrolled in accordance with WAC 182-25-090(2) satisfies the required twelve-month wait for reenrollment while on the reservation list, enrollment will not be completed until funding is available to enroll him or her from the reservation list.

(10) On a schedule approved by the administrator, BHP will request verification of information from all or a subset of enrollees ("recertification"), requiring new documentation of income if the enrollee has had a change in income that would result in a different subsidy level. For good cause, BHP may require recertification on a more widespread or more frequent basis. Enrollees who fail to comply with a recertification request will be ((disenrolled from BHP)) converted to nonsubsidized enrollment for at least one month, until new income documentation has been submitted and processed. Each enrollee is responsible for notifying BHP within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility. If, as a result of recertification, BHP determines that a subsidized enrollee's income exceeds twice the poverty level according to the federal income guidelines, and that the enrollee knowingly failed to inform BHP of such increase in income, BHP may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the poverty level.

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

WAC 182-25-090 Disenrollment from BHP. (1) An enrollee or employer group may disenroll effective the first day of any month by giving BHP at least ten days prior written notice of the intention to disenroll. Reenrollment in BHP shall be subject to the provisions of WAC 182-25-040(9). The administrator shall also establish procedures for notice by an enrollee of a disenrollment decision, including the date upon which disenrollment shall become effective.

Nonpayment of premium by an enrollee shall be considered an indication of the enrollee's intention to disenroll from BHP.

(2) BHP may disenroll any enrollee or group from BHP for good cause, which shall include:

(a) Failure to meet the eligibility requirements set forth in WAC 182-25-030, 182-25-050, 182-25-060, and 182-25-070;

(b) Nonpayment of premium;

(c) Repeated failure to pay co-payments in full on a timely basis;

(d) Fraud or knowingly providing false information;

(e) Abuse or intentional misconduct; ~~((and))~~

(f) Risk to the safety or property of MHCS staff, providers, patients or visitors; and

(g) Refusal to accept or follow procedures or treatment determined by a MHCS to be essential to the health of the enrollee, where the managed health care system demonstrates to the satisfaction of BHP that no professionally acceptable alternative form of treatment is available from the managed health care system, and the enrollee has been so advised by the managed health care system.

In the event that an employer group, a home care agency group or a financial sponsor group is disenrolled under these provisions, the employer or sponsor and all members of that group will be notified of the disenrollment and the enrollees will be offered coverage under individual accounts. BHP will make every effort to transfer the enrollees to individual accounts without a break in coverage; however, the enrollee will be responsible for ensuring that payment is received by BHP prior to the final disenrollment date for that month.

Enrollees who are disenrolled from BHP in accordance with (c), (d), (e) or (f) of this subsection may not reenroll for a period of twelve months from the effective date of disenrollment. ~~((With the exception of))~~ Enrollees who are not under group coverage, who fail to pay their premium by the due date will be suspended from coverage for one month. If payment is not received within the billing cycle for the next coverage month, the enrollee(s who are) will be disenrolled from BHP for nonpayment, ((in accordance with)) under (b) of this subsection((- more than twice in a twelve month period, and who have a lapse in coverage of one month or more,)). If an enrollee's coverage is suspended more than two times in a twelve-month period, the enrollee will be disenrolled for nonpayment under (b) of this subsection. Enrollees who are disenrolled for nonpayment under (b) of this subsection may not reenroll for a ((period)) minimum of twelve months from the effective date of ((the third disenrollment)) the last suspension. If a reservation list has been implemented, an enrollee who was disenrolled in accordance with WAC 182-25-090(2) and is eligible to enroll from the reservation list prior to the end of the required twelve-month wait for reenrollment, will not be reenrolled until the end of the twelve-month period. If an enrollee who was disenrolled in accordance with WAC 182-25-090(2) satisfies the required twelve-month wait for reenrollment while on the reservation list, enrollment will not be completed until funding is available to enroll him or her from the reservation list.

BHP shall provide the enrollee or the parent, legal guardian or sponsor of an enrolled dependent with advance

written notice of its intent to disenroll the enrollee. Such notice shall specify an effective date of disenrollment, which shall be at least ten days from the date of the notice, and shall describe the procedures for disenrollment, including the enrollee's right to appeal the disenrollment decision as set forth in WAC 182-25-100 and 182-25-105. Prior to the effective date specified, if the enrollee submits an appeal to BHP contesting the disenrollment decision, as provided in WAC 182-25-105, disenrollment shall not become effective until the date, if any, established as a result of BHP's appeal procedure, provided that the enrollee otherwise remains eligible and continues to make all premium payments when due; and further provided that the enrollee does not create a risk of violent, aggressive or harassing behavior, assault or battery or purposeful damage to or theft of managed health care system property, or the property of staff or providers, patients or visitors while on the property of the managed health care system or one of its participating providers.

(3) Any enrollee who knowingly provides false information to BHP or to a participating managed health care system may be disenrolled by BHP and may be held financially responsible for any covered services fraudulently obtained through BHP.

WSR 97-15-025
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed July 8, 1997, 4:37 p.m.]

Date of Adoption: July 8, 1997.

Purpose: Comply with federal requirements concerning the residence status of an institutionalized person. Corrects cross reference.

Citation of Existing Rules Affected by this Order: Amending WAC 388-505-0510 and 388-513-1320.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090.

Other Authority: 42 CFR 435.403 (j)(2).

Adopted under notice filed as WSR 97-11-082 on May 21, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 2, 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 2, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 8, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-505-0510 Residence. (1) A client receiving medical care program benefits other than medically indigent shall be a resident of the state of Washington. A client need not be a resident of the county in which medical care is obtained.

(2) The department shall consider a client a resident if the client:

(a) Intends to remain permanently or for an indefinite period in the state; or

(b) Enters the state with a job commitment or seeks employment, whether the client is or is not currently employed.

(3) The department shall not consider a person temporarily entering the state, for the sole purpose of obtaining medical care, as a resident. For an institutionalized person, refer to WAC 388-513-1320(4).

(4) The department shall consider a client's residence the state:

(a) Making a state supplemental security income (SSI) supplementary payment; or

(b) Making federal payments for foster or adoption assistance under Title IV-E of the Social Security Act; or

(c) Of residence of the parent or legal guardian, if one has been appointed, for an institutionalized minor child; or

(d) Of residence of the parent or legal guardian, if one has been appointed, for an institutionalized client twenty-one years of age or older who became incapable of determining residential intent before twenty-one years of age; or

(e) Where a client is residing if the person becomes incapable before twenty-one years of age; or

(f) Making a placement in an out-of-state institution.

(5) The department shall determine the state of residence of a noninstitutionalized child, unless married or emancipated, following the rules under chapter 388-215 WAC.

(6) The department shall ensure married or emancipated minor children follow the rules of subsections (1), (2), (3) and (4) of this section.

(7) When two or more states cannot agree which state is the client's state of residence, the department shall require the state in which the client is physically located to be the state of residence.

AMENDATORY SECTION (Amending Order 3980, filed 5/10/96, effective 6/10/96)

WAC 388-513-1320 Institutional status. (1) The department shall find that a person has achieved institutional status when the person is residing or expected to reside in a Medicaid-certified medical facility for a period of at least:

(a) Ninety consecutive days for an AFDC-related child seventeen years of age or younger in residential mental health or chemical dependency/substance abuse treatment; or

(b) Thirty consecutive days for an SSI-related person and AFDC-related persons other than as described under subsection (1)(a) of this section.

(2) The department shall consider a person receiving waived program services or hospice services to have achieved institutional status.

(3) The department shall make medical assistance available to an otherwise eligible person who has achieved institutional status as described under subsection (1) or (2) of this section.

(4) The department shall not deny Medicaid eligibility to a person in a nursing facility:

(a) On the grounds that the person did not establish residence in this state before entering the nursing facility; and

(b) When the person meets residency requirements described under chapter 388-505 WAC at the time the person applies for medical assistance.

WSR 97-15-035
PERMANENT RULES
CODE REVISER'S OFFICE

[Filed July 10, 1997, 8:45 a.m., effective July 27, 1997]

Date of Adoption: July 10, 1997.

Purpose: To amend chapter 1-21 WAC to reflect new requirements imposed by sections 202 and 208, chapter 409, Laws of 1997, and to make housekeeping changes.

Citation of Existing Rules Affected by this Order: Amending WAC 1-21-010, 1-21-020, 1-21-070, 1-21-170, and 1-21-180.

Statutory Authority for Adoption: RCW 1.08.110, 34.05.385, 34.08.020, and 34.08.030.

Other Authority: RCW 34.05.230, 34.05.354, sections 202 and 208, chapter 409, Laws of 1997.

Adopted under notice filed as WSR 97-12-068 on June 3, 1997.

Changes Other than Editing from Proposed to Adopted Version: The names of the forms were changed from CR-101X and CR-102X to CR-101XR and CR-102XA.

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 5, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These rules implement chapter 409, Laws of 1997, which goes into effect on July 27, 1997, so they should be in effect also.

Effective Date of Rule: July 27, 1997.

July 10, 1997
Dennis W. Cooper
Code Reviser

PERMANENT

AMENDATORY SECTION (Amending WSR 95-17-070, filed 8/17/95, effective 9/17/95)

WAC 1-21-010 Preproposal statement of inquiry. To solicit comments from the public as required by RCW 34.05.310 on a subject of possible rule making, but before a formal notice is filed under RCW 34.05.320, an agency shall complete and file with the code reviser's office a CR-101 form (Preproposal Statement of Inquiry). This requirement does not apply to all rule making. The exceptions are set forth in RCW 34.05.310(4).

The text of the new rule is neither required nor recommended at this stage, but if text is submitted for filing, it must meet the form and style requirements of WAC 1-21-110 through 1-21-130. The filing will appear in the Register in accordance with the schedule provided in WAC 1-21-040. Note that the CR-101 must be published at least thirty days before the CR-102 form (Proposed Rule Making) may be filed.

WAC sections proposed for expedited repeal under RCW (~~34.05.—(1995 e 403 s 701))~~ 34.05.354 should be listed by citation and caption only, either individually or by entire chapter, and filed (~~between June 10th and June 30th~~) either March 10th through April 1st or September 10th through October 1st of each year.

AMENDATORY SECTION (Amending WSR 95-17-070, filed 8/17/95, effective 9/17/95)

WAC 1-21-020 Notice—Form, contents, numbers. (1)(a) An agency shall file a regular notice of proposed rule making under RCW 34.05.320 with the code reviser's office on a CR-102 form (Proposed Rule Making). The agency must file the full text of the proposed rule along with the Notice form (RCW 34.08.020). This filing must be at least thirty days after the CR-101 form, if required, was published (RCW 34.05.310); or

(b) An agency shall file notice for the expedited adoption of rules under RCW 34.05.230 with the code reviser's office on a CR-102XA form (Expedited Adoption—Proposed Rule Making). The agency must file the full text of the proposed rule along with the CR-102XA form (RCW 34.05.230). This filing must be published in the Register at least forty-five days before the agency may adopt the proposal and file a CR-103 form (Rule-Making Order).

(2) The agency shall file the original and six copies of (~~the~~) either notice package (form and text). The code reviser's office will keep the original and two copies and return four stamped copies to the agency. The joint administrative rules review committee has requested that the agency submit three of these copies to the committee for purposes of legislative review. The agency should keep the remaining copy for its files.

AMENDATORY SECTION (Amending Order 89-1, filed 5/31/89)

WAC 1-21-070 Administrative order. (1) The administrative order by which an agency adopts a rule shall be done on a CR-103 form (Rule-making Order) provided by the code reviser's office or, if required by agency practice, on an agency form that provides the information required by RCW 34.05.360. (~~The agency shall number administrative~~

~~orders sequentially, with a unique number for each rule-making proceeding.))~~

(2) The agency shall file with the code reviser's office the original and three copies of the text of permanent rules, along with four copies of the administrative order. Emergency rules require an additional three copies of the order and the text, which the agency shall file with the rules review committee after the copies have been stamped by the code reviser's office.

AMENDATORY SECTION (Amending WSR 95-17-070, filed 8/17/95, effective 9/17/95)

WAC 1-21-170 Official forms. Agencies may obtain the following official forms from the code reviser's office upon request:

- (1) Form CR-101 Preproposal Statement of Inquiry
- (2) Form CR-101XR Expedited Repeal—Preproposal Statement of Inquiry (~~((for expedited repeal only))~~)
- (3) Form CR-102 Proposed Rule Making
- (4) Form CR-102XA Expedited Adoption—Proposed Rule Making
- (5) Form CR-103 Rule-making Order
- (~~5~~) (6) Form CR-104 Review of Previously Adopted Rules.

AMENDATORY SECTION (Amending WSR 95-17-070, filed 8/17/95, effective 9/17/95)

WAC 1-21-180 Rule-making activity report. To implement RCW (~~(1.08.—(1995 e 403 s 704))~~) 1.08.112, agencies shall supply the information required by RCW (~~(1.08.—)~~) 1.08.112 (1)(a) through (f) and (i) (~~((1995 e 403 s 704 (1)(a) through (f) and (i)))~~) by completing the appropriate parts of the CR-103 form. Agencies shall report information required by RCW (~~(1.08.—)~~) 1.08.112 (1)(g) and (h) (~~((1995 e 403 s 704 (1)(g) and (h)))~~) by a memorandum on agency letterhead to the code reviser.

WSR 97-15-084

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed July 17, 1997, 10:47 a.m., effective July 24, 1997]

Date of Adoption: July 16, 1997.

Purpose: To implement federal requirements allowing longer time frames for Medicaid to be continued upon termination of SSI.

Citation of Existing Rules Affected by this Order: Amending WAC 388-522-2205 and 388-524-2405.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.530.

Other Authority: 42 CFR 435 and 42 U.S.C. 1302.

Adopted under notice filed as WSR 97-12-081 on June 4, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 2, 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 2, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: A July 24, 1997, effective date is needed to implement federal regulation. This rule change will extend the period of time a person can receive Medicaid if Social Security benefits are terminated.

Effective Date of Rule: July 24, 1997.

July 16, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-524-2405 SSI/state supplement termination. ~~((When SSA terminates an SSI/state supplemental client because of failure to meet blindness and disability criteria under Title XVI.))~~ (1) The department shall ~~((terminate))~~ provide uninterrupted medical assistance ((at the end of the second month following the month in which eligibility based on disability or blindness criteria ceases)) for a period of up to one hundred twenty days:

(a) For a person whose SSI/state supplemental is terminated; and

(b) While the department redetermines the person's eligibility for other financial or medical programs.

~~((1) If the client has))~~ (2) The department shall continue medical assistance for a person:

(a) Who has filed a timely request for a hearing under SSA jurisdiction; and ((SSA continues benefits, the department shall continue medical assistance concurrently))

(b) Until SSA makes a final decision on the hearing request and any subsequent timely appeals.

~~((2))~~ (3) The department shall ((not authorize the CSO to resubmit)) only submit a request for a redetermination of blindness or disability ((for consideration of the categorically needy or medically needy program.

~~(3) If the client))~~ if:

(a) The person presents new medical evidence ((to the CSO or the client's));

(b) The person's medical condition ((worsens, the department shall require a referral to SSA.)) changes significantly; or

(c) The termination of SSI/state supplement or Social Security Disability Insurance was not based on a review of current medical evidence.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-522-2205 Redetermination of medical assistance. (1) Before termination of a client's medical assistance, the department shall redetermine the client's eligibility for other medical assistance programs or the medically indigent program.

(a) When additional information is necessary to redetermine eligibility, the department shall give the client ten days notice and an opportunity to provide such information.

(b) The department shall give the client advance and adequate notice of the redetermination decision before termination of medical assistance as described under WAC 388-245-1700.

~~(c) ((Until the department redetermines a client's eligibility in conformity with the requirements of this section.))~~ The client shall remain eligible for categorically needy medical benefits until the department redetermines a client's eligibility according to the requirements of this section.

~~(2) ((The department shall redetermine the client's eligibility for other financial and medical programs within thirty calendar days))~~ When SSA terminates the client's SSI/SSP financial benefits, refer to WAC 388-524-2405.

WSR 97-15-096
PERMANENT RULES
DEPARTMENT OF HEALTH
[Filed July 21, 1997, 10:12 a.m.]

Date of Adoption: June 30, 1997.

Purpose: Increase licensing fees for home health agencies, hospice agencies, and home care agencies.

Citation of Existing Rules Affected by this Order: Amending WAC 246-327-990, 246-331-990, and 246-336-990.

Statutory Authority for Adoption: RCW 43.70.110 and 43.70.250.

Other Authority: RCW 70.127.090.

Adopted under notice filed as WSR 97-11-087 on May 21, 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 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: Thirty-one days after filing.

PERMANENT

July 18, 1997
Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending WSR 96-12-026, filed 5/30/96, effective 6/30/96)

WAC 246-327-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, as follows:

(i) A base fee of ~~((three))~~ four hundred ~~((ninety-seven))~~ twelve dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, eight hundred ~~((twenty-seven))~~ fifty-nine dollars;

(B) Sixteen through fifty FTEs, ~~((nine hundred ninety-five))~~ one thousand thirty-four dollars; or

(C) Fifty-one or more FTEs, one thousand ~~((three hundred fifty-eight))~~ four hundred eleven dollars;

(b) ~~((A fee of one half the fees specified in (a) of this subsection for an initial twelve-month license for:~~

(i) ~~New firms;~~

(ii) ~~Businesses not currently licensed to provide home health care in Washington state; or~~

(iii) ~~Currently licensed businesses which have had statement of charges filed against them; and))~~ An initial

twelve-month license fee for new firms, businesses not currently licensed to provide home health care in Washington state, or currently licensed businesses which have had statement of charges filed against them as follows:

(i) A base fee of two hundred six dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, four hundred twenty-nine dollars;

(B) Sixteen through fifty FTEs, five hundred sixteen dollars;

(C) Fifty-one or more FTEs, seven hundred five dollars; and

(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional hospice and/or home care license.

(3) The department may charge and collect from a licensee a fee of ~~((one hundred ninety-nine))~~ two hundred six dollars for:

(a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies;

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day, not to exceed cost of the base fee, from the renewal date until the date of mailing the fee, as evidenced by the postmark.

AMENDATORY SECTION (Amending WSR 96-12-025, filed 5/30/96, effective 6/30/96)

WAC 246-331-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, as follows:

(i) A base fee of ~~((three hundred ninety-seven))~~ four hundred twelve dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, two hundred ~~((ten))~~ eighteen dollars;

(B) Sixteen through fifty FTEs, five hundred ~~((six))~~ twenty-five dollars; or

(C) Fifty-one or more FTEs, one thousand ~~((forty-eight))~~ eighty-nine dollars;

(b) ~~((A fee of one half the fees specified in (a) of this subsection for an initial twelve-month license for:~~

(i) ~~New firms;~~

(ii) ~~Businesses not currently licensed to provide hospice care in Washington state; or~~

(iii) ~~Currently licensed businesses which have had statement of charges filed against them; and))~~ An initial

twelve-month license fee for new firms, businesses not currently licensed to provide hospice care in Washington state, or currently licensed businesses which have had statement of charges filed against them as follows:

(i) A base fee of two hundred six dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, one hundred nine dollars;

(B) Sixteen through fifty FTEs, two hundred sixty-two dollars;

(C) Fifty-one or more FTEs, five hundred forty-three dollars; and

(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional home health and/or home care license.

(3) The department may charge and collect from a licensee a fee of ~~((one hundred ninety-nine))~~ two hundred six dollars for:

(a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies;

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day, not to exceed the cost of the base fee, from the renewal date until the date of mailing the fee, as evidenced by the postmark.

AMENDATORY SECTION (Amending WSR 96-12-028, filed 5/30/96, effective 6/30/96)

WAC 246-336-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, as follows:

(i) A base fee of two hundred (~~sixty-four~~) seventy-four dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, one hundred (~~forty~~) forty-five dollars;

(B) Sixteen through fifty FTEs, one hundred (~~sixty-nine~~) seventy-five dollars; or

(C) Fifty-one or more FTEs, two hundred (~~forty-two~~) fifty-one dollars;

(b) An initial twelve-month license fee for new firms, businesses not currently licensed to provide home care in Washington state, or currently licensed businesses which have had statement of charges filed against them as follows:

(i) A base fee of (~~one hundred ninety-nine~~) two hundred six dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, one hundred (~~five~~) nine dollars;

(B) Sixteen through fifty FTEs, one hundred (~~twenty-seven~~) thirty-two dollars;

(C) Fifty-one or more FTEs, one hundred (~~eighty-five~~) ninety-two dollars; and

(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional home health and/or hospice license.

(3) The department may charge and collect from a licensee a fee of one hundred (~~eighty-nine~~) ninety-six dollars for:

(a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies; and

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day, not to exceed the cost of the base fee, from the renewal date until the date of mailing the fee, as evidenced by the postmark.

WSR 97-15-099

PERMANENT RULES

STATE BOARD OF HEALTH

[Filed July 21, 1997, 10:21 a.m., effective July 21, 1997]

Date of Adoption: July 21, 1997.

Purpose: (1) Amend certain sections of chapter 246-100 WAC to assure a "good faith" and "reasonable" effort is

made to notify current and/or former spouses of persons with HIV infection of the possible exposure to HIV and of the need for HIV testing.

(2) Amend WAC 246-100-206 (10)(a) to allow funeral directors and embalmers are added to the employment categories that may request the health officer to order HIV testing if a substantial exposure is experienced. Both actions are necessary to comply with 1996 Ryan White CARE Act amendments.

Citation of Existing Rules Affected by this Order: Amending WAC 246-100-011, 246-100-036, 246-100-072, 246-100-206, and 246-100-209.

Statutory Authority for Adoption: RCW 70.24.022 and [70.24].340.

Other Authority: Public Law 104-146.

Adopted under notice filed as WSR 97-06-110 on March 5, 1997.

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 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: Based on the testimony of John Peppert, manager of the HIV/AIDS Office of Prevention and Education Services at the Department of Health, the State Board of Health finds that the following reason necessitates an immediate effective date upon filing of the adopted rule:

The amendments to be adopted are designed [to] bring Washington into compliance with Public Law 104-146, the Ryan White CARE Act and amendments of 1996. Section 8 of this act requires states make a good faith effort [to] notify a spouse of a known HIV infected person that such spouse should seek testing. Additionally, the act requires that funeral directors who are occupationally exposed to the bodily fluids of a corpse be provided with the HIV status of that corpse.

The Centers for Disease Control and Prevention has required that the state certify that it has made a good faith effort to incorporate these changes into its protocols. States that fail to certify that they have made a good faith effort to implement these changes are ineligible to receive funds from Part B of the Ryan White CARE Act, administered by the Health Resources Services Administration.

The above described condition constitutes good cause to find threat to the public health, safety or welfare. The amendments are narrowly tailored to meet these conditions. Because funding from the Ryan White CARE Act is crucial to Washington's HIV/AIDS prevention and care services programs, observing the customary thirty day waiting period

after filing the CR-103 for the rule to become effective is contrary to the public interest.

Effective Date of Rule: July 21, 1997.

July 11, 1997
Sylvia Beck
Executive Director

AMENDATORY SECTION (Amending Order 354B, filed 4/1/93, effective 5/2/93)

WAC 246-100-011 Definitions. The following definitions shall apply in the interpretation and enforcement of chapter 246-100 WAC:

(1) "Acquired immunodeficiency syndrome (AIDS)" means illness, disease, or conditions defined and described by the Centers for Disease Control, U.S. Public Health Service, Morbidity and Mortality Weekly Report (MMWR), December 18, 1992, Volume 41, Number RR-17.

(2) "AIDS counseling" means counseling directed toward:

(a) Increasing the individual's understanding of acquired immunodeficiency syndrome; and

(b) Assessing the individual's risk of HIV acquisition and transmission; and

(c) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection.

(3) "Board" means the Washington state board of health.

(4) "Carrier" means a person harboring a specific infectious agent and serving as a potential source of infection to others, but who may or may not have signs and/or symptoms of the disease.

(5) "Case" means a person, alive or dead, having been diagnosed to have a particular disease or condition by a health care provider with diagnosis based on clinical or laboratory criteria or both.

(6) "Category A disease or condition" means a reportable disease or condition of urgent public health importance, a case or suspected case of which must be reported to the local or state health officer immediately at the time of diagnosis or suspected diagnosis.

(7) "Category B disease or condition" means a reportable disease or condition of public health importance, a case of which must be reported to the local health officer no later than the next working day following date of diagnosis.

(8) "Category C disease or condition" means a reportable disease or condition of public health importance, a case of which must be reported to the local health officer within seven days of diagnosis.

(9) "Child day care facility" means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to licensing under chapter 74.15 RCW.

(10) "Communicable disease" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.

(11) "Contact" means a person exposed to an infected person, animal, or contaminated environment which might provide an opportunity to acquire the infection.

(12) "Department" means the Washington state department of social and health services.

(13) "Detention" or "detainment" means physical restriction of activities of an individual by confinement, consistent with WAC 246-100-206(8), for the purpose of monitoring and eliminating behaviors presenting imminent danger to public health and may include physical plant, facilities, equipment, and/or personnel to physically restrict activities of the individual to accomplish such purposes.

(14) "Food handler" means any person preparing, processing, handling, or serving food or beverages for people other than members of his or her household.

(15) "Food service establishment" means any establishment where food or beverages are prepared for sale or service on the premises or elsewhere, and any other establishment or operation where food is served or provided for the public with or without charge.

(16) "Health care facility" means:

(a) Any facility or institution licensed under chapter 18.20 RCW, boarding home, chapter 18.46 RCW, maternity homes, chapter 18.51 RCW, nursing homes, chapter 70.41 RCW, hospitals, or chapter 71.12 RCW, private establishments, clinics, or other settings where one or more health care providers practice; and

(b) In reference to a sexually transmitted disease, other settings as defined in chapter 70.24 RCW.

(17) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care or medical care who is:

(a) Licensed or certified in this state under Title 18 RCW; or

(b) Is military personnel providing health care within the state regardless of licensure.

(18) "HIV testing" means conducting a laboratory test or sequence of tests to detect the human immunodeficiency virus (HIV) or antibodies to HIV performed in accordance with requirements to WAC 246-100-207. To assure that the protection, including but not limited to, pre- and post-test counseling, consent, and confidentiality afforded to HIV testing as described in chapter 246-100 WAC also applies to the enumeration of CD4+ (T4) lymphocyte counts (CD4+ counts) and CD4+ (T4) percents of total lymphocytes (CD4+ percents) when used to diagnose HIV infection, CD4+ counts and CD4+ percents will be presumed HIV testing except when shown by clear and convincing evidence to be for use in the following circumstances:

(a) Monitoring previously diagnosed infection with HIV;

(b) Monitoring organ or bone marrow transplants;

(c) Monitoring chemotherapy;

(d) Medical research; or

(e) Diagnosis or monitoring of congenital immunodeficiency states or autoimmune states not related to HIV.

The burden of proving the existence of one or more of the circumstances identified in (a) through (e) of this subsection shall be on the person asserting such existence.

(19) "Infection control measures" means the management of infected persons, persons suspected to be infected, and others in such a manner as to prevent transmission of the infectious agent.

(20) "Isolation" means the separation or restriction of activities of infected persons, or of persons suspected to be infected, from other persons to prevent transmission of the infectious agent.

(21) "Laboratory director" means the director or manager, by whatever title known, having the administrative responsibility in any medical laboratory.

(22) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapter 70.05 RCW and chapter 70.08 RCW.

(23) "Local health officer" means the individual having been appointed under chapter 70.05 RCW as the health officer for the local health department, or having been appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.

(24) "Medical laboratory" means any facility analyzing specimens of original material from the human body for purposes of patient care.

(25) "Nosocomial infection" means an infection acquired in a hospital or other health care facility.

(26) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.

(27) "Post-test counseling" means counseling after the HIV test when results are provided and directed toward:

(a) Increasing the individual's understanding of human immunodeficiency virus (HIV) infection;

(b) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection;

(c) Encouraging the individual testing positive to notify persons with whom there has been contact capable of spreading HIV;

(d) Assessing emotional impact of HIV test results; and

(e) Appropriate referral for other community support services.

(28) "Pretest counseling" means counseling provided prior to HIV testing and aimed at:

(a) Helping an individual to understand:

(i) Ways to reduce the risk of human immunodeficiency virus (HIV) transmission;

(ii) The nature, purpose, and potential ramifications of HIV testing;

(iii) The significance of the results of HIV testing; and

(iv) The dangers of HIV infection; and

(b) Assessing the individual's ability to cope with the results of HIV testing.

(29) "Principal health care provider" means the attending physician or other health care provider recognized as primarily responsible for diagnosis and treatment of a patient or, in the absence of such, the health care provider initiating diagnostic testing or therapy for a patient.

(30) "Quarantine" means the separation or restriction on activities of a person having been exposed to or infected with an infectious agent, to prevent disease transmission.

(31) "Reportable disease or condition" means a disease or condition of public health importance, a case of which, and for certain diseases, a suspected case of which, must be brought to the attention of the local health officer.

(32) "School" means a facility for programs of education as defined in RCW 28A.210.070 (preschool and kindergarten through grade twelve).

(33) "Sexually transmitted disease (STD)" means a bacterial, viral, fungal, or parasitic disease or condition which is usually transmitted through sexual contact, including:

(a) Acute pelvic inflammatory disease;

(b) Chancroid;

(c) Chlamydia trachomatis infection;

(d) Genital and neonatal herpes simplex;

(e) Genital human papilloma virus infection;

(f) Gonorrhea;

(g) Granuloma inguinale;

(h) Hepatitis B infection;

(i) Human immunodeficiency virus infection (HIV) and acquired immunodeficiency syndrome (AIDS);

(j) Lymphogranuloma venereum;

(k) Nongonococcal urethritis (NGU); and

(l) Syphilis.

(34) "Spouse" means any individual who is the marriage partner of an HIV-infected individual, or who has been the marriage partner of the HIV-infected individual within the ten-year period prior to the diagnosis of HIV-infection, and evidence exists of possible exposure to HIV.

(35) "State health officer" means the person designated by the secretary of the department to serve as statewide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters in the state.

~~((35))~~ (36) "Suspected case" means a person whose diagnosis is thought likely to be a particular disease or condition with suspected diagnosis based on signs and symptoms, laboratory evidence, or both.

~~((36))~~ (37) "Unusual communicable disease" means a communicable disease which is not commonly seen in the state of Washington but which is of general public health concern including, but not limited to, Lassa fever, smallpox, typhus, and yellow fever.

~~((37))~~ (38) "Veterinarian" means an individual licensed under provisions of chapter 18.92 RCW, veterinary medicine, surgery, and dentistry and practicing animal health care.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-100-036 Responsibilities and duties—Local health officers. (1) The local health officer shall review and determine appropriate action for:

(a) Each reported case or suspected case of a reportable disease or condition;

(b) Any disease or condition considered a threat to public health;

(c) Each reported outbreak or suspected outbreak of disease, requesting assistance from the department in carrying out investigations when necessary; and

(d) Instituting disease prevention and infection control, isolation, detention, and quarantine measures necessary to prevent the spread of communicable disease, invoking the power of the courts to enforce these measures when necessary.

(2) Local health officers shall:

(a) Submit reports to the state health officer as required in chapter 246-100 WAC;

(b) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned disease case reports consistent with WAC 246-100-016;

(c) Notify health care providers within the health district regarding requirements in this chapter;

(d) Distribute appropriate report forms to persons responsible for reporting;

(e) Notify the principal health care provider, if possible, prior to initiating a case investigation by the local health department;

(f) Make HIV testing, AIDS counseling, and pretest and post-test counseling, as defined in this chapter, available for voluntary, mandatory, and anonymous testing and counseling as required by RCW 70.24.400;

(g) Make information on anonymous HIV testing, AIDS counseling, and pretest and post-test counseling, as described under WAC 246-100-208 and 246-100-209, available;

(h) Use identifying information on HIV-infected individuals provided according to WAC 246-100-072 only:

(i) For purposes of contacting the HIV-positive individual to provide test results and post-test counseling; or

(ii) To contact sex and injection equipment-sharing partners, including spouses; and

(i) Destroy documentation of referral information established in WAC 246-100-072 and this subsection containing identities and identifying information on HIV-infected individuals and at-risk partners of those individuals immediately after notifying partners or within three months, whichever occurs first.

(3) Each local health officer has the authority to:

(a) Carry out additional steps determined to be necessary to verify a diagnosis reported by a health care provider;

(b) Require any person suspected of having a reportable disease or condition to submit to examinations required to determine the presence of the disease or condition; and

(c) Investigate any case or suspected case of a reportable disease or condition or other illness, communicable or otherwise, if deemed necessary.

(4) Local health officers shall conduct investigations and institute control measures consistent with those indicated in the fifteenth edition 1990 of *Control of Communicable Diseases in Man*, edited by Abram S. Benenson, published by the American public health association, except:

(a) When superseded by more up-to-date measures, or

(b) When other measures are more specifically related to Washington state.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-100-072 Rules for notification of partners at-risk of HIV infection. (1) A health care provider may consult with the local health officer or an authorized representative about an HIV-infected individual without identifying the individual.

(2) Only under the specific circumstances listed below, a principal health care provider shall report the identity of sex or injection equipment-sharing partners, including spouses, of an HIV-infected individual to the local health officer or an authorized representative:

(a) After being informed of the necessity to notify sex and injection-equipment sharing partners, including spouses, and confirm notification to the health care provider, the HIV-infected individual either refuses or is unable to notify partners that partners:

(i) May have been exposed to and infected with HIV; and

(ii) Should seek HIV-pretest counseling and consider HIV testing; and

(b) The HIV-infected individual neither accepts assistance nor agrees to referral to the local health officer or an authorized representative for assistance in notifying partners.

(3) Only in the specific circumstances listed below, a principal health care provider shall report the identity of an individual with a positive HIV test result to the local health officer or an authorized representative:

(a) The principal health care provider provided pretest counseling as described in WAC 246-100-209(1) before the individual was tested; and

(b) The principal health care provider made efforts, but was unable to meet face-to-face with the individual to notify the individual of the HIV-test result and to provide post-test counseling as required in WAC 246-100-209 in order to assure partner notification.

(4) A health care provider shall not disclose the identity of an HIV-infected individual or the identity of sex and injection equipment-sharing partners, including spouses, at risk of HIV infection, except as authorized in RCW 70.24.105, WAC 246-100-072, or 246-100-076.

(5) Local health officers and authorized representatives shall:

(a) Confirm conditions in subsections (2) and (3) of this section were met prior to initiating partner notification or receiving referral of identity of an HIV-infected individual; and

(b) Use identifying information, provided according to this section, on HIV-infected individuals only for contacting the HIV-infected individual to provide post-test counseling or to contact sex and injection equipment-sharing partners, including spouses; and

(c) Destroy documentation of referral information established under this subsection, containing identities and identifying information on the HIV-infected individual and at-risk partners of that individual, immediately after notifying partners or within three months of the date information was received, whichever occurs first.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-100-206 Special diseases—Sexually transmitted diseases. (1) Definitions.

(a) "Behaviors presenting imminent danger to public health (BPID)" means the following activities, under conditions specified below, performed by an individual with a laboratory confirmed HIV infection:

(i) Anal or vaginal intercourse without a latex condom; or

(ii) Shared use of blood-contaminated injection equipment;

(iii) Donating or selling HIV-infected blood, blood products, or semen; and

(iv) Under the following specified conditions:

(A) The infected individual received post-test counseling as described in WAC 246-100-209 prior to repeating activities in subsection (1)(a)(i) and (ii) of this section; and

(B) The infected individual did not inform the persons, with whom activities described in subsection (1)(a)(i) and (ii) of this section occurred, of his or her infectious status.

(b) "Behaviors presenting possible risk" means:

(i) Actual actions resulting in "exposure presenting a possible risk" limited to:

(A) Anal, oral, or vaginal intercourse excluding conjugal visits; or

(B) Physical assault; or

(C) Sharing of injection equipment or sharp implements;

or

(D) Throwing or smearing of blood, semen, or vaginal fluids; or

(ii) Threatened action if:

(A) The threatening individual states he or she is infected with HIV; and

(B) The threatened behavior is listed in subsection (1)(b)(i)(A), (B), (C), and (D) of this section; and

(C) The threatened behavior could result in "exposure presenting a possible risk."

(c) "Conduct endangering public health" means:

(i) Anal, oral, or vaginal intercourse for all sexually transmitted diseases;

(ii) For HIV and Hepatitis B:

(A) Anal, oral, or vaginal intercourse; and/or

(B) Sharing of injection equipment; and/or

(C) Donating or selling blood, blood products, body tissues, or semen; and

(iii) Activities described in subsection (1)(d)(i) and (ii) of this section resulting in introduction of blood, semen, and/or vaginal fluids to:

(A) Mucous membranes;

(B) Eyes;

(C) Open cuts, wounds, lesions; or

(D) Interruption of epidermis.

(d) "Exposure presenting possible risk" means one or more of the following:

(i) Introduction of blood, semen, or vaginal fluids into:

(A) A body orifice or a mucous membrane;

(B) The eye; or

(C) An open cut, wound, lesion, or other interruption of the epidermis.

(ii) A needle puncture or penetrating wound resulting in exposure to blood, semen, and/or vaginal fluids.

(e) "Reasonably believed" or "reason to believe," in reference to a sexually transmitted disease, means a health officer's belief which:

(i) For the purpose of investigating the source and spread of disease, is based upon a credible report from an identifiable individual indicating another person is likely to have a sexually transmitted disease (STD) or to have been exposed to a STD; and

(ii) For the purpose of issuing a written order for an individual to submit to examination, counseling, or treatment is based upon:

(A) Laboratory test results confirming or suggestive of a STD; or

(B) A health care provider's direct observation of clinical signs confirming an individual has or is likely to have a STD; or

(C) Obtaining information directly from an individual infected with a STD about the identity of his or her sexual or needle-sharing contacts when:

(I) Contact with the infected individual occurred during a period when the disease may have been infectious; and

(II) The contact was sufficient to transmit the disease; and

(III) The infected individual is, in the health officer's judgment, credible and believable.

(f) "Substantial exposure" means physical contact resulting in exposure presenting possible risk, limited to:

(i) A physical assault upon the exposed person involving blood or semen;

(ii) Intentional, unauthorized, nonconsensual use of needles or sharp implements to inject or mutilate the exposed person;

(iii) An accidental parenteral or mucous membrane or nonintact skin exposure to blood, semen, or vaginal fluids.

(2) Health care providers shall:

(a) Report each case of sexually transmitted disease as required in chapter 246-100 WAC, and

(b) Instruct each patient regarding:

(i) Communicability of the disease, and

(ii) Requirements to refrain from acts that may transmit the disease to another.

(c) Ensure completion of a prenatal serologic test for syphilis in each pregnant woman pursuant to RCW 70.24.090 including:

(i) Submission of a blood sample for syphilis to a laboratory approved to perform prenatal serologic tests for syphilis, as required in RCW 70.24.090, at the time of the first prenatal visit, and

(ii) Decide whether or not to omit the serologic test for syphilis if the test was performed elsewhere during the current pregnancy.

(3) Laboratories, health care providers, and other persons shall deny issuance of a certificate or statement implying an individual is free from sexually transmitted disease.

(4) Local health officers, health care providers, and others, in addition to requirements in chapter 246-100 WAC, shall comply with the provisions in chapter 70.24 RCW.

(5) Prevention of ophthalmia neonatorum.

(a) Health care providers diagnosing or caring for a patient with gonococcal or chlamydial ophthalmia neonatorum shall report the case to the local health officer or local health department in accordance with the provisions of this chapter.

(b) The principal health care provider attending or assisting in the birth of any infant or caring for an infant after birth, shall ensure instillation of a department-approved prophylactic ophthalmic agent into the conjunctival sacs of the infant within the time frame established by the department in policy statement of ophthalmia agents approved for the prevention of ophthalmia neonatorum in the newborn, issued June 19, 1981.

(6) State and local health officers or their authorized representatives shall:

(a) Have authority to conduct or cause to be conducted an interview and investigation of persons infected or reasonably believed to be infected with a sexually transmitted disease; and

(b) Use procedures and measures described in WAC 246-100-036(4) in conducting investigations.

(7) State and local health officers and their authorized representatives shall have authority to:

(a) Issue written orders for medical examination, testing, and/or counseling under chapter 70.24 RCW, only after:

(i) All other efforts to protect public health have failed, including reasonable efforts to obtain the voluntary cooperation of the person to be affected by the order; and

(ii) Having sufficient evidence to "reasonably believe" the individual to be affected by the order:

(A) Has a sexually transmitted disease; and

(B) Is engaging in "conduct endangering public health"; and

(iii) Investigating and confirming the existence of "conduct endangering public health" by:

(A) Interviewing sources to assess their credibility and accuracy; and

(B) Interviewing the person to be affected by the order; and

(iv) Including in a written order all information required in RCW 70.24.024.

(b) Issue written orders for treatment under RCW 70.24.022 only after laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease;

(c) Issue written orders to cease and desist from specified activities, under RCW 70.24.024 only after:

(i) Determining the person to be affected by the order is engaging in "conduct endangering public health"; and

(ii) Laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease; and

(iii) Exhausting procedures described in subsection (7)(a) of this section; and

(iv) Enlisting, if appropriate, court enforcement of the orders described in subsections (7)(a) and (b) of this section; and

(d) Seek court orders for detainment under RCW 70.24-034, only for persons infected with HIV and only after:

(i) Exhausting procedures described in subsection (7)(a), (b), and (c) of this section; and

(ii) Enlisting, if appropriate, court enforcement of orders to cease and desist; and

(iii) Having sufficient evidence to "reasonably believe" the person is engaging in "behaviors presenting an imminent danger to public health."

(8) Conditions for detainment of individuals infected with sexually transmitted disease.

(a) A local health officer may notify the state health officer if he or she determines:

(i) The criteria for "behaviors presenting imminent danger to public health (BPID)" are met by an individual; and

(ii) Such individual fails to comply with a cease and desist order affirmed or issued by a court.

(b) A local or state health officer may request the prosecuting attorney to file an action in superior court to detain an individual specified in subsection (8)(a) of this section.

(c) The requesting local or state health officer or authorized representative shall:

(i) Notify the department prior to recommending the detainment setting where the individualized counseling and education plan may be carried out consistent with subsections (8)(d), (e), and (f) of this section;

(ii) Make a recommendation to the court for placement of such individual consistent with subsections (8)(d) and (f) of this section; and

(iii) Provide to the court an individualized plan for education and counseling consistent with subsection (8)(e) of this section.

(d) State board of health requirements for detainment of individuals demonstrating BPID:

(i) Sufficient number of staff, caregivers, and/or family members to:

(A) Provide round-the-clock supervision, safety of detainee, and security; and

(B) Limit and restrict activities to prevent BPID; and

(C) Make available any medical, psychological, or nursing care when needed; and

(D) Provide access to AIDS education and counseling; and

(E) Immediately notify the local or state health officer of unauthorized absence or elopement; and

(ii) Sufficient equipment and facilities to provide:

(A) Meals and nourishment to meet nutritional needs; and

(B) A sanitary toilet and lavatory; and

(C) A bathing facility; and

(D) Bed and clean bedding appropriate to size of detainee; and

(E) A safe detention setting appropriate to chronological and developmental age of detainee; and

(F) A private sleeping room; and

(G) Prevention of sexual exploitation.

(iii) Sufficient access to services and programs directed toward cessation of BPID and providing:

(A) Linguistically, socially, culturally, and developmentally appropriate ongoing AIDS education and counseling; and

(B) Psychological and psychiatric evaluation and counseling; and

(C) Implementation of court-ordered plan for individualized counseling and education consistent with subsection (8)(e) of this section.

(iv) If required, provide access to isolation and/or restraint in accordance with restraint and seclusion rules in WAC 275-55-263 (2)(c);

(v) Maintain a safe, secure environment free from harassment, physical danger, and sexual exploitation.

(e) Washington state board of health standards for an individualized counseling and education plan for a detainee include:

(i) Consideration of detainee's personal and environmental characteristics, culture, social group, developmental age, and language;

(ii) Identification of habitual and addictive behavior and relapse pattern;

(iii) Identification of unique risk factors and possible cross-addiction leading to behavior presenting imminent danger to public health;

- (iv) Identification of obstacles to behavior change and determination of specific objectives for desired behavior;
- (v) Provision of information about acquisition and transmission of HIV infection;
- (vi) Teaching and training of individual coping skills to prevent relapse to BPID;
- (vii) Specific counseling for chemical dependency, if required;
- (viii) Identification of and assistance with access to community resources, including social services and self-help groups appropriate to provide ongoing support and maintenance of behavior change; and
- (ix) Designation of a person primarily responsible for counseling and/or education who:
 - (A) Completed pretest and post-test counselor training approved by the office on AIDS; and
 - (B) Received training, as approved by the office on AIDS, focused on facilitating behavior change related to preventing BPID; and
 - (C) Has a post-graduate degree in social work, psychology, counseling, psychosocial nursing, or other allied profession; and
 - (D) Completed at least one year clinical experience after post-graduate education with a primary focus on individualized behavior change; and
 - (E) Is a certified counselor under chapter 18.19 RCW.
- (x) Designation and provision of a qualified counselor under WAC 275-19-145 when the detainee is assessed to have a drug or alcohol problem.
 - (f) The state board of health designates the following settings appropriate for detainment provided a setting meets requirements in subsection (8)(d)(i), (ii), (iii), (iv), and (v) of this section:
 - (i) Homes, care facilities, or treatment institutions operated or contracted by the department;
 - (ii) Private homes, as recommended by the local or state health officer;
 - (iii) Boarding homes licensed under chapter 18.20 RCW;
 - (iv) Nursing homes licensed under chapter 18.51 RCW;
 - (v) Facilities licensed under chapter 71.12 RCW, including:
 - (A) Psychiatric hospitals, per chapter 246-322 WAC;
 - (B) Alcoholism treatment centers if certified for substance use under chapter 275-19 WAC;
 - (C) Adult residential rehabilitation centers, per chapter 246-325 WAC;
 - (D) Private adult treatment homes, per chapter 246-325 WAC;
 - (E) Residential treatment facilities for psychiatrically impaired children and youth, per chapter 246-323 WAC;
 - (vi) A hospital licensed under chapter 70.41 RCW.
 - (9) Jail administrators may order pretest counseling, post-test counseling, and HIV testing of persons detained in jail according to RCW 70.24.360 only under the following conditions:
 - (a) The jail administrator documents and reports to the local health officer, within seven days after the incident, any incident perceived to be actual or threatened "behaviors presenting possible risk"; and
 - (b) The local health officer:
 - (i) Determines the documented behavior or behaviors meet the criteria established in the definition of "behaviors presenting a possible risk"; and
 - (ii) Interviews the detained individual to evaluate the factual basis for alleged actual or threatened behavior; and
 - (iii) Makes a fact determination, based upon the documented behavior, the interview with the detained individual, and/or independent investigation, that sufficient factual evidence exists to support the allegation of actual or threatened "behaviors presenting possible risk"; and
 - (iv) Arranges for testing of the individual who is the source of the behavior to occur within seven days of the request from the jail administrator; and
 - (v) Reviews with the detained individual who is the source of the behavior the documentation of the actual or threatened behavior to try to assure understanding of the basis for HIV testing; and
 - (vi) Provides written approval of the jail administrator's order prior to HIV testing in accordance with subsection (7)(a)(i) of this section.
 - (c) The jail administrator maintains HIV test results and identity of the tested individual as a confidential, nondisclosable record, as provided in RCW 70.24.105.
 - (10) When an individual experiences a substantial exposure to another individual's body fluids and requests HIV testing of that other individual, the state and local health officers have authority to order pretest counseling, HIV testing, and post-test counseling of that other individual providing:
 - (a) The alleged exposure occurred when the individual was employed or acting as an authorized volunteer in one of the following employment categories:
 - (i) Law enforcement officer;
 - (ii) Firefighter;
 - (iii) Health care provider;
 - (iv) Staff of health care facilities;
 - (v) Funeral director;
 - (vi) Embalmer; and
 - (b) The alleged substantial exposure occurred on the job; and
 - (c) The request to the health officer for testing and counseling of the individual was made within seven days of the occurrence of the alleged exposure; and
 - (d) The local health officer:
 - (i) Determines that the alleged exposure meets the criteria established in the definition of "substantial exposure"; and
 - (ii) Ensures that pretest counseling of the individual to be tested, or a legal representative, occurs; and
 - (iii) Arranges for testing of the individual who is the source of the exposure to occur within seven days of the request from the person exposed; and
 - (e) The exposed individual agrees to be tested for HIV if such testing is determined appropriate by the health officer; and
 - (f) Records on HIV testing ordered by a health officer are maintained only by the ordering health officer.
- (11) For the purpose of RCW 49.60.172 concerning the absence of HIV infection as a bona fide occupational qualification only, "significant risk" means a job qualification which requires person-to-person contact likely to result in

direct introduction of blood into the eye, an open cut or wound, or other interruption of the epidermis, when:

- (a) No adequate barrier protection is practical; and
- (b) Determined only on case-by-case basis consistent with RCW 49.60.180.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-100-209 Counseling standards—Human immunodeficiency virus (HIV) pretest counseling—HIV post-test counseling. (1) Health care providers and other persons providing pretest counseling shall:

(a) Assess the individual's risk of acquiring and transmitting HIV by evaluating information about the individual's possible risk-behaviors;

(b) Provide at least one individual counseling session prior to HIV testing;

(c) Inform any individual planning to be tested for HIV that:

(i) If the test result is positive, the tested individual needs to notify sex and injection equipment-sharing partners that partners, including spouses:

(A) May have been exposed to and infected with HIV; and

(B) Should seek HIV pretest counseling and consider HIV testing; and

(ii) Unless HIV testing is anonymous, the principal health care provider is required to refer identities of at-risk partners to the local health officer or authorized representative if:

(A) The HIV-infected individual either refuses or is unable to notify partners of exposure, possible infection, and need for pretest counseling and HIV testing; or

(B) The HIV-infected individual neither accepts assistance nor agrees to referral to the local health officer or an authorized representative for assistance in notifying partners; and

(iii) Unless HIV testing is anonymous, the principal health care provider is required to refer the identify of the individual testing positive to the local health officer or an authorized representative if the principal health ~~((car [care]))~~ care provider made efforts, but was unable to meet face-to-face with the individual to:

(A) Notify the individual of the HIV test result; and

(B) Provide post-test counseling, as required in this section, to assure partner notification.

(2) When an individual is assessed by a counselor or health care provider as "virtually no risk of HIV infection," as defined in WAC 246-100-208 (3)(e)(v) a counselor or the health care provider shall, in addition to subsection (1)(a) of this section:

(a) Maintain a nonjudgmental environment during counseling which:

(i) Considers the individual's particular circumstances; and

(ii) Is culturally, socially, linguistically, and developmentally appropriate to the individual being counseled.

(b) Explain the nature, purpose, value, and reason for the HIV tests;

(c) Explain the possible effect of HIV testing and a positive HIV test result related to employment, insurance,

housing, and other potential legal, social, and personal consequences;

(d) Develop and maintain a system of referral and make referrals that:

(i) Are accessible and confidential for those counseled;

(ii) Are acceptable to and supportive of those counseled;

(iii) Provide assistance to those counseled in maintaining risk reduction behaviors.

(e) Provide at least one individual counseling session at the time HIV test results are disclosed to individuals testing positive; and

(f) Maintain disclosure and confidentiality requirements in WAC 246-100-016.

(3) If the individual is assessed by a health care provider to be other than "virtually no risk of HIV infection," as defined in WAC 246-100-208 (3)(e)(v), the person providing pretest counseling shall maintain requirements in subsection (1) and (2) of this section and:

(a) Focus counseling on behaviors increasing the risk of HIV acquisition and transmission;

(b) Provide personalized risk reduction education to individuals who:

(i) Are men engaging in unprotected intercourse with other men at any time since 1977;

(ii) Used intravenous substances at any time since 1977, especially those sharing injection equipment;

(iii) Engaged in sex for money or drugs at any time since 1977;

(iv) Have had sexual and/or injection equipment-sharing contacts at any time since 1977 with persons listed in subsection (3)(b)(i), (ii), and (iii) of this section;

(v) Have been exposed to or diagnosed with a sexually transmitted disease;

(vi) Are at increased risk of HIV infection by definition of United States Public Health Services, Centers for Disease Control;

(vii) Are required by RCW 70.24.095 and 70.24.340 to receive HIV counseling and testing.

(c) Inform any individual planning to be tested for HIV of the need to notify sexual and injection equipment-sharing partners, including spouses, if test results are positive;

(d) Advise individuals listed in subsection (3)(b)(i), (ii), and (iii) of this section not to donate or sell blood, blood products, semen, organs, or other body tissues; and

(e) Emphasize or reemphasize the following counseling messages:

(i) The following will eliminate or decrease the risk of HIV infection:

(A) Sexual abstinence;

(B) A mutually monogamous relationship between uninfected people; and

(C) Following safer sex guidelines.

(ii) Do not share intravenous drugs and injection equipment;

(iii) Do not engage in behaviors in which blood, vaginal fluid, or semen is exchanged;

(iv) Condoms, even if used properly, do not supply absolute protection from HIV infection;

(v) Condoms may reduce risk of HIV infection if the condom is:

(A) Latex and used with a water-based lubricant rather than an oil-based lubricant, if a lubricant is used;

(B) Used in conjunction with spermicide during vaginal or anal intercourse; and

(C) Worn from start to finish of vaginal, oral, and anal intercourse.

(vi) Dental dams may reduce risk of HIV infection if the dental dam is:

(A) Latex; and

(B) Used from start to finish of oral intercourse.

(vii) The sexual behaviors having highest risk for HIV infection are those involving the exchange of blood or semen, especially receptive anal and vaginal intercourse;

(viii) Anal intercourse may increase the risk of condom failure and HIV infection;

(ix) Infected women should postpone pregnancy until more is known about how to prevent prenatal and perinatal transmission of HIV infection;

(x) Sexual negotiation skills can be learned to enhance risk reduction; and

(xi) Other sexually transmitted diseases, especially those causing genital ulcers, may increase the risk of acquiring or transmitting HIV infection.

(f) Make those counseled aware HIV retesting at a later date may be necessary or recommended.

(4) Persons providing post-test counseling shall:

(a) Follow requirements in subsection (1) of this section;

(b) Provide at least one individual counseling session at the time HIV test results are disclosed for individuals:

(i) Testing positive for HIV; or

(ii), and (iii) of this section.

(c) If the individual being counseled tested positive for HIV infection:

(i) Provide assistance to persons in notifying partners, including spouses, and confirm those partners including spouses have been notified; and/or

(ii) Offer to refer individuals to the local health officer as necessary for assistance in notifying partners; and/or

(iii) Offer to refer partners for counseling and testing; and

(iv) Develop or adopt a system to avoid documenting the names of referred partners in the permanent record of the individual being counseled; and

(v) Offer referral for alcohol and drug and mental health counseling, including suicide prevention, if appropriate; and

(vi) Refer for tuberculosis screening.

WSR 97-15-100
PERMANENT RULES
DEPARTMENT OF HEALTH
[Filed July 21, 1997, 10:25 a.m.]

Date of Adoption: July 8, 1997.

Purpose: Amend physician and surgeon fees, WAC 246-919-990 per SB 5448, Laws of 1997, to modify fee tables for both full and limited MD licenses by eliminating the \$100.00 disciplinary assessment fee category and combining it with the \$100.00 renewal fee category for a total renewal fee of \$200.00. Cost per license does not change.

Citation of Existing Rules Affected by this Order: Amending WAC 246-919-990.

Statutory Authority for Adoption: RCW 18.71.017.

Other Authority: RCW 43.70.250.

Adopted under notice filed as WSR 97-12-085 on June 4, 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 1, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 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: Thirty-one days after filing.

July 18, 1997

Bruce Miyahara

Secretary

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-919-990 Physician and surgeon fees. The following nonrefundable fees shall be charged by the health professional quality assurance division of the department of health:

Title of Fee	Fee
Physician and surgeons: Chapter 18.71 RCW	
Application	\$300.00
Retired active physician license renewal	125.00
Renewal	((100.00)) 200.00
((Disciplinary assessment	100.00))
Late renewal penalty	50.00
Surcharge for impaired physician program	25.00
State certification	50.00
Duplicate license	15.00
Temporary permit	50.00

Postgraduate limited license fees: RCW 18.71.095

Limited license application	200.00
Limited license renewal	((100.00)) 200.00
((Disciplinary assessment	100.00))
Surcharge-impaired physician	25.00
Limited duplicate license	15.00

WSR 97-15-105
PERMANENT RULES
FOREST PRACTICES BOARD
[Filed July 21, 1997, 3:02 p.m.]

Date of Adoption: July 10, 1997.

Purpose: To define critical wildlife habitat (state) for the marbled murrelet, thereby protecting public resources while maintaining a viable forest products industry.

PERMANENT

Citation of Existing Rules Affected by this Order: Amending Title 222 WAC, WAC 222-12-090, 222-16-010, 222-16-080, 222-16-100, 222-24-030, 222-30-020, 222-30-050, 222-30-060, 222-30-065, 222-30-070 and 222-30-100; and new sections WAC 222-10-042, 222-16-087, and 222-16-105.

Statutory Authority for Adoption: RCW 76.09.040 and chapter 34.05 RCW.

Adopted under notice filed as WSR 97-11-074 on May 21, 1997.

Changes Other than Editing from Proposed to Adopted Version: Adopted as notices filed under WSR 94-17-156 filed on August 23, 1994; WSR 95-04-073 filed on January 30, 1995; WSR 95-14-028 filed on June 23, 1995; WSR 95-24-093 filed on December 5, 1995; WSR 96-04-076 filed on February 7, 1996; WSR 96-05-090 filed on February 24, 1996; WSR 96-09-099 filed on April 17, 1996; WSR 96-13-004 filed on June 6, 1996; WSR 96-20-120 filed on October 2, 1996; WSR 97-08-077 filed on April 2, 1997; and WSR 97-11-074 filed on May 21, 1997.

Changes from supplemental notice filed May 21, 1997: The board adopted the revised staff proposal; they did not adopt the occupied stand or the marbled murrelet watershed administrative unit approach. The following nonsubstantial changes were made to the revised staff proposal:

(1) WAC 222-10-042, in response to public comment, the board combined the two options that were previously proposed, reorganized the section, and clarified language to more accurately capture the Forest Practices Board's original intent. In particular:

- Subsection (1) was added to make it clear that occupied sites are covered by the rule.
- Percentages for "probability of occupancy" replaced the exact numbers of platforms per acre to more accurately reflect existing data and the original intent of the board.
- In response to public comments, landowners may request the Department of Fish and Wildlife to survey (subsection (2)).
- Subsection (4) was originally subsection (5) in the proposed rule.
- Subsection (5) was added in response to public comment to clarify that platform assumptions are based on regional data and applicants or others may submit other reliable information.

(2) WAC 222-12-090, subsection (14) clarifies that earlier surveys are valid if they complied with accepted protocols.

Subsection (15) clarifies the concept formerly in subsection (14) in response to public comment. It lists specific methods for marbled murrelet platform protocols and clarifies that multiple methodologies can be used to identify the number of platforms.

(3) WAC 222-16-010, "**Marbled murrelet nesting platform**," definition was pulled from the suitable habitat definition as a result of public comment to more clearly define what constitutes a platform.

"**Occupied marbled murrelet site**," language was added to subsection (5): "and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from" . . . This change provides consistency of language on what

constitutes documented sites; it now parallels the northern spotted owl rules.

"**Suitable marbled murrelet habitat**," nesting platform information was moved to a separate definition; and (d) was reworded to clarify when a 300-foot buffer zone is applied to a stand. Subsection (2) in the proposed rule was removed because it is already in the "occupied marbled murrelet site" definition.

(4) WAC 222-16-080, in subsection (1)(j)(vi)(A), the board selected an exception to Class IV-Special for landowners owning less than five hundred acres of forest land within fifty miles of saltwater, provided there is no occupied site. This decision was made because of extensive public comment from nonindustrial landowners and because no data is available to refute a different number.

(5) WAC 222-16-105, subsection (3)(c), marbled murrelet baseline: "not be less than the habitat condition" was removed and replaced with "may range from zero habitat to the overall levels of suitable marbled murrelet habitat that existed across the land in question at the time the agreement is entered into." This clarifies the baseline standard for marbled murrelets so it is the same as the standard for northern spotted owls.

Subsection (5)(b): "contribution toward conserving" was changed to "benefit to" the species. This focuses the standard on the benefit to the species rather than using a recovery plan standard.

(6) WAC 222-30-020, in subsection (10)(a), the requirement for landowners to provide protocol survey data to the Department of Fish and Wildlife was removed. This was a prescriptive requirement that was replaced in WAC 222-10-042 with an incentive for landowners to submit survey data. A joint responsibility to survey is also provided in that section.

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 11 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 3, amended 11, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 17, 1997

Jennifer M. Belcher
Commissioner of Public Lands

NEW SECTION

WAC 222-10-042 Marbled murrelets. The following policies shall apply to forest practices subject to SEPA where the forest practices may cause adverse impacts to marbled murrelets.

(1) Within an occupied marbled murrelet site, forest practices that will adversely impact this habitat will likely have a probable significant adverse impact on the environment except where the department determines, in consultation with the department of fish and wildlife, that the applicant's proposal will actually have no significant adverse impact.

(2) Within marbled murrelet detection areas:

(a) Suitable marbled murrelet habitat with at least a 50% probability of occupancy is assumed to have a high likelihood of marbled murrelet occupancy. It is currently assumed that 5 platforms per acre meets the 50% probability of occupancy. Without survey information, forest practices that will adversely impact this habitat may have a probable significant adverse impact on the environment.

(b) Suitable marbled murrelet habitat with at least a 30%, but less than 50% probability of occupancy has a sufficiently high likelihood of marbled murrelet occupancy to warrant a survey. This additional information is necessary for the department to evaluate the environmental impact of the forest practice. It is currently assumed that 2 platforms per acre meets the 30% probability of occupancy.

A landowner may request the department of fish and wildlife to survey. The department of fish and wildlife should survey to the maximum extent practicable based on an appropriation to survey marbled murrelet suitable habitat within detection areas where the landowner provides access for surveys to the department of fish and wildlife, and sufficient time is allowed to complete the protocol surveys. The department shall provide a notice to the landowner within 60 days from the date of application of the department of fish and wildlife's intent to survey. If the department of fish and wildlife cannot conduct marbled murrelet surveys the responsibility for surveys remains with the landowner.

(3) Outside a marbled murrelet detection area:

(a) Suitable marbled murrelet habitat with at least a 60% probability of occupancy is assumed to have a high likelihood of marbled murrelet occupancy. It is currently assumed that 7 platforms per acre meets the 60% probability of occupancy. Without survey information, forest practices that will adversely impact this habitat may have a probable significant adverse impact on the environment.

(b) Within a marbled murrelet special landscape suitable marbled murrelet habitat with at least a 50% probability of occupancy is assumed to have a high likelihood of marbled murrelet occupancy. Without survey information, forest practices that will adversely impact this habitat may have a probable significant adverse impact on the environment.

(4) When determining whether a forest practice will have a probable significant adverse impact on the environment, the department shall, in consultation with the department of fish and wildlife, evaluate the impacts on the state-wide, regional (Southwest Washington, Olympic Peninsula, Hood Canal, North Puget Sound, South Puget Sound and South Cascades) and local (within the marbled murrelet detection area) marbled murrelet populations and associated habitats. The department should consider a variety of information including but not limited to survey data, habitat quality and patch size, the amount of edge in relation to the area of habitat, amount of interior habitat, distance from saltwater, detection rates, the amount and quality of habitat,

the likelihood of predation and the recovery goals for the marbled murrelet.

(5) The platform assumptions set forth above are based on regional data. Applicants or others may submit information to the department which was gathered in conjunction with a marbled murrelet survey agreement with the department of fish and wildlife, and other reliable information that is more current, or specific to the platform numbers in the marbled murrelet suitable habitat definition. The department shall use such information in making its determinations under this section where the department finds, in consultation with the department of fish and wildlife, that the information is more likely to be valid for a particular WRIA or physiographic province. If the department does not use the information, it shall explain its reasons in writing to the applicant.

AMENDATORY SECTION (Amending WSR 92-15-113, filed 7/21/92, effective 8/21/92)

WAC 222-12-090 Forest practices board manual. When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fisheries, wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) **The standard methods** for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.

(3) **A chart** for establishing recommended permanent culvert sizes and associated data.

(4) **Guidelines** for clearing slash and debris from Type 4 and 5 Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for calculating average widths of riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(13)

(14) Survey protocol for marbled murrelets. The Pacific seabird survey protocol in effect March 1, 1997, shall be used when surveying for marbled murrelets in a stand.

Surveys conducted before the effective date of this rule are valid if they were conducted in substantial compliance with generally accepted survey protocols in effect at the beginning of the season in which they were conducted.

(15) The department shall, in consultation with the department of fish and wildlife, develop platform protocols for use by applicants in estimating the number of platforms, and by the department in reviewing and classifying forest practices under WAC 222-16-050. These protocols shall include:

(a) A sampling method to determine platforms per acre in the field;

(b) A method to predict the number of platforms per acre based on information measurable from typical forest inventories. The method shall be derived from regression models or other accepted statistical methodology, and incorporate the best available data; and

(c) Other methods determined to be reliable by the department, in consultation with the department of fish and wildlife.

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))) 222-16-105.

"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 31.

"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.

"Marbled murrelet detection area" means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor which is documented and recorded in the department of fish and wildlife data base. The marbled murrelet detection area shall be comprised of the section of land in which the marbled

murrelet detection was made and the eight sections of land immediately adjacent to that section.

"Marbled murrelet nesting platform" means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

"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:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

(a) A nest is located; or

(b) Downy chicks or eggs or egg shells are found; or

(c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or

(d) Birds calling from a stationary location within the area; or

(e) Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of 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.

(3) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or

(c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(4) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or

(c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(5) In determining the existence, location and status of occupied marbled murrelet sites, 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.

"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.

"Qualified surveyor" means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

"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 containing trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

(a) Within 50 miles of marine waters;

(b) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(c) Two or more nesting platforms per acre;

(d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar forest stand characteristics (age, species composition, forest structure) to the forested area in which the nesting platforms occur.

"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) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat within a marbled murrelet detection area.

(iii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction

within suitable marbled murrelet habitat containing 7 platforms per acre outside a marbled murrelet detection area.

(iv) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction outside a marbled murrelet detection area within a marbled murrelet special landscape and within suitable murrelet habitat with 5 or more platforms per acre.

(v) Harvesting within a 300 foot managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stand stem density of 75 trees per acre greater than 6 inches in dbh; provided that 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches in 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 the average of 300 feet is maintained.

(vi) Except that the following shall not be critical wildlife habitat (state):

(A) Where a landowner owns less than 500 acres of forest land within 50 miles of saltwater and the land does not contain an occupied marbled murrelet site; or

(B) Where a protocol survey (see WAC 222-12-090(14)) has been conducted and no murrelets were detected. The landowner is then relieved from further survey requirements. However, if an occupied marbled murrelet site is established, this exemption is void.

(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.) Marbled murrelet critical habitat 50 C.F.R. § 17.95(b), 61 Fed. Reg. 26256 as a result of provisions of the state's marbled murrelet rule.

(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)~~) 222-16-105.

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.

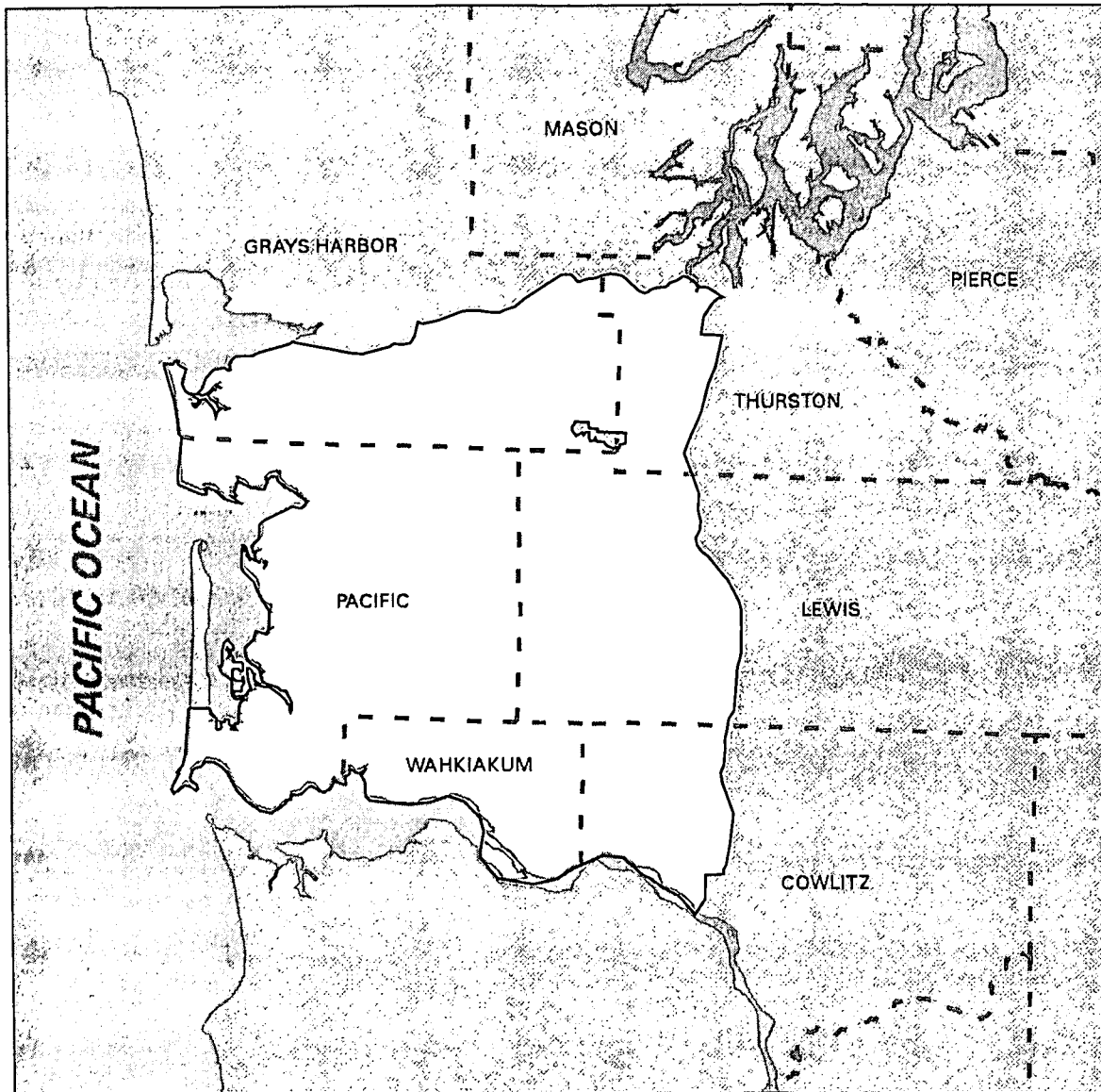
(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, 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.

NEW SECTION

WAC 222-16-087 Marbled murrelet special landscape. Marbled murrelet special landscape means the following geographic area as mapped. A detailed map of the marbled murrelet special landscape indicating the boundaries is available from the department at its regional offices.

Southwest Washington Special Landscape



PERMANENT

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-16-100 Planning options for the northern spotted owl. (1) **Landowner option plans for the northern spotted owl.** Landowner option plans (LOPs) are intended to provide landowners with a mechanism, entered into voluntarily, to contribute to the protection of northern spotted owls by considering the needs of overall population maintenance or dispersal habitat across a defined geographic area. Forest practices applications that are in an area covered by an LOP, and that are consistent with the LOP, will not be classified as Class IV-Special on the basis of critical wildlife habitat (state) or critical habitat (federal) for the northern spotted owl. This does not preclude classification as Class IV-Special because of the presence of other factors listed in WAC 222-16-050(1).

(a) **Required elements of LOPs.** The level of detail to be included in a LOP will depend on the area of ownership involved, the time period for which the plan will be in

effect, and the complexity of the management strategy. Nevertheless, each plan shall contain the elements set forth in this subsection.

(i) **Goals and objectives.** The specific goals and objectives for the landowner's contributions proposed under the LOP shall be developed by the landowner and approved by the department in consultation with the department of fish and wildlife based on the following:

(A) Mitigation under the plan must be reasonable and capable of being accomplished;

(B) To the maximum extent practicable, the plan must minimize and mitigate significant adverse impacts caused by, and identified in, the plan on individual northern spotted owl site centers or the ability of the SOSEA to meet SOSEA goals. Specific short (one to five-year) and long (greater than five-year) term goals and objectives for the LOP should be clearly stated, where applicable; and

(C) LOPs should be designed to achieve an appropriate contribution from nonfederal lands toward meeting SOSEA goals and are intended to be an efficient and effective

alternative to site-by-site management planning. In Eastern Washington, LOPs must also consider the need to protect the forests from catastrophic loss from wildfire, insects, and diseases.

(ii) **Other required elements:**

(A) A description of the planning area. The LOP planning area shall include a sufficient amount of the landowner's forest land within the SOSEA to meet the goals and objectives of the plan.

(B) A description of the physical features in the planning area (e.g., geology, topography, etc.).

(C) The current habitat status. Suitable spotted owl habitat should be categorized and mapped as old forest, sub-mature, young forest marginal, or dispersal.

(D) The current species status. All status 1, 2, and 3 northern spotted owl site centers and the associated median home range circles that overlap any of the landowner's ownership within the LOP boundary must be mapped.

(E) Management proposals and relevant operations plans.

(F) Projected suitable habitat development.

(G) A plan for training.

(H) A monitoring program.

(I) Reporting standards.

(J) The conditions under which the LOP may be modified.

(K) The term of the LOP and conditions for termination. The term of the LOP shall be sufficient to meet its goals and objectives. The conditions of the LOP run with the land unless the LOP specifies alternative means to achieve the LOP goals and objectives upon mid-term sale or transfer. In addition to any other termination provisions in the LOP, plans may be terminated by mutual agreement of the landowner and the department.

(b) **Approval of LOPs.** Upon receipt of a landowner option plan, the department shall circulate the plan to the department of fish and wildlife, affected Indian tribes, local government entities, other forest landowners in the SOSEA, and the public for a thirty-day review and comment period. The department may extend this review period for up to thirty additional days. Within ninety days of receipt of the plan, the department shall review the comments and approve or disapprove the plan or submit the plan to the landowner to revise as appropriate. The department, after consultation with the department of fish and wildlife, shall approve the plan if:

(i) The plan contains all of the elements required under this section;

(ii) The plan is expected to be effective in meeting its goals and objectives;

(iii) The plan will not have a probable significant adverse impact on the ability of the SOSEA to meet its goals; and

(iv) The plan will not appreciably reduce the likelihood of the survival and recovery of the northern spotted owl in the wild.

In making its determination under this subsection, the department shall consider the direct, indirect, and cumulative effects of the plan; both the short-term and long-term effects of the plan; and whether local, state, or federal land management, regulatory, or nonregulatory requirements will mitigate identified significant adverse impacts. If the department

does not approve the plan, or approves it over the objections of the department of fish and wildlife, the department shall set forth in writing a concise explanation of the reasons for its action.

(c) **Enforcement of LOPs.** The department shall review all applications and notifications from the landowner, proposed within the plan area, for consistency with the plan. Any applications or notifications found to be inconsistent with the plan shall be returned to the landowner for modification. After landowner review, applications and notifications which are not consistent with the plan shall be classified as Class IV-Special.

(2) ~~((Cooperative northern spotted owl habitat enhancement agreements:~~

~~(a) Purpose. A cooperative northern spotted owl habitat enhancement agreement (CHEA) is intended to remove disincentives for landowners who create, enhance, or maintain habitat for the northern spotted owl by providing them with a "safe harbor" against future spotted owl regulation caused by their enhancement activities. A CHEA is an agreement between the department and a landowner, developed in cooperation with the department of fish and wildlife, for the purpose of creating, enhancing, or maintaining northern spotted owl habitat. The agreement will apply only to forest land identified by the landowner, outside of the median home range circles of northern spotted owl site centers in existence at the time of implementation.~~

~~(b) Authority. Outside of the median home range circles of northern spotted owls, the department, in consultation with the department of fish and wildlife, may enter into agreements with nonfederal landowners to create, enhance, or maintain habitat that the northern spotted owl can be expected to utilize. During the term of these agreements, forest practices covered by the agreements shall not be classified as Class IV-Special on the basis of critical wildlife habitat (state) or critical habitat (federal) for the northern spotted owl. This does not preclude classification as Class IV-Special because of the presence of other factors listed in WAC 222-16-050(1).~~

~~(c) Baseline. Each agreement shall identify a baseline level of habitat, and the department shall not permit forest practices that reduce the habitat below the baseline during the term of the agreement. The baseline may range from zero habitat to the overall levels of suitable spotted owl habitat and dispersal habitat that existed across the land in question at the time the agreement is entered into. The department shall determine, working with the landowner and in consultation with the department of fish and wildlife, the appropriate baseline, taking into consideration:~~

~~(i) The size of the landowner's ownership and the ability of the landowner to maintain habitat conditions across the landscape in question over time;~~

~~(ii) The overall benefits of the agreement to the northern spotted owl including both the proposed measures to create, enhance, or maintain habitat and the proposed baseline levels; and~~

~~(iii) The term of the agreement.~~

~~(d) Form and content of CHEAs. The department shall, in consultation with the department of fish and wildlife, have the authority to define the form and contents of CHEAs. The form and contents may vary among agreements, but each must provide sufficient information for~~

~~the department, the public, and other reviewers to understand and evaluate the agreement against the standards established under this subsection (2). In addition to the elements required by the department, each agreement shall include a plan to avoid harvesting, road construction, or the aerial application of pesticides, between March 1 and August 31, on the seventy acres of highest quality suitable spotted owl habitat surrounding any known northern spotted owl site centers on lands covered by the agreement.~~

~~(e) Approval of a CHEA. Upon receipt of a CHEA, the department shall circulate the agreement to the department of fish and wildlife, affected Indian tribes, local government entities, other forest landowners in the SOSEA (if the CHEA is in a SOSEA), and the public for review and comment. Within sixty days of receipt of the agreement, the department shall review the comments and approve or disapprove the agreement or submit the agreement to the landowner to revise as appropriate. The department, after consultation with the department of fish and wildlife, may approve the agreement if the agreement will create, enhance, or maintain habitat conditions for the northern spotted owl in a manner that provides a measurable contribution toward meeting the goals of the SOSEA or a measurable benefit to northern spotted owls outside SOSEAs.~~

~~(f) Enforcement of CHEAs. The department shall review all applications and notifications from the landowner, proposed within the agreement area, for consistency with the agreement. Any applications or notifications found to be inconsistent with the agreement shall be returned to the landowner for modification. After landowner review, applications and notifications which are not consistent with the agreement shall be classified based on the rules in effect at the time of application and without any of the benefits of the agreement.) See WAC 222-16-105 for CHEAs.~~

NEW SECTION

WAC 222-16-105 Cooperative habitat enhancement agreements. (1) **Purpose.** A cooperative habitat enhancement agreement (CHEA) is intended to remove disincentives for landowners who create, enhance, or maintain habitat for the northern spotted owl or marbled murrelet by providing them with protection against future spotted owl or marbled murrelet regulation caused by their enhancement activities. A CHEA is an agreement between the department and a landowner, developed in cooperation with the department of fish and wildlife, for the purpose of creating, enhancing, or maintaining northern spotted owl habitat and/or marbled murrelet habitat. The agreement will apply only to forest land identified by the landowner:

(a) For northern spotted owls, outside of the median home range circles of northern spotted owl site centers in existence at the time of implementation.

(b) For marbled murrelets, any current unoccupied or potential future habitat.

(2) **Authority.** Outside of the median home range circles of northern spotted owls or an occupied marbled murrelet site, the department, in consultation with the department of fish and wildlife, may enter into agreements with nonfederal landowners to create, enhance, or maintain habitat that the northern spotted owl and/or the marbled murrelet can be expected to utilize. During the term of these

agreements, forest practices covered by the agreements shall not be classified as Class IV-Special on the basis of critical wildlife habitat (state) or critical habitat (federal) for the northern spotted owl or the marbled murrelet. This does not preclude classification as Class IV-Special because of the presence of other factors listed in WAC 222-16-050(1).

(3) Baseline.

(a) Each agreement shall identify a baseline level of habitat, and the department shall not permit forest practices that reduce the habitat below the baseline during the term of the agreement.

(b) For northern spotted owls, the baseline may range from zero habitat to the overall levels of suitable spotted owl habitat and dispersal habitat that existed across the land in question at the time the agreement is entered into.

(c) For marbled murrelets, the baseline may range from zero habitat to the overall levels of suitable marbled murrelet habitat that existed across the land in question at the time the agreement is entered into.

(d) The department shall determine, working with the landowner and in consultation with the department of fish and wildlife, the appropriate baseline, taking into consideration:

(i) The size of the landowner's ownership and the ability of the landowner to maintain habitat conditions across the landscape in question over time;

(ii) The overall benefits of the agreement to the northern spotted owl or marbled murrelet including both the proposed measures to create, enhance, or maintain habitat and the proposed baseline levels; and

(iii) The term of the agreement.

(4) Form and content of CHEAs.

(a) The department shall, in consultation with the department of fish and wildlife, have the authority to define the form and content of CHEAs. The form and content may vary among agreements, but each must provide sufficient information for the department, the public, and other reviewers to understand and evaluate the agreement against the standards established under this section.

(b) For northern spotted owls, in addition to the elements required by the department, each agreement shall include a plan to avoid harvesting, road construction, or the aerial application of pesticides, between March 1 and August 31, on the seventy acres of highest quality suitable spotted owl habitat surrounding any known northern spotted owl site centers on lands covered by the agreement.

(5) **Approval of a CHEA.** Upon receipt of a CHEA, the department shall circulate the agreement to the department of fish and wildlife, affected Indian tribes, local government entities, other forest landowners in the SOSEA (if the CHEA is in a SOSEA), and the public for review and comment. Within sixty days of receipt of the agreement, the department shall review the comments and approve or disapprove the agreement or submit the agreement to the landowner to revise as appropriate. The department, after consultation with the department of fish and wildlife, may approve the agreement if the agreement will create, enhance, or maintain habitat conditions for:

(a) The northern spotted owl in a manner that provides a measurable contribution toward meeting the goals of the SOSEA or a measurable benefit to northern spotted owls outside SOSEAs.

(b) The marbled murrelet in a manner that provides a measurable benefit to the species.

(6) **Enforcement of CHEAs.** The department shall review all applications and notifications from the landowner, proposed within the agreement area, for consistency with the agreement. Any applications or notifications found to be inconsistent with the agreement shall be returned to the landowner for modification. After landowner review, applications and notifications which are not consistent with the agreement shall be classified based on the rules in effect at the time of application and without any of the benefits of the agreement.

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-24-030 Road construction. (1) **Right of way timber.** Merchantable right of way timber shall be removed or decked in suitable locations where the decks will not be covered by fill material or act as support for the fill or embankment.

***(2) Debris burial.**

(a) In permanent road construction, do not bury:

(i) Loose stumps, logs or chunks containing more than 5 cubic feet in the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.

(ii) Any significant amount of organic debris within the top 2 feet of the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.

(iii) Excessive accumulation of debris or slash in any part of the load-bearing portion of the road fill, except as puncheon across wetlands or for culvert protection.

(b) In the cases where temporary roads are being constructed across known areas of unstable soils and where possible construction failure would directly impact waters, the requirements in (a), (i), (ii) and (iii) of this subsection shall apply. A temporary road is a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.

(3) **Compact fills.** During road construction, fills or embankments shall be built up by layering. Each layer shall be compacted by operating the tractor or other construction equipment over the entire surface of the layer. Chemical compacting agents may be used in accordance with WAC 222-38-020.

***(4) Stabilize soils.** When soil, exposed by road construction, appears to be unstable or erodible and is so located that slides, slips, slumps, or sediment may reasonably be expected to enter Type 1, 2, 3 or 4 Water and thereby cause damage to a public resource, then such exposed soil areas shall be seeded with grass, clover, or other ground cover, or be treated by erosion control measures acceptable to the department. Avoid introduction of nonnative plant species, as listed in the board manual, to wetlands and wetland management zones.

***(5) Channel clearance.** Clear stream channel of all debris and slash generated during operations prior to the removal of equipment from the vicinity, or the winter season, whichever is first.

***(6) Drainage.**

(a) All required ditches, culverts, cross drains, drainage dips, water bars, and diversion ditches shall be installed concurrently with the construction of the roadway.

(b) Uncompleted road construction to be left over the winter season or other extended periods of time shall be drained by outsloping or cross draining. Water bars and/or dispersion ditches may also be used to minimize eroding of the construction area and stream siltation. Water movement within wetlands must be maintained.

***(7) Moisture conditions.** Construction shall be accomplished when moisture and soil conditions are not likely to result in excessive erosion and/or soil movement, so as to avoid damage to public resources.

***(8) End haul/sidecasts.** End haul or overhaul construction is required where significant amounts of sidecast material would rest below the 50-year flood level of a Type 1, 2, 3, or 4 Water, within the boundary of a Type A or Type B Wetland or wetland management zones or where the department determines there is a potential for mass soil failure from overloading on unstable slopes or from erosion of side cast material causing damage to the public resources.

***(9) Waste disposal.** When spoil, waste and/or other debris is generated during construction, this material shall be deposited or wasted in suitable areas or locations and be governed by the following:

(a) Spoil or other debris shall be deposited above the 50-year flood level of Type 1, 2, 3, or 4 Waters or in other locations so as to prevent damage to public resources. The material shall be stabilized by erosion control measures as necessary to prevent the material from entering the waters.

(b) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands.

(10) **Disturbance avoidance.** Road construction, operation of heavy equipment and blasting within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(11) Disturbance avoidance for marbled murrelets.

(a) Road construction and operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season; and

(b) Blasting shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the critical nesting season.

(c) Provided that, these restrictions shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 94-17-033, filed 8/10/94, effective 8/13/94)

WAC 222-30-020 Harvest unit planning and design.

(1) **Logging system.** The logging system should be appropriate for the terrain, soils, and timber type so yarding or skidding can be economically accomplished in compliance with these regulations.

*(2) **Landing locations.** Locate landings to prevent damage to public resources. Avoid excessive excavation and filling.

*(3) **Western Washington riparian management zones.** These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Water and extend to the line where vegetation changes from wetland to upland plant community, or the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than 25 feet in width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (d) of this subsection may be included in the number of required leave trees in this subsection.

WATER TYPE/AVERAGE WIDTH	RMZ MAXIMUM WIDTH	RATIO OF CONIFER TO DECIDUOUS/ MINIMUM SIZE LEAVE TREES	# TREES/1000 FT. EACH SIDE	
			GRAVEL/ COBBLE <10" DIAMETER	BOULDER/ BEDROCK
1 & 2 Water 75' & over	100'	representative of stand	50 trees	25 trees
1 & 2 Water under 75'	75'	representative of stand	100 trees	50 trees

3 Water 5' & over	50'	2 to 1/ 12" or next largest available	75 trees	25 trees
3 Water less than 5'	25'	1 to 1/ 6" or next largest available	25 trees	25 trees

"Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the sizes specified. Ponds or lakes which are Type 1, 2 or 3 Waters shall have the same leave tree requirements as boulder/bedrock streams.

(d) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.

(e) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and the harvest unit is a clearcutting of 30 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection.

*(4) **Eastern Washington riparian management zones.** These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Waters and extend to the line where vegetation changes from wetland to upland plant community, or to the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than the minimum width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations.

(i) The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-

PERMANENT

16-010 "Partial cutting." When the adjacent unit harvest type is:

Partial cutting - The riparian management zone width shall be a minimum of 30 feet to a maximum of 50 feet on each side of the stream.

Other harvest types - The riparian management zone shall average 50 feet in width on each side of the stream with a minimum width of 30 feet and a maximum of 300 feet on each side of the stream.

(ii) Leave tree requirements within the riparian management zones of Type 1, 2 or 3 Waters:

(A) Leave all trees 12 inches or less in diameter breast height (dbh); and

(B) Leave all wildlife reserve trees within the riparian management zone where operations in the vicinity do not violate the state safety regulations (chapter 296-54 WAC and chapter 49.17 RCW administered by department of labor and industries, safety division); and

(C) Leave 16 live conifer trees/acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and

(D) Leave 3 live conifer trees/acre 20 inches dbh or larger and the 2 largest live deciduous trees/acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 wildlife reserve trees/acre 20 inches or larger do not exist, substitute 2 live conifer trees/acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees/acre; and

(E) Leave 3 live deciduous trees/acre between 12 inches and 16 inches dbh where they exist.

(iii) Minimum leave tree requirements per acre for Type 1, 2 and 3 Waters. Trees left for (c)(ii) of this subsection shall be included in the minimum counts.

(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees/acre 4 inches dbh or larger.

(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 135 trees/acre 4 inches dbh or larger.

(C) On lakes or ponds the minimum leave tree requirement shall be 75 trees/acre 4 inches dbh or larger.

Note: (See the Forest Practices Board Manual for assistance in calculating trees/acre and average RMZ widths.)

(d) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and either the harvest unit is a clearcutting of 30 acres or less or the harvest unit is a partial cutting of 80 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection. (See WAC 222-16-010 "Partial cutting.")

* (5) Riparian leave tree areas. The department will require trees to be left along Type 4 Water where such practices are necessary to protect public resources. Where such practices are necessary leave at least 25 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 feet of stream length within 25 feet of the stream. The leave trees may be arranged to accommodate the operation.

* (6) **Forested wetlands.** Within the wetland, unless otherwise approved in writing by the department, harvest

methods shall be limited to low impact harvest or cable systems. Where feasible, at least one end of the log shall be suspended during yarding.

(a) When forested wetlands are included within the harvest area, landowners are encouraged to leave a portion (30 to 70%) of the wildlife reserve tree requirement for the harvest area within a wetland. In order to retain undisturbed habitat within forested wetlands, these trees should be left in clumps. Leave tree areas should be clumped adjacent to streams, riparian management zones, or wetland management zones where possible and they exist within forested wetlands. Green recruitment trees should be representative of the size and species found within the wetland. Leave nonmerchantable trees standing where feasible.

(b) If a RMZ or WMZ lies within a forested wetland, the leave tree requirement associated with those areas may be counted toward the percentages in (a) of this subsection.

(c) If the conditions described in (a) and (b) of this subsection are met, the distribution requirements for wildlife reserve trees and green recruitment trees (subsection (11)(e) of this section) are modified as follows: For purposes of distribution, no point within the harvest unit shall be more than 1000 feet from a wildlife reserve tree and green recruitment tree retention area.

(d) Approximate determination of the boundaries of forested wetlands greater than 5 acres shall be required. Approximate boundaries and areas shall be deemed to be sufficient for harvest operations.

(e) The department shall consult with the department of wildlife, the department of fisheries, and affected Indian tribes about site specific impacts of forest practices on wetland-sensitive species in forested wetlands.

* (7) **Wetland management zones (WMZ).** These zones shall apply to Type A and B Wetlands, as indicated in (a) of this subsection, and shall be measured horizontally from the wetland edge or the point where the nonforested wetland becomes a forested wetland, as determined by the method described in the board manual, and shall be of an average width as described in (a) of this subsection. These zones shall not be less than the minimum nor more than the maximum widths described in (a) of this subsection. When these zones overlap a riparian management zone the requirement which best protects public resources shall apply.

* (a) Wetland management zones (WMZ) shall have variable widths based on the size of the wetland and the wetland type, described as follows:

WETLAND MANAGEMENT ZONES

Wetland Type	Acres of Nonforested Wetland*	Maximum WMZ Width	Average WMZ Width	Minimum WMZ Width
A (including bogs)	Greater than 5	200 feet	100 feet	50 feet
A (including bogs)	0.5 to 5	100 feet	50 feet	25 feet
A (bogs only)	0.25 to 0.5	100 feet	50 feet	25 feet
B	Greater than 5	100 feet	50 feet	25 feet
B	0.5 to 5			25 feet
B	0.25 to 0.5	No WMZ Required	No WMZ Required	

*For bogs, both forested and non-forested acres are included.

PERMANENT

(b) Within the WMZ, leave a total of 75 trees per acre of WMZ greater than 6 inches dbh in Western Washington and greater than 4 inches dbh in Eastern Washington, 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. Leave trees shall be representative of the species found within the WMZ.

(c) Retain wildlife reserve trees where feasible. Type 1 and 3 wildlife reserve trees may be counted among, and need not exceed, the trees required in (b) of this subsection. Leave all cull logs on site.

(d) Partial-cutting or removal of groups of trees is acceptable within the WMZ. The maximum width of openings created by harvesting within the WMZ shall not exceed 100 feet as measured parallel to the wetland edge. Openings within WMZs shall be no closer than 200 feet. Landowners are encouraged to concentrate leave trees within the WMZ to the wetland edge.

(e) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

(f) When 10% or more of a harvest unit lies within any combination of a wetland management zone or a riparian management zone of Type 1, 2, or 3 Waters and either the harvest unit is a clearcut of 30 acres or less or the harvest unit is a partial cut of 80 acres or less, leave not less than 50% of the trees required in (b) of this subsection.

(8) **Type A or B Wetlands.** Within the boundaries of Type A or B Wetlands the following shall apply:

(a) Individual trees or forested wetland areas less than 0.5 acre in size may occur. These trees have a high habitat value to the nonforested wetland. Leave individual trees or

forested wetlands less than 0.5 acre. These trees may be counted toward the WMZ requirements.

(b) Harvest of upland areas or forested wetlands which are surrounded by Type A or B Wetlands must be conducted in accordance with a plan, approved in writing by the department.

(c) No timber shall be felled into or cable yarded across Type A or B Wetlands without written approval of the department.

(d) Harvest shall not be allowed within a Type A Wetland which meets the definition of a bog.

(9) **Future productivity.** Harvesting shall leave the land in a condition conducive to future timber production except:

(a) To the degree required for riparian management zones; or

(b) Where the lands are being converted to another use or classified urban lands as specified in WAC 222-34-050.

(10) **Wildlife habitat.** This subsection is designed to encourage timber harvest practices that would protect wildlife habitats, provided, that such action shall not unreasonably restrict landowners action without compensation.

(a) The applicant should make every reasonable effort to cooperate with the department of fish and wildlife to identify critical wildlife habitats (state) as defined by the board. Where these habitats are known to the applicant, they shall be identified in the application or notification.

(b) Harvesting methods and patterns in established big game winter ranges should be designed to insure adequate access routes and escape cover where practical.

(i) Where practical, cutting units should be designed to

conform with topographical features.

(ii) Where practical on established big game winter ranges, cutting units should be dispersed over the area to provide cover, access for wildlife, and to increase edge effect.

(11) **Wildlife reserve tree management.** In areas where leaving wildlife reserve trees under this section will not create a significant fire hazard, or significant hazard to overhead power lines and operations that are proposed in the vicinity of wildlife reserve trees will not create a significant safety or residential hazard nor conflict with achieving conformance with the limitation of or performance with the provisions of chapter 76.04 RCW (snag falling law) and chapter 49.17 RCW (safety), wildlife reserve trees will be left to protect habitat for cavity nesting wildlife in accordance with the following:

(a) In Western Washington, for each acre harvested 3 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. In Eastern Washington for each acre harvested 2 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. Type 1 wildlife reserve trees may be counted, at the landowner's option, either as a wildlife reserve tree or as a green recruitment tree. If adequate wildlife reserve trees are not available, no additional green recruitment trees will be required as substitutes. Landowners shall not under any circumstances be required to leave more than 2 green recruitment trees per acre for the purpose of wildlife reserve tree recruitment, or be required to leave Type 3 or 4 wildlife reserve trees.

(b) In Eastern Washington, for 5 years from the effective date of this subsection where over-story harvest of seed trees left for purpose of reforestation are proposed and less than 10 trees per acre will be harvested within the 5-year period, 50% of the green recruitment trees otherwise required in this subsection may be left.

(c) In Western Washington, only those wildlife reserve trees 10 or more feet in height and 12 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. In Eastern Washington, only those wildlife reserve trees 10 or more feet in height and 10 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. Green recruitment trees, 10 or more inches dbh and 30 or more feet in height and with at least 1/3 of their height in live crown, left standing after harvest may be counted toward green recruitment tree requirements. Green recruitment trees and/or wildlife reserve trees left to meet other requirements of the rules or those left voluntarily by the landowner shall be counted toward satisfying the requirements of this section. Large, live defective trees with broken tops, cavities, and other severe defects are preferred as green recruitment trees. Only down logs with a small end diameter greater than or equal to 12 inches and a length greater than or equal to 20 feet or equivalent volume shall be counted under (a) of this subsection. Large cull logs are preferred as down logs.

(d) In the areas where wildlife reserve trees are left, the largest diameter wildlife reserve trees shall be retained to meet the specific needs of cavity nesters. Where the opportunity exists, larger trees with numerous cavities should be retained and count as recruitment trees.

(e) In order to facilitate safe and efficient harvesting operations, wildlife reserve trees and recruitment trees may

be left in clumps. For purposes of distribution, no point within the harvest unit shall be more than 800 feet from a wildlife reserve tree or green recruitment tree retention area. Subject to this distribution requirement, the location of these retention areas and the selection of recruitment trees shall be at the landowner's discretion. Closer spacing of retention areas through voluntary action of the landowner is encouraged. Wildlife reserve tree and green recruitment tree retention areas may include, but are not limited to, riparian management zones, riparian leave tree areas, other regulatory leave areas, or voluntary leave areas that contain wildlife reserve trees and/or green recruitment trees.

(f) In order to provide for safety, landowners may remove any Type 3 or 4 wildlife reserve tree which poses a threat to humans working, recreating, or residing within the hazard area of that tree. In order to provide for fire safety, the distribution of wildlife reserve tree retention areas, described in (e) of this subsection, may be modified as necessary based on a wildlife reserve tree management plan proposed by the landowner and approved by the department.

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-050 Felling and bucking. *(1) Falling along water.

(a) No trees will be felled into Type 1, 2 and 3 Waters, or Type A or B Wetlands except trees which cannot practically and safely be felled outside the stream, lake or pond using techniques in general use and these trees must then be removed promptly.

Such felling and removing in Type 1, 2 or 3 Waters shall comply with the hydraulic project approval of the departments of fisheries or wildlife.

(b) Within riparian management zones, and wetland management zones fall trees favorable to the lead consistent with safety standards to yard or skid away from the waters. The use of directional falling, lining, jacking and staged falling techniques are encouraged.

(c) Trees may be felled into Type 4 Water if logs are removed as soon thereafter as practical. See forest practices board manual guidelines for clearing slash and debris from Type 4 and 5 Water.

***(2) Bucking in water.**

(a) No bucking or limbing shall be done on trees or portions thereof lying between the banks of Type 1, 2 or 3 Waters or in open water areas of Type A Wetlands, except as necessary to remove the timber from the water.

(b) Where bucking or limbing is done between the banks of a Type 4 Water, care shall be taken to minimize accumulation of slash in the water.

***(3) Falling near riparian management zones, wetland management zones and setting boundaries.** Reasonable care shall be taken to avoid felling trees into riparian management zones, wetland management zones and areas outside the harvest unit.

(4) **Falling in selective and partial cuts.** Reasonable care shall be taken to fall trees in directions that minimize damage to residual trees.

(5) **Disturbance avoidance.** Felling and bucking within a SOSEA boundary shall not be allowed within 0.25 mile of

a northern spotted owl site center between March 1 and August 31 provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(6) Disturbance avoidance for marbled murrelets. Felling and bucking shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-060 Cable yarding. *(1) **Type 1, 2 and 3 Waters.** No timber shall be cable yarded in or across a Type 1, 2 or 3 Waters except where the logs will not materially damage the bed of waters, banks or riparian management zones and removals from Type 1, 2 or 3 Water have hydraulic project approval of the departments of fisheries or wildlife.

* (2) **Type A or B Wetlands.** No timber shall be cable yarded in or across Type A or B Wetlands without written approval from the department.

* (3) **Deadfalls.** Any logs which are firmly embedded in the bed of a Type 1, 2, 3 and 4 Waters shall not be removed or unnecessarily disturbed without approval of the departments of fisheries or wildlife.

* (4) **Yarding in riparian management zones and wetland management zones.** Where timber is yarded from or across a riparian management zone, or wetland management zone reasonable care shall be taken to minimize damage to the vegetation providing shade to the stream or open water areas and to minimize disturbance to understory vegetation, stumps and root systems. Where practical and consistent with good safety practices, logs shall be yarded in the direction in which they lie and away from Type A or B Wetlands or Type 1, 2 and 3 Waters until clear of the wetland management zone or riparian management zone.

(5) **Direction of yarding.**

(a) Uphill yarding is preferred.

(b) Where downhill yarding is used, reasonable care shall be taken to lift the leading end of the log to minimize downhill movement of slash and soils.

* (c) When yarding parallel to a Type 1, 2 or 3 Water channel below the 50-year flood level or within the riparian management zone, reasonable care shall be taken to minimize soil disturbance and to prevent logs from rolling into the stream, lake, pond, or riparian management zone.

(6) **Disturbance avoidance.** The operation of heavy equipment within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31 provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(7) Disturbance avoidance for marbled murrelets. Yarding or operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-065 Helicopter yarding. (1) Helicopter operations within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

((1)) (a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

((2)) (b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(2) **Helicopter operations shall not be allowed:**

(a) Over an occupied marbled murrelet site or the required managed buffer zone adjacent to that site during the critical nesting season; or

(b) Within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season.

(c) Provided that, these restrictions shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-070 Tractor and wheeled skidding systems. *(1) **Typed waters and wetlands.**

(a) Tractor and wheeled skidders shall not be used in Type 1, 2 or 3 Water, except with approval by the department and with a hydraulic project approval of the departments of fisheries or wildlife.

(b) In order to maintain wetland water movement and water quality, and to prevent soil compaction, tractor or wheeled skidders shall not be used in Type A or B Wetlands without prior written approval of the department.

(c) Within all wetlands, tractors and wheeled skidder systems shall be limited to low impact harvest systems. Ground based logging systems operating in wetlands shall only be allowed within wetlands during periods of low soil moisture or frozen soil conditions.

(d) Skidding across any flowing Type 4 Water shall be minimized and when done, temporary stream crossings shall be used, if necessary, to maintain stream bed integrity.

(e) Whenever skidding in or across any type water, the direction of log movement between stream banks shall be as close to right angles to the stream channel as is practical.

***(2) Riparian management zone.**

(a) Logging will be permitted within the zone. However, any use of tractors, wheeled skidders, or other yarding machines within the zone must be as described in an approved forest practices application or otherwise approved in writing by the department.

(b) Where skidding in or through the riparian management zone is necessary, the number of skidding routes through the zone shall be minimized.

(c) Logs shall be skidded so as to minimize damage to leave trees and vegetation in the riparian management zone, to the extent practical and consistent with good safety practices.

***(3) Wetlands management zones.**

(a) Logging will be permitted within wetland management zones.

(b) Where feasible logs shall be skidded at least with one end suspended from the ground so as to minimize soil disturbance and damage to leave trees and vegetation in the wetland management zone.

(c) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

***(4) Deadfalls.** Logs firmly embedded in the bed or bank of Type 1, 2, 3 or 4 Waters shall not be removed or unnecessarily disturbed without hydraulic project approval of the departments of fisheries or wildlife.

***(5) Moisture conditions.** Tractor and wheeled skidders shall not be used on exposed erodible soils or saturated soils when soil moisture content is so high that unreasonable soil compaction, soil disturbance, or wetland, stream, lake or pond siltation would result.

(6) Protection of residual timber. Reasonable care shall be taken to minimize damage from skidding to the stems and root systems of residual timber and to young reproduction.

***(7) Skid trail construction.**

(a) Skid trails shall be kept to the minimum feasible width.

(b) Reasonable care shall be taken to minimize the amount of sidecast required and shall only be permitted above the 50-year flood level.

(c) Skid trails shall be outloped where practical, but be insloped where necessary to prevent logs from sliding or rolling downhill off the skid trail.

***(8) Skid trail maintenance.** Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be water barred where necessary to prevent soil erosion.

***(9) Slope restrictions.** Tractor and wheeled skidders shall not be used on slopes where in the opinion of the department this method of operation would cause unnecessary or material damage to a public resource.

(10) Disturbance avoidance. The operation of heavy equipment within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the

northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(11) Disturbance avoidance for marbled murrelets.
Operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-100 Slash disposal or prescribed burning. (1) **Slash disposal techniques:**

***(a)** Any conventional method of slash disposal may be used, except in Type A or B Wetlands, wetland management zones, and riparian management zones and on sites where the department determines that a particular method would cause unreasonable risk to public resources or unreasonably damage site productivity. Conventional methods of slash disposal include the following: Controlled broadcast burning; pile or windrow and burn; pile or windrow without burning; mechanical scatter and compaction; scarification; chip, mulch or lop and scatter; burying; and physical removal from the forest lands: *Provided*, That on land shown to have low productivity potential the landowner or operator shall obtain the department's approval of its regeneration plan prior to utilizing controlled broadcast burning as a slash disposal technique. In riparian management zones, slash disposal shall be by hand, unless approved by the department. Scarification shall not be allowed within wetlands. Machine piling is discouraged in wetlands.

(b) All slash burning requires a burning permit from the department which provides for compliance with the smoke management plan and reasonable care to protect Type A and B Wetlands, wetland management zones, riparian management zones, soil, residual timber, public resources, and other property.

***(c)** Location of slash piles. Except where burning will be completed before the next ordinary high-water season, slash shall not be piled or windrowed below the 50-year flood level of any Type 1, 2, 3 or 4 Water or in locations from which it could be expected to enter any stream, lake or pond.

(2) Slash isolation, reduction, or abatement is required when the department determines there is an extreme fire hazard according to law (see WAC 332-24-360).

(3) Slash disposal is required where the forest landowner has applied for and been granted an extension of time for reforestation on the grounds that slash disposal is necessary or desirable before reforestation.

***(4) Removing slash and debris from streams.**

"Slash" or "debris" which can reasonably be expected to cause significant damage to the public resource shall be removed from Type 1, 2, 3 or 4 Waters, to above the 50-year flood level and left in a location or manner minimizing risk of re-entry into the stream, lake or pond and if substantial accumulations of slash exist below the 50-year flood level of Type 1, 2, 3 or 4 Waters, slash disposal is required.

See the forest practices board manual for "Guidelines for clearing slash and debris from Type 4 and 5 Waters."

***(5) Fire trails.**

(a) Construct dips, water bars, cross drainage and ditches as needed to control erosion.

(b) Reasonable care shall be taken to minimize excavation during fire trail construction and sidecast shall only be permitted above the 50-year flood level.

(c) Fire trails shall not be located within Type A or B Wetlands, wetland management zones, or riparian zones without prior written approval of the department. Hand constructed fire trails are preferred within forested wetlands. When machine built fire trails are necessary for control of burning, trail width and excavation shall be minimized.

(6) **Disturbance avoidance.** Burning within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(7) Disturbance avoidance for marbled murrelets.

Slash disposal or prescribed burning shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 32.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 16, 1997

Alice B. Tawresey
Chair

NEW SECTION

WAC 468-300-220 Calculation of charter rates for vessels owned by the Washington state ferry system. Pursuant to chapter 323, Laws of 1997, vessels owned by the Washington state ferry system may be made available for charter subject to operational availability. Execution of a charter agreement as set forth in the statute must precede a commitment to charter. The following actual hourly vessel operating costs have been calculated for establishing the rates to be charged for vessel charters from July 27, 1997, through June 30, 1998:

Vessel Class	Deck Crew On Overtime	Deck Crew Not On Overtime
Jumbo	\$987.69	808.53
Super	949.27	776.27
Evergreen	725.99	582.84
Issaquah	723.97	594.50
Steel	602.60	489.58
Rhododendron	575.60	462.58
Hiyu	430.27	356.31
Passenger Only	420.05	359.75

The rate for an individual charter will be calculated by:

(1) Multiplying the actual operating cost set forth above for the vessel that is chartered by the number of hours, or fraction thereof, for which the vessel is chartered;

(2) Adding labor costs, mileage and per diem expenses to determine the total actual costs if the particular charter requires a crew callout; and

(3) Increasing the total actual costs calculated pursuant to subsections (1) and (2) of this section by fifty percent, and rounding to the nearest fifty dollars.

In the case of charters for the transport of hazardous materials, the transporter is required to pay for all legs necessary to complete the charter, even if the vessel is simultaneously engaged in an operational voyage on behalf of the Washington state ferry system.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-300-210 Transporting hazardous materials on Washington state ferries.

WSR 97-15-110

PERMANENT RULES

TRANSPORTATION COMMISSION

[Order 83—Filed July 22, 1997, 8:20 a.m.]

Date of Adoption: July 16, 1997.

Purpose: WAC 466-07-010 and 468-300-210 are repealed due to 1997 legislation. WAC 468-300-220 will implement that legislation. The balance of Title 466 WAC is repealed because the Toll Bridge Authority no longer exists.

Citation of Existing Rules Affected by this Order: Repealing Title 466 WAC, Toll Bridge Authority and WAC 468-300-210.

Statutory Authority for Adoption: RCW 47.01.061 and 47.56.032; chapter 323, Laws of 1997.

Adopted under notice filed as WSR 97-12-074 on June 4, 1997.

Changes Other than Editing from Proposed to Adopted Version: Grammatical reconstruction of final paragraph to clarify language requiring the 50% markup when callout is required.

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.

PERMANENT

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 466-02-010 Description of organization.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 466-03-010 Purpose.
 WAC 466-03-020 Definitions.
 WAC 466-03-030 Exempted records.
 WAC 466-03-040 Description of central and field organization of the Washington toll bridge authority.
 WAC 466-03-050 Public records officer.
 WAC 466-03-060 Public records available.
 WAC 466-03-070 Requests for public records.
 WAC 466-03-080 Availability for public inspection and copying of public records—Office hours.
 WAC 466-03-090 Inspection and copying cost.
 WAC 466-03-100 Protection of public records.
 WAC 466-03-110 Denial of request.
 WAC 466-03-120 Review of denials of public records requests.
 WAC 466-03-130 Records index.
 WAC 466-03-900 Appendix A—Request for public record(s).

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 466-04-010 Petitions for rule making, amendment, or repeal—Who may petition.
 WAC 466-04-020 Requests.
 WAC 466-04-030 Agency must consider.
 WAC 466-04-040 Notice of disposition.
 WAC 466-04-050 Form—Rule-making petitioning.
 WAC 466-04-060 Declaratory rulings—Who may petition—Action of authority.
 WAC 466-04-070 Form—Petitioning for declaratory ruling.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 466-07-010 Charter use of Washington state ferries—Form.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 466-08-010 Purpose.

WAC 466-08-020 Incorporation of the SEPA guidelines adopted by the council on environmental policy.
 WAC 466-08-030 Timing of the EIS process.
 WAC 466-08-040 Categorical exemptions.
 WAC 466-08-050 Activities performed by the highway commission.
 WAC 466-08-060 Designation of lead agency.
 WAC 466-08-070 Designation of responsible official.
 WAC 466-08-080 Procedures when consulted.
 WAC 466-08-090 Designation of SEPA public information center.

**WSR 97-15-120
 PERMANENT RULES**

**BOARD OF
 PILOTAGE COMMISSIONERS**

[Filed July 23, 1997, 8:06 a.m., effective August 1, 1997]

Date of Adoption: July 10, 1997.
 Purpose: To establish a Grays Harbor pilotage district annual tariff.
 Citation of Existing Rules Affected by this Order: Amending WAC 363-116-185.
 Statutory Authority for Adoption: RCW 88.16.035.
 Adopted under notice filed as WSR 97-10-062 on May 2, 1997.

Changes Other than Editing from Proposed to Adopted Version: The adopted rule reflects an 8.67% increase in all tariff categories to be charged for pilotage services in the Grays Harbor pilotage district for the 1997-98 tariff year. This is 3.53% less than the proposed increase.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: State statute requires annual adoption of this rule (exp. July 31, 1997) which was delayed due to a medical emergency that complicated the timeliness of this proceeding.

Effective Date of Rule: August 1, 1997.

July 21, 1997
 Peggy Larson
 Administrator

PERMANENT

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)) 60.80 per meter (or \$((47.02)) 18.50 per foot) and the tonnage charge shall be \$((0.4784)) 0.1939 per net registered ton. The minimum net registered tonnage charge is \$((624.27)) 678.39. The charge for an extra vessel (in case of tow) is \$((356.74)) 387.67.

Boarding fee:

Per each boarding/deboarding from a boat \$((269.15)) 292.49

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage \$((447.50)) 486.30

Delays per hour \$((106.71)) 115.96

Cancellation charge (pilot only) . . . \$((178.36)) 193.82

Cancellation charge (pilot boat only) \$((535.09)) 581.48

Travel allowance:

Boarding or deboarding a vessel off Grays Harbor entrance \$((82.82)) 90.00

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$((624.28)) 678.41 for each day or fraction thereof, and the travel expense incurred \$((624.28)) 678.41

Bridge transit:

Charge for each bridge transited . . . \$((195.90)) 212.88

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 97-15-122 PERMANENT RULES LOTTERY COMMISSION

[Filed July 23, 1997, 8:38 a.m.]

Date of Adoption: July 11, 1997.

Purpose: Establishes game play rules and criteria for determining winners of Instant Game Nos. 196, 197, 198, 199, 200, 201, 202 and 203; and amends WAC 315-12-030 to correct the address listed for the lottery's Spokane regional office and clarify the services provided at each lottery location.

Citation of Existing Rules Affected by this Order: Amending WAC 315-12-030.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 97-11-058 on May 20, 1997.

Changes Other than Editing from Proposed to Adopted Version: In Instant Game No. 197, added \$4, \$5, \$30 and \$10,000 prizes; deleted the \$40 prize. In Instant Game No. 199, added a \$2,000 prize; deleted the \$500 and \$2,500 prizes. In Instant Game No. 200, added \$6, \$200, and \$500 prizes; deleted the \$1,000 and \$2,000 prizes.

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 8, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 21, 1997 Merritt D. Long Director

NEW SECTION

WAC 315-11A-196 Instant Game Number 196. (1) Essential game elements shall appear as set forth in the executed working papers for Instant Game Number 196, on file at the lottery headquarters office.

(2) Price per ticket: One dollar.

(3) Prizes available: \$1, \$2, \$3, \$4, \$5, \$6, \$10, \$20, \$40, \$50, \$60, \$100, \$500, \$700, and \$800. Players may win more than one prize per ticket.

(4) Manner of selecting winning tickets: Match any of the "Your Symbols" to the "Winning Symbol." Uncover a spilt milk symbol to win instantly.

PERMANENT

NEW SECTION

WAC 315-11A-197 Instant Game Number 197. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 197, on file at the lottery headquarters office.

(2) **Price per ticket:** Two dollars.

(3) **Prizes available:** \$1, \$2, \$3, \$4, \$5, \$6, \$10, \$25, \$30, \$50, \$100, \$200, \$2,000, \$3,000, \$5,000, and \$10,000. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** Match any of the "Your Combinations" or the "Bonus Lock" to the "Winning Combination." Uncover a bank vault symbol to win instantly.

NEW SECTION

WAC 315-11A-198 Instant Game Number 198. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 198, on file at the lottery headquarters office.

(2) **Price per ticket:** One dollar.

(3) **Prizes available:** \$1, \$2, \$3, \$4, \$5, \$10, \$15, \$25, \$100, \$200, \$1,000, and \$3,000. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** Get two like cards within one hand.

NEW SECTION

WAC 315-11A-199 Instant Game Number 199. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 199, on file at the lottery headquarters office.

(2) **Price per ticket:** One dollar.

(3) **Prizes available:** \$1, \$2, \$3, \$4, \$5, \$6, \$15, \$20, \$50, \$100, \$1,000, and \$2,000. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** Match "Your Coins" to the "Winning Coins."

NEW SECTION

WAC 315-11A-200 Instant Game Number 200. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 200, on file at the lottery headquarters office.

(2) **Price per ticket:** Five dollars.

(3) **Prizes available:** \$1, \$2, \$3, \$4, \$5, \$6, \$8, \$10, \$20, \$25, \$30, \$40, \$50, \$100, \$200, \$500, \$4,000, and \$30,000. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** Match any of the "Your Symbols" to either of the "Winning Symbols," or match any of the "Your Numbers" to either of the "Winning Numbers."

NEW SECTION

WAC 315-11A-201 Instant Game Number 201. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 201, on file at the lottery headquarters office.

(2) **Price per ticket:** Two dollars.

(3) **Prizes available:** \$2, \$7, \$14, \$35, \$70, \$80, \$700, and \$5,000. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** Match the cards within a hand according to the legend on the front of the ticket to win the corresponding amount listed on the legend.

NEW SECTION

WAC 315-11A-202 Instant Game Number 202. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 202, on file at the lottery headquarters office.

(2) **Price per ticket:** One dollar.

(3) **Prizes available:** \$1, \$2, \$3, \$4, \$5, \$6, \$8, \$10, \$20, \$100, and \$500. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** Match "Your Puzzle Pieces" to the "Winning Puzzle Piece."

NEW SECTION

WAC 315-11A-203 Instant Game Number 203. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 203, on file at the lottery headquarters office.

(2) **Price per ticket:** One dollar.

(3) **Prizes available:** \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$50, \$100, \$200, and \$1,000. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** Match any of the "Your Numbers" to the "Winning Number." Uncover a yule log symbol to win instantly.

AMENDATORY SECTION (Amending Order 116, filed 6/1/89)

WAC 315-12-030 Description of central and field organization of the commission and the director. The administrative office of the commission and director is located at 814 - 4th Avenue, Olympia, WA 98506. Regional offices of the director located in other cities are as follows:

<u>CITY</u>	<u>SERVICES</u>
EVERETT REGION Casino Square Shopping Plaza 205 E. Casino Road Everett, WA 98204	(a) Sales Representative (b) ((Ticket Warehousing)) <u>Payout Center</u>
OLYMPIA REGION 814 - 4th Avenue Olympia, WA 98506	(a) Sales Representative (b) <u>Payout Center</u> (c) <u>Ticket Warehousing</u>
SEATTLE REGION Georgetown Center 5963 Corson Ave. S., Suite 106 Seattle, WA 98108-2611	(a) Sales Representative (b) ((Ticket Warehousing)) <u>Payout Center</u>
SPOKANE REGION ((Montgomery Commerce Center Suite #1 East 10807 Montgomery Avenue)) <u>East 10517 Sprague Avenue</u> Spokane, WA ((99207)) <u>99206-3631</u>	(a) Sales Representative (b) ((Ticket Warehousing)) <u>Payout Center</u>

PERMANENT

VANCOUVER REGION
El Camino Fountain Shopping Mall
Suite 4
1503 NE 78th Street
Vancouver, WA 98665

- (a) Sales Representative
- (b) ~~((Ticket-Warehousing))~~
Payout Center

YAKIMA REGION
9 South 5th
Yakima, WA 98901

- (a) Sales Representative
- (b) ~~((Ticket-Warehousing))~~
Payout Center

All records of the commission and director are maintained in the administrative office in Olympia.

WSR 97-15-128
PERMANENT RULES
DEPARTMENT OF HEALTH
[Filed July 23, 1997, 10:20 a.m.]

Date of Adoption: July 11, 1997.

Purpose: Establishes a mandatory training program for the licensure of hearing instrument fitter/dispensers. These amendments will ensure that all practicing hearing instrument fitter/dispensers have met training requirements defined by the board. The amendments will help protect consumers from incompetent providers.

Citation of Existing Rules Affected by this Order: Amending WAC 246-828-055 and 246-828-070.

Statutory Authority for Adoption: RCW 18.35.040 and 18.35.161.

Adopted under notice filed as WSR 97-12-086 on June 4, 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 2, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 11, 1997

James E. Pannette, Chair
Board of Hearing and Speech

AMENDATORY SECTION (Amending WSR 94-11-108, filed 5/18/94, effective 6/18/94)

WAC 246-828-055 ((Trainees)) Apprenticeship program—Definitions. For the purposes of this chapter, these terms shall be defined as follows:

(1) "Sponsor" ~~((shall mean))~~ means the licensed hearing ~~((aid))~~ instrument fitter/dispenser or certified audiologist who is registered with the department of health to provide sponsorship to ~~((a trainee))~~ an apprentice. The sponsor must ~~((have been))~~ be licensed or certified in good standing as a

hearing ~~((aid))~~ instrument fitter/dispenser ~~((or))~~ or audiologist with the state of Washington for at least ~~((one))~~ two years.

(2) "Direct supervision" ~~((shall mean))~~ means that the sponsor is physically present and in the same room with the ~~((trainee))~~ apprentice, observing the testing, fitting and dispensing activities of the ~~((trainee))~~ apprentice at all times.

(3) ~~(("Indirect supervision" shall mean the sponsor is immediately available for consultation.~~

(4) "Sponsor in good standing" ~~((shall mean))~~ means a sponsor whose license or certificate has not been subject to sanctions ~~((pursuant to))~~ under RCW 18.130.160 in the last ~~((one))~~ two years.

AMENDATORY SECTION (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

WAC 246-828-070 ((Trainees)) Apprenticeship program—Minimum ~~((standards of))~~ training requirements. (1) ~~((The sponsor shall provide training in the following areas during the direct supervision period:~~

- (a) ~~Basic physics of sound;~~
- (b) ~~The human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders;~~
- (c) ~~Structure and function of hearing aids;~~
- (d) ~~Pure tone audiometry, including air conduction testing and bone conduction testing;~~
- (e) ~~Live voice or recorded voice speech audiometry, including speech reception, threshold testing, most comfortable level, uncomfortable level, and speech discrimination testing;~~
- (f) ~~Effective masking;~~
- (g) ~~Recording and evaluation of audiograms and speech audiometry to determine hearing aid candidacy;~~
- (h) ~~Selection and adaptation of hearing aids and testing of hearing aids;~~
- (i) ~~Taking ear mold impressions;~~
- (j) ~~Otosecopy;~~
- (k) ~~Evidence of knowledge regarding the medical and rehabilitation facilities that are available for children and adults in the area served;~~
- (l) ~~Evidence of knowledge of grounds for revocation or suspension of license under the provisions of this chapter;~~
- (m) ~~Fitting verification and post fitting follow-up.~~

(2) Completion of the above training and competency of the trainee to perform such duties shall be documented by initial of both trainee and sponsor on a form provided by the department. The completed training verification form shall be submitted to the department upon completion of the direct supervision period. Failure to maintain a training log or to verify training to the department shall be a violation of this chapter and may subject the sponsor to disciplinary action by the board.

(3) Trainees who have met one of the following are exempt from the minimum standards of training requirement. Documentation of the exemption shall be certified by the sponsor and submitted on a form provided by the department.

- (a) Successful completion of the National Institute for Hearing Instruments Studies (NIHS) Basic Course for Independent Study;

PERMANENT

(b) Documentation that the trainee is either licensed in audiology in another state, or certified as an audiologist by the American Speech and Hearing Association, or holds a masters degree in audiology;

(c) Certification by the sponsor that the trainee has received the required minimum training from a previous sponsor.

(d) Successful completion of a vocational training program approved by the board.)) An apprenticeship program will be at least six months in duration. The apprentice is in an apprenticeship program for a minimum of ten hours each week. The apprentice is under the direct supervision of the sponsor at all times when performing the functions of a hearing instrument fitter/dispenser apprentice. An apprentice must hold a valid hearing instrument fitter/dispenser permit. An apprentice must complete the National Hearing Aid Society home study course and submit proof of passing the home study course final examination and complete all stages of the apprenticeship program prior to taking the Washington state examination. If the apprentice passes the home study course final examination but fails the Washington state licensure examination, the apprentice will not have to repeat the home study course before the next available Washington state licensure examination. The apprenticeship program is divided into three stages:

(a) Stage 1 is at least 1 month in duration. During this stage, the apprentice may perform audiometric tests, and make ear mold impressions and modifications. The sponsor is physically present, in the same room at all times when the apprentice is performing these functions. The apprentice can not recommend the selection of a hearing instrument, dispense a hearing instrument, or counsel a client.

(b) Stage 2 - at least 2 months. During this stage the apprentice may perform all tasks in Stage 1, recommend the selection of a hearing instrument, and counsel a client. The sponsor is physically present, in the same room at all times when the apprentice is performing these functions. The apprentice can not dispense a hearing instrument.

(c) Stage 3 - at least 3 months. During this stage the apprentice may perform all the tasks in Stage 1 and 2 and dispense hearing instruments, but the sponsor is physically present in the same room at the time a hearing instrument is delivered to the client. The receipt required by RCW 18.35.030 must have the signatures and the license/permit numbers of the sponsor and apprentice. The title of the sponsor and apprentice is next to the respective signatures.

(2) It is the sponsor's responsibility to provide instruction and guidance, in order to adequately prepare the apprentice for practice as a hearing instrument fitter/dispenser and for the written and practical examinations. Training received by an apprentice during the apprenticeship program must include at least the following subject areas:

(a) Chapters 18.35 and 18.130 RCW, and chapter 246-828 WAC;

(b) Physics of sound;

(c) Anatomy of the outer, middle and inner ear;

(d) Otoscopy;

(e) Hearing disorders: Conductive hearing loss, sensorineural hearing loss, mixed hearing loss, central auditory processing disorder, nonorganic hearing loss;

(f) Diseases of the ear;

(g) Current criteria for medical referral;

(h) Pure tone audiometry, air conduction and bone conduction;

(i) Masking for pure tone audiometry: Rationale; methods; techniques;

(j) Speech audiometry;

(k) Masking for speech audiometry: Rationale; methods; techniques;

(l) Sound field testing;

(m) Audiogram analysis and interpretation;

(n) Proper ear/ears selection: Hearing instrument selection/modifications (evaluating fitting criteria);

(o) Cros/bi-cros: Rationale and its application;

(p) Hearing aid measurements (ANSI) standard;

(q) Interpretation of hearing instruments specification data;

(r) Impression technique;

(s) Earmolds: Shell design and their effects on frequency response;

(t) Types and styles of hearing instruments; components, functions, and benefits;

(u) Dispensing hearing instruments and counseling on usage and care.

(3) The sponsor must file a report with the department at the end of each stage of the apprentice program; this report must be filed no later than ten days after the completion of each stage. The sponsor must certify that the educational and training objectives of each stage have been met and the number of hours of training provided.

(4) The apprenticeship program begins at the date of department approval, unless the board specifies another date.

(5) Transfer of apprentice to another sponsor. The department may approve transfers of an apprentice to another eligible sponsor, prior to the completion of the apprenticeship program, upon the request of either the sponsor or the apprentice.

(a) An apprentice who changes his or her sponsor for any reason must not continue his or her apprenticeship status with a new sponsor until a new apprenticeship application and fee has been filed and approved by the department.

(b) It is the apprentice's responsibility to report the loss of such sponsorship to the department in writing within ten days of such occurrence and to stop the practice of fitting and dispensing.

(c) The sponsor of an apprentice who desires to terminate the responsibilities of sponsorship must provide the apprentice two weeks written notice of such termination, stating reasons for termination, and shall immediately notify the department, by registered or certified mail, of the sponsorship termination and the reasons for termination.

(d) In the event the apprentice terminates the program, the sponsor must notify the department immediately by registered or certified mail.

The sponsor is responsible for the apprentice until such time as the notification of termination to the department is deposited in the United States mail.

(e) Whenever a transfer is approved, credit is transferred for the completed stages of the apprenticeship program.

(f) Transfer of credit for stages uncompleted is subject to review and approval by the board.

WSR 97-15-148
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Order 97-123—Filed July 23, 1997, 11:32 a.m.]

Date of Adoption: May 30, 1997.

Purpose: Amend coastal harbor salmon net seasons.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-36-021, 220-36-023, 220-40-021, and 220-40-027.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under notice filed as WSR 97-09-097 on April 23, 1997.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-36-023, delete references to Option 1 and Option 3. Option 2 was adopted.

WAC 220-40-027, delete references to Option 1 and Option 3. Option 2 was adopted with following changes to reflect public input:

- Removed the maximum mesh size for the period through September 17. This can be done at reasonable cost to the sturgeon and chinook resource in 1997.
- Moved the two-day chinook fishery originally scheduled for September 9-11 to September 8-10.
- Extended the fishery in Area 2H beyond the October 4 closing date until 6:00 p.m. October 9 using 8-inch minimum mesh, this will provide some additional catch of chinook with a minimal cost to the chum resource.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 4, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 4, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 23, 1997

Lisa Pelly, Chairperson
 Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 96-77, filed 6/11/96, effective 7/12/96)

WAC 220-36-021 Salmon—Grays Harbor—Summer fishery. From July 5 through August 15 of ~~((1996))~~ 1997, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 96-77, filed 6/11/96, effective 7/12/96)

WAC 220-36-023 Grays Harbor salmon—Fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

Fishing period

(1) Gill net gear may be used to fish for salmon from 6:00 ~~((a.m. to 6:00))~~ p.m. ~~((each day))~~ September ~~((16 through September 20, September 23 through September 27, and September 30, 1996))~~ 2 to 6:00 p.m. September 4, and 6:00 p.m. September 9 to 6:00 p.m. September 11, 1997, in SMCRA 2C.

(2) Gill net gear may be used to fish for salmon from 6:00 p.m. September 2 to 6:00 p.m. September 4, and 6:00 p.m. September 9 to 6:00 p.m. September 11, 1997, in SMCRA 2D.

(3) Gill net gear shall be used as provided for in WAC 220-36-015, except that it shall not contain mesh smaller than 8 inches.

AMENDATORY SECTION (Amending Order 96-77, filed 6/11/96, effective 7/12/96)

WAC 220-40-021 Willapa Bay salmon—Summer fishery. From July 5 through August 15 of ~~((1996))~~ 1997, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 96-77, filed 6/11/96, effective 7/12/96)

WAC 220-40-027 Salmon—Willapa Bay fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing period

(1) Gill net gear may be used to fish for salmon from:
 (a) 6:00 p.m. August ~~((19))~~ 18 to 6:00 p.m. August ~~((20))~~ 19, 6:00 p.m. August ~~((22))~~ 21 to 6:00 p.m. August ~~((23))~~ 22, 6:00 p.m. August ~~((28))~~ 27 to 6:00 p.m. August ~~((29))~~ 28, 6:00 p.m. September ~~((4))~~ 2 to 6:00 p.m. September ~~((5))~~ 4 and 6:00 p.m. September ~~((14))~~ 8 to 6:00 p.m. September ~~((12, 1996))~~ 10, 1997, in SMCRA ~~((2J, 2K,))~~ 2M ~~((and))~~, that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 12, ~~((and))~~ that portion of SMCRA 2H west of Willapa Channel Marker 35 and that portion of SMCRA 2J north of an east-west line through the north entrance marker to the Nahcotta boat basin (red flasher no. 2);

(b) 6:00 p.m. September ~~((19))~~ 16 to 6:00 p.m. October ~~((14, 1996))~~ 4, 1997, in SMCRA 2H, 2M and that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 12 ~~((and that part of SMCRA 2J north of an east-west line through the north entrance marker to the Nahcotta basin (red flasher no. 2)))~~;

(c) 6:00 p.m. September ~~((19))~~ 18 to 6:00 p.m. September ~~((20))~~ 19, 6:00 p.m. September ~~((24))~~ 22 to 6:00 p.m.

PERMANENT

September ~~((25))~~ 23, 6:00 p.m. September ~~((26))~~ 25 to 6:00 p.m. September ~~((27))~~ 26, 6:00 p.m. ~~((October 1))~~ September 29 to 6:00 p.m. ~~((October 2, 6:00 p.m. October 3 to 6:00 p.m. October 4, 6:00 p.m. October 8 to 6:00 p.m. October 9))~~ September 30, and 6:00 p.m. October ~~((10))~~ 2 to 6:00 p.m. October ~~((11, 1996))~~ 3, 1997, in ~~((SMCRA 2K, and))~~ that part of SMCRA 2J ~~((south))~~ north of an east-west line through the north entrance marker to the Nahcotta basin (red flasher no. 2).

(d) 6:00 p.m. October 4 to 6:00 p.m. October 9, 1997, in SMCRA 2H.

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

(3) Gill net gear shall be used as provided in WAC 220-40-015 except that before 6:00 p.m. September ~~((20, the))~~ 17, there is no maximum mesh size ~~((is 8 1/2 inches))~~ limit, and after 6:00 p.m. October 4 the minimum mesh size is 8 inches.

PERMANENT

WSR 97-15-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-114—Filed July 3, 1997, 3:12 p.m.]

Date of Adoption: July 3, 1997.

Purpose: Commercial fishing regulations.

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: An emergency exists in that there is insufficient time, prior to the commencement of Puget Sound salmon fisheries, to finalize promulgation of permanent rules which were adopted by the Washington Fish and Wildlife Commission at a May 30, 1997, public hearing.

The provision prohibiting fish from being landed directly into the hold is necessary to ensure that fishers sort fish that are required to be released from the catch. Fish must be sorted and released prior to being placed in the hold to increase survivability of fish which are required to be released to reduce fisheries impacts on commingled weak salmon stocks.

The provision requiring gaps in the corkline of purse seine gear is necessary to allow the escape of sea birds, which may be encircled in the net, during fishing operations.

A harvestable surplus of sockeye salmon is available, as determined by the Fraser River Salmon Management Forum. Opening in Areas 7 and 7A is consistent with management agreements among parties within this forum, and provides opportunity to harvest the nontreaty allocation of Early Stuart-origin sockeye salmon relative to preseason run size forecasts. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have [been] removed from the fishing grounds.

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.

July 3, 1997
Ron Swatfigure
for Bern Shanks
Director

NEW SECTION

WAC 220-47-800 Puget Sound all-citizen commercial salmon purse seine—Release of incidentally-caught fish and purse seine gear modification. Effective immediately until further notice:

(1) It is unlawful for any purse seine vessel operator landing salmon to land salmon directly into the hold. All salmon must be landed to the deck, or to a sorting tray or table, of the harvesting vessel with the hatch hold cover closed until the release of salmon that may not be retained is complete.

(2) It is unlawful to take or fish for salmon with purse seine gear in Puget Sound unless at least four sections, each measuring no less than 12 inches in length, along the corkline in the bunt, and within 75 fathoms of the bunt have no corks or floats attached. These four sections must be spaced such that one section is along the corkline in the bunt, within 5 fathoms of the seine net, and the other three sections must be spaced at least 20 fathoms apart along the corkline within 75 fathoms of the bunt.

NEW SECTION

WAC 220-47-801 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREAS 7 and 7A** - Reef nets may fish from 5:00 a.m. to 9:00 p.m. Saturday July 5, 1997. Gillnets using 5-inch minimum 6-inch maximum mesh may fish from 7:00 a.m. to 11:59 p.m. Tuesday July 8, 1997. Purse seines may fish from 5:00 a.m. to 9:00 p.m. Wednesday July 9, 1997. Purse seines shall not retain chinook salmon in area 7.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7B, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.

WSR 97-15-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-115—Filed July 3, 1997, 3:15 p.m.]

Date of Adoption: July 3, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05500H; and amending WAC 220-32-055.

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: Harvestable numbers of spring chinook salmon are available for a subsistence fishery. This conforms state rules with Yakama Nation 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: Immediately.

July 3, 1997
 Ron Swatfigure
 for Bern Shanks
 Director

NEW SECTION

WAC 220-32-05500I Columbia River tributaries—Subsistence. Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Yakima River, Klickitat River, Wind River, Icicle River, Drano Lake and Ringold in the Columbia River except under the following provisions:

(1) The Klickitat River from the site of the former Swinging Bridge (RM 1.5) to Fishway No. 5 (RM 2.2) is open noon Wednesday to 6:00 p.m. Saturday from June 11, 1997 until further notice.

(2) The Wind River from 200 feet above the Shipperd Falls upstream to a marker 30 feet below the outlet stream for Carson National Fish Hatchery is open from: 6:00 a.m. Mondays to 6:00 p.m. Saturdays weekly until July 19, 1997.

(3) The Icicle River where it borders the property of the U.S. Fish and Wildlife National Fish Hatchery at Leavenworth is open from 6:00 a.m. Monday to 6:00 p.m. Saturday of each week to July 19, 1997.

(4) The Columbia River from the marker located approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a boundary marker approximately 1/4 mile downstream of Ringold waterway outlet, is open from 6:00 a.m. Monday to 6:00 p.m. Saturday of each week from May 5 to July 26, 1997. Fishing may be conducted from the riverbank on the hatchery side of the Columbia River only; fishing is not allowed from boats.

(5) ALLOWABLE GEAR: Dipnets, setbag net, or rod and reel with bait or lures. All other fishing gear and methods, including snagging are unlawful.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500H Columbia River tributaries—Subsistence.

**WSR 97-15-011
 EMERGENCY RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 (Public Assistance)**

[Filed July 3, 1997, 4:04 p.m., effective August 1, 1997]

Date of Adoption: July 3, 1997.

Purpose: To exercise an option under Public Law 104-193 that allows waiving retroactive case overpayments for temporary assistance to needy families (TANF) clients who timely report a change in their earned income.

Citation of Existing Rules Affected by this Order: Amending WAC 388-245-1510.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090; HB 3901, section 308 (1997).

Other Authority: Public Law 104-193, Section 103 (1996); chapter 74.12 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 rule is client-beneficial. It makes it more beneficial for TANF clients to enter the work force.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: August 1, 1997.

July 3, 1997
 Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

EMERGENCY

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-245-1510 Effective date of ineligibility for terminated grants. (1) When a change in income (~~including the receipt of a lump sum payment~~) causes ineligibility for more than one month, the ~~((recipient))~~ effective date of ineligibility shall be ~~((ineligible effective the first day of the month of receipt))~~ determined as follows:

(a) When recurrent income (WAC 388-22-030), received in the budget month (WAC 388-218-1050(3)), causes ineligibility, the assistance unit shall be ineligible on the first day of the payment month (WAC 388-218-1050(17)) if the following circumstances are met:

(i) The assistance unit is subject to retrospective income budgeting (WAC 388-218-1910), and

(ii) The income is reported timely as required under WAC 388-245-1715 for nonmonthly reporting households or under WA 388-245-2050 for households required to report monthly.

(b) For all other changes in income which cause ineligibility, including the receipt of a lump-sum payment, the assistance unit shall be ineligible on the first day of the month in which the income is received.

(2) When the change causes ineligibility for one month only, the department shall follow WAC 388-245-1400 and 388-245-1410.

(3) When a change of circumstances other than increased income renders the assistance unit or any member of the assistance unit ineligible, the effective date of the recipient's ineligibility shall be the first day of the month following the month in which the change occurred, except for:

(a) Striking workers, see WAC 388-215-1540.

(b) Clients who receive general assistance based on the relinquishment of a child for adoption.

WSR 97-15-022

EMERGENCY RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed July 7, 1997, 11:50 a.m.]

Purpose: To amend provisions in chapter 192-32 WAC related to unemployment benefits for dislocated forest products workers and fin fishers, and adopt regulations regarding other services to dislocated forest products and salmon fishing workers, that are consistent with current state law.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-32-015, 192-32-025, 192-32-120 and 192-32-125; and amending WAC 192-32-001, 192-32-010, 192-32-035, 192-32-045, 192-32-065, 192-32-095, and 192-32-105.

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: During the 1997 legislative session, 2SHB 1201 amended RCW 50.22.090 and 50.12.-270. These amendments are effective July 1, 1997. They necessitate the modification of provisions contained in chapter 192-32 WAC. These modifications could not be completed prior to the date the law became effective. This filing will modify the regulations so they do not conflict with the amended statute.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

July 7, 1997
Carver Gayton
Commissioner

CHAPTER 192-32 WAC TIMBER RETRAINING BENEFITS (~~AND RELATED PROGRAMS~~)

AMENDATORY SECTION (Amending WSR 95-09-085, filed 4/19/95, effective 5/20/95)

WAC 192-32-001 Scope of chapter. This chapter (~~is intended to~~) governs ~~((the implementation of))~~ employment security department responsibilities ~~((relating to the implementation of))~~ for administering ~~((chapter 50.70 RCW and))~~ RCW 50.22.090. This includes the ~~((operation of programs authorized by these statutes and the))~~ determination of ~~((timber))~~ rural natural resources impact areas required by the ~~((statutes))~~ statute.

AMENDATORY SECTION (Amending WSR 95-09-085, filed 4/19/95, effective 5/20/95)

WAC 192-32-010 Definitions. For the purpose of this chapter:

(1) ~~((“Actual job loss” means the absolute loss of jobs in SIC codes 24 as compared to the previous year as calculated by the department.~~

(2) ~~“Actual or projected job loss” means the greater of actual job loss or projected job loss. The value of actual or projected job loss is that value released by the commissioner and filed for publication in the state register.~~

(3) ~~“Annual unemployment rate” means the total unemployment rate calculated according to the method defined by the U.S. Department of Labor, Bureau of Labor Statistics. The information is considered available when released to the public by the commissioner of the employment security department. The value of the annual unem-~~

ployment rate is that value released by the commissioner and filed for publication in the state register.

~~((4))~~ "Commissioner" means commissioner of the employment security department.

~~((5))~~ (2) "Department" means the employment security department.

(3) "Displaced worker" means an individual who is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand within his or her labor market for his or her skills in the occupation or industry;

~~((6))~~ (4) "Labor market" means the area in which workers of specific occupation customarily have found work. Labor market is based on the worker's place of residence and occupation.

~~((7) "Lumber and wood products location quotient" is determined by dividing the percentage of the average covered employment in lumber and wood products (SIC code 24) in the county by the percentage of the average covered employment in lumber and wood products (SIC code 24) statewide. The information is considered available when released by the commissioner. The value of the location quotient is the value released by the commissioner and filed for publication in the state register.~~

~~(8) "Projected job loss" means the estimated job loss in SIC codes 24 in the current year, compared to the previous year, as calculated by the department from information provided by the department of natural resources.~~

~~(9) "Targeted county" means a county selected by the criteria of RCW 50.22.090(2).~~

~~((10))~~ (5) "Satisfactory progress" means maintaining a grade point average sufficient to graduate, and taking sufficient credit hours to complete the course of study within the time frame established under the approved training plan.

(6) "Timber retraining benefits," abbreviated TRB, means the additional unemployment insurance ((additional)) benefits authorized by RCW 50.22.090(3).

~~((11))~~ (7) "Wages" means wages earned in employment as defined in chapter 50.04 RCW. This means that only wages in covered employment can be considered in determining if a worker has earned wages in employment in the forest products industry or in the fishing industry assigned Standard Industrial Code 0912.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-035 Residence ((or employment)) in ((targeted county)) rural natural resources impact area at time of last separation from employment. (1) ((A worker who has)) if you met the ((county of)) residence ((or county of last employment)) requirements at the time ((of filing an)) you filed your initial claim for benefits, you ((will be considered to)) have met those requirements until you establish a new benefit year ((is established)), regardless of subsequent employment or relocation to another ((county)) area.

(2) ((A worker who has)) If you met the ((county of)) residence ((or county of last employment)) requirements ((at the time of filing an)) when you filed your initial claim, you ((will be considered to)) have met those requirements until a new benefit year is established, even if ((the county)) your

residence ceases to ((be)) fall within a ((targeted county)) designated rural natural resource area.

~~(3) ((A worker who has not met)) If you did not meet the ((county of)) residence ((or county of last employment)) requirements ((at the time of filing)) when you filed a new claim, you may meet those requirements ((at the time of filing)) when you file an additional claim (reopened claim after subsequent employment) for benefits if((, at that time, the worker)) you ((worked or)) lived in a ((targeted county)) rural natural resource area at the time of your last separation from employment.~~

~~((4) A worker who performs services in more than one county will be considered to have worked in a targeted county if any bona fide work is performed in a targeted county.)~~

AMENDATORY SECTION (Amending WSR 95-09-085, filed 4/19/95, effective 5/21/95 [5/20/95])

WAC 192-32-045 Unlikely to return to employment.

(1) For the purposes of paying timber retraining benefits, ~~((a worker))~~ you will have met the unlikely to return to work requirement of RCW 50.22.090 (4)(b)(ii) if the tests in subsections (2) and (3) of this section are met.

(2) ~~((He or she has))~~ You have:

(a) Become unemployed due to a permanent plant closure;

(b) Received a federal WARN act notice; or

(c) Received a notice of indefinite layoff as a result of a permanent reduction of operations at ~~((the worker's))~~ your place of employment; and

(3) ~~((His or her))~~ Your skills are in diminishing demand in ~~((his or her))~~ your principal occupation or previous industry.

(4) ~~((A worker))~~ You will not be considered unlikely to return to work if ~~((he or she))~~ you:

(a) ~~((Is))~~ Are on standby from the principal employer;

(b) ~~((Has))~~ Have a definite date of recall with the principal employer within six months; or

(c) ~~((Is))~~ Are unemployed due to a regular seasonal layoff.

~~((5) A worker who has been determined to be a dislocated worker by the local JTPA authority will be considered to have met the requirements of subsections (2) and (3) of this section.)~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-065 Training program application requirements. ((Required elements for a training program submission include)) (1) The following information must be included in your training program application:

~~((1))~~ (a) Your name and Social Security account number ~~((of applicant));~~

~~((2))~~ (b) Name of educational institution;

~~((3))~~ (c) Address of educational institution;

~~((4))~~ (d) Department of educational institution, if applicable;

~~((5))~~ (e) Name of training program;

- ~~((6))~~ (f) Description of training program, including remedial requirements if necessary;
 - ~~((7))~~ (g) Duration of training program;
 - ~~((8))~~ (h) Occupation(s) trained for;
 - ~~((9))~~ (i) Beginning enrollment date or place on waiting list and expected enrollment date;
 - (j) Verification of enrollment provided by the educational institution;
 - ~~((10))~~ (k) Release of information form authorizing the educational institution to release grades, attendance, and other measures of program progress to the department; and
 - ~~((11))~~ (l) Your signature ~~((of applicant))~~.
- (2) WAC 192-12-080 and WAC 192-12-182 will be used to evaluate your training program application and any modifications made to your training plan.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-095 Satisfactory progress. ~~((A worker))~~ You will be determined to be making satisfactory progress in a training program if the educational institution certifies to the department that ~~((the worker is))~~ you are making satisfactory progress. This certification must be signed by the registrar or an equivalent person designated by the educational institution.

NEW SECTION

WAC 192-32-100 Modifying a training plan. (1) You must notify the department immediately upon making a significant modification to your approved training plan. This includes changes in your course of study or major, training institution, projected start and completion dates, and enrolled credit hours. The department will review these changes to determine whether approval of your training plan will be continued.

(2) You may change your course of study or major one time. Your new course of study must be for an occupation or skill for which there are reasonable employment opportunities in the labor market in which you intend to seek work. Subsequent changes in your course of study or major will not be approved except in unusual individual circumstances.

(3) You may withdraw from training and reenroll at a later date one time. Subsequent applications to reenroll in a training program will not be approved except in unusual individual circumstances.

(4) The restriction in subsection (2) does not apply while you are enrolled in remedial training.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-105 Interstate claims. The additional benefit period for targeted ~~((counties))~~ rural natural resources impact areas applies only to ~~((counties))~~ areas within the state of Washington. Individuals filing interstate claims (with Washington as the liable state) may qualify for timber retraining benefits based on employment in the forest products industry or in the fishing industry assigned SIC 0912.

NEW SECTION

WAC 192-32-130 Five weeks for work search following training. The five weeks of additional benefits provided by RCW 50.22.090 (3)(c) are available for work search activities following completion of or termination or withdrawal from training. Once you begin work, these additional benefits are not available during any subsequent period of unemployment.

NEW SECTION

WAC 192-32-135 Thirteen weeks for remedial training. The thirteen weeks of additional benefits provided by RCW 50.22.090 (3)(d) are payable under the following conditions:

(1) The remedial training delayed the start date, or extended the completion date, of your approved training program; and

(2) The TRB benefits provided by RCW 50.22.090 (3)(b) have been exhausted; and

(3) You have not yet completed your approved training program.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 192-32-015 Interpretive rule—Effective date of RCW 50.22.090.
- WAC 192-32-025 Post training benefits.
- WAC 192-32-120 Forest products workers.
- WAC 192-32-125 Dislocated workers in timber impact areas.

NEW SECTION

WAC 192-33-005 Definitions—Dislocated workers. For the purposes of RCW 50.70.010:

(1) "Forest products worker" means an individual who has or had employment, either for wages or in self-employment, in the industries set forth in WAC 192-32-040.

(2) "Salmon fishing worker" means an individual who has or had employment, either for wages or self-employment, in the salmon industry. This includes employment in at least one of the industry line items listed within the following Standard Industrial Coded industries:

(a) Commercial salmon fishing (found within SIC 0912);

(b) Preparation of canned or cured salmon food products, including smoked, salted, dried, and pickled salmon products (found within SIC 2091);

(c) Preparation of fresh or frozen salmon products, including fish fillets or fish sticks (found within SIC 2092);

(d) Operation of boats or party fishing, in relation to salmon fishing (found within SIC 7999).

NEW SECTION

WAC 192-33-006 Dislocated workers in rural natural resources impact areas. (1) For the purposes of RCW 50.12.270, the term "dislocated workers in rural natural resources impact areas" includes:

EMERGENCY

July 8, 1997
Dirk Brazil
for Bern Shanks
Director

(a) Dislocated forest products workers as defined in RCW 50.70.010(2) and WAC 192-32-120; and

(b) Dislocated salmon fishing workers as defined in RCW 50.70.010(4) and WAC 192-33-005.

(2) These individuals are persons who at the time of last separation from work, for either wages or self-employment, resided in a rural natural resources impact area and who:

(a) Have been terminated or received notices of termination from employment and are unlikely to return to employment as defined in WAC 192-32-045 in their principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; or

(b) Are self-employed and have been displaced from their business because of diminishing demand for the business's services or goods.

**WSR 97-15-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

(Fisheries)

[Order 97-116—Filed July 8, 1997, 10:39 a.m., effective July 9, 1997, 12:01 a.m.]

Date of Adoption: July 7, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-52-07100A; and amending WAC 220-52-071.

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: Harvestable amounts of sea cucumbers are available for harvest in districts and areas listed. Titlow Beach Marine Preserve and Sund Rock Marine Preserve are closed to preserve the character of the marine preserves. Tatoosh Island closure is consistent with tribal agreements.

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: July 9, 1997, 12:01 a.m.

NEW SECTION

WAC 220-52-07100B Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective 12:01 a.m. July 9, 1997, until further notice, it is unlawful for non-treaty sea cucumber harvesters to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 1 (Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, and 23B), Sea Cucumber District 2 (Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 23D, 25A, 25B, 25C, 25D, 25E, 29 and those waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, Grays Harbor, Willapa Bay, and the waters at the mouth of the Columbia River west of the Buoy 10 Line), and Marine Fish-Shellfish Management and Catch Reporting Areas, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D and all Washington waters of the Pacific Ocean Monday, Tuesday, and Wednesday of each week from 6:00 a.m. to one-half hour before official sunset of each day, except for closures as provided for in this section.

(2) The following waters are closed to the harvest of sea cucumbers at all times:

(a) Those waters closed under WAC 220-52-071.

(b) Titlow Beach Marine Preserve - All waters due west from the southern end of the Tacoma Outboard Association building near the boat launch ramp to the outer harbor line, then south following the outer harbor line to a line due west from the old ferry landing dock at the 6th Ave. extension then following the line to the high water line then to the point of origin.

(c) Tatoosh Island - Those waters within one-quarter mile of Tatoosh Island.

(d) Sund Rock Marine Preserve - Waters within 100 yards of the salmon net pens near Sund Rock in Hood Canal.

(e) Edmonds Underwater Park - Those tidelands and waters bounded by the mean high tide line then along the projected line of Main St. west to the outer harbor line, then 250 feet north following the outer harbor line, then back to shore, then to the point of origin.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 9, 1997:

WAC 220-52-07100A Sea cucumbers. (97-108)

EMERGENCY

WSR 97-15-024
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Order 97-117—Filed July 8, 1997, 10:41 a.m., effective July 8, 1997, 11:59 a.m.]

Date of Adoption: July 7, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-88A-08000K; and amending WAC 220-88A-080.

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: July 8, 1997, 11:59 a.m.

July 8, 1997

Dirk Brazil

for Bern Shanks

Director

NEW SECTION

WAC 220-88A-08000L Emerging commercial fishery—Puget Sound shrimp trawl experimental fishery—Seasons and gear. Notwithstanding the provisions of WAC 220-88A-080, effective 11:59 a.m. July 8, 1997, until further notice, it is unlawful to fish for or possess shrimp taken for commercial purposes in Puget Sound using shellfish beam trawl gear except as provided for in this section:

(1) **Open** - in Marine Fish Shellfish Management and Catch Reporting Areas 20A, 20B, 22A, 23A, 23B, 23C, and 29, except as provided for in this section.

(2) The following areas are closed to beam trawl gear:

(a) Marine Fish Shellfish Management and Catch Reporting Area 20A is closed through July 15, 1997.

Beginning July 16, 1997 open in waters greater than 20 fathoms depth only.

(b) Those waters of Marine Fish Shellfish Management and Catch Reporting Area 22A west of a line projected true south from Deer Point on Orcas Island to Blakely Island and west of a line projected true south from the southernmost point of Blakely Island to Decatur Island, and west of a line projected true south from the southernmost point of Decatur Island to Lopez Island.

(3) It is unlawful to harvest and retain spot shrimp, or any other species other than Pandalid shrimp.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 a.m. July 8, 1997:

WAC 220-88A-08000K Emerging commercial fishery—Puget Sound shrimp trawl experimental fishery—Seasons and gear. (97-81)

WSR 97-15-026
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Order 97-118—Filed July 8, 1997, 4:51 p.m., effective July 9, 1997, 12:01 a.m.]

Date of Adoption: July 8, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-801.

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 United States share of Early Stuart-origin sockeye salmon has been taken. This rule is consistent with the management agreement of the Fraser River Salmon Management Forum. An emergency exists in that there is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making:

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: July 9, 1997, 12:01 a.m.

July 8, 1997

Larry Peck
for Bern Shanks
Director

July 9, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 97-13-050, filed 6/13/97, effective 7/14/97)

WAC 440-22-220 Chemical dependency counselor intern (CI) completion. To complete CI internship, a person shall:

(1) Obtain a two-year degree, or its academic equivalent, from an accredited college or university. The course work shall include all WAC (~~(440-20-200)~~) **440-22-200** academic requirements and the course work listed in subsection (2) through (4) of this section.

(2) Complete twenty-four quarter or sixteen semester credits from an accredited college or university which includes a minimum of three quarter or two semester credits in distinct courses in the following three topic areas:

- (a) Group process in chemical dependency treatment;
- (b) Chemical dependency in the family; and
- (c) Case management and record keeping for chemically dependent patients.

(d) The remainder of the twenty-four quarter or sixteen semester credits noted in ~~((a))~~ (2) of this subsection shall include distinct courses in the following topic areas:

- (i) Ethics in chemical dependency treatment;
- (ii) Chemical dependency and the laws;
- (iii) Human growth and development; and
- (iv) Introductory or general psychology.

(3) Obtain one hundred eighty hours of state-approved training or equivalent credit from an accredited college or university in workshops or courses that address the following topic areas:

- (a) Relapse prevention;
- (b) Youth chemical dependency assessment and counseling;
- (c) Cultural awareness;
- (d) HIV/AIDS brief risk intervention for CDCs, as approved by the department; and
- (e) Other workshops or courses that will enhance skills as a chemical dependency counselor.

(4) Complete two thousand clock hours of directly supervised experience as a (CI) in a state-certified chemical dependency treatment agency. The internship shall include a minimum of one hundred sixty hours in each of the following clinical areas:

- (a) Conducting assessments;
- (b) Individual counseling; and
- (c) Group counseling.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 9, 1997:

WAC 220-47-801 Puget Sound all-citizen commercial salmon fishery. (97-114)

WSR 97-15-033 EMERGENCY RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES
(Division of Alcohol and Substance Abuse)
(General Provisions)

[Filed July 9, 1997, 4:40 p.m., effective July 14, 1997]

Date of Adoption: July 9, 1997.

Purpose: To correct reference errors in WAC 440-22-220 (1) and (2)(d) of our recently adopted amendments.

Citation of Existing Rules Affected by this Order: Amending WAC 440-22-220 (1) and (2)(d).

Statutory Authority for Adoption: RCW 70.96A.040 and [70.96A].090.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A typographical error on this newly adopted rule provides a cross-reference to the wrong WAC section. This change must become effective immediately to avoid confusion.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: July 14, 1997.

**WSR 97-15-043
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Economic Services Administration)
(Public Assistance)

[Filed July 11, 1997, 3:26 p.m., effective August 1, 1997]

Date of Adoption: July 11, 1997.

Purpose: To comply with the federal requirement in Public Law 104-193 and state legislation, EHB 3901 (1997), which (1) denies temporary assistance for needy families (TANF) benefits to families that include an adult who has received TANF for sixty months beginning August 1, 1997, and (2) repeals Washington state's success through employment program (STEP) waiver.

Citation of Existing Rules Affected by this Order: Repealing chapter 388-201 WAC, Success through employment program (STEP); and amending WAC 388-215-1010 Five year lifetime time limit.

Statutory Authority for Adoption: RCW 74.04.050 and 74.04.055.

Other Authority: Public Law 104-193, Section 103 (a)(1), EHB 3901, sections 103, 105 (1997).

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: Under state law, EHB 3901 becomes law July 27, 1997, ninety days after the legislative session ends.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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: August 1, 1997.

July 11, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-215-1010 Five year lifetime time limits.

(1) The department shall deny TANF to any family that includes an adult who has received TANF for sixty months after August 1, 1997.

(2) In calculating the number of months an adult family member has received TANF for the purposes of subsection (1) of this section, the department shall disregard any month in which the individual received TANF and the individual was:

(a) A minor child who was not the head of a household or married to the head of a household; or

(b) Living on an Indian reservation or in an Alaskan Native village, if during the month the individual received TANF, at least:

(i) One thousand people were living on the reservation or in the village; and

(ii) Fifty percent of the adults living on the reservation or in the village were unemployed.

(3) After an individual has received fifty-two months of TANF, the department may exempt that person from the requirements of subsection (1) of this section for reasons of hardship or family violence, provided the total number of exempted TANF cases does not exceed twenty percent of the average monthly number of cases statewide during a fiscal year.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

388-201 Success through employment program (STEP).

**WSR 97-15-044
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)**

[Filed July 11, 1997, 3:30 p.m., effective August 1, 1997]

Date of Adoption: July 11, 1997.

Purpose: To comply with the state requirements of EHB 3901 which adds an exemption to the federal requirement that temporary assistance for needy families (TANF) be denied to persons convicted of drug-related felonies. If a person was convicted for possession or use of a controlled substance and (1) was assessed as chemically dependent, (2) is participating in treatment, and (3) was not previously convicted of a drug-related felony within three years of the current conviction, he or she would be exempt from this rule.

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 74.08.025(4) (1997) and EHB 3901, section 101 (1997).

Other Authority: RCW 74.08.090.

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

Reasons for this Finding: EHB 3901 becomes law ninety days after the 1997 legislative session ended. It is also beneficial to clients because the rule creates an exemption for clients who would otherwise be ineligible for TANF.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: August 1, 1997.

July 11, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 97-08-034 and 97-10-040, filed 3/27/97 and 4/30/97, effective 8/1/97)

WAC 388-215-1570 Denial of assistance to persons convicted of drug-related felonies. (1) Except as provided in subsection (2) below, the department shall deny TANF benefits to an individual convicted after August ((22)) 21, 1996, under federal or state law, of any felony involving the possession, use or distribution of a controlled substance as defined in section 102(6) of the Controlled Substances Act by excluding the needs of that individual in determining the need and payment amount of the assistance unit.

(2) An individual who has been convicted of possession or use of a controlled substance is exempt from the provision of subsection (1) of this section if that individual:

(a) Was assessed as chemically dependent by a state-certified assessment agency; and

(b) Is participating in or completed a rehabilitation plan consisting of chemical dependency treatment and vocational services; and

(c) Was not previously convicted of a felony for possession or use of a controlled substance within three years of the latest conviction.

(3) Each applicant shall attest in writing whether the applicant or a person for whom the applicant is applying has been convicted of a felony as described in subsection (1) of this section.

**WSR 97-15-054
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

(Fisheries)

[Order 97-119—Filed July 14, 1997, 4:45 p.m., effective July 14, 1997, 6:00 p.m.]

Date of Adoption: July 11, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-88A-08000L; and amending WAC 220-88A-080.

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: July 14, 1997, 6:00 p.m.

July 11, 1997

Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-88A-08000M Emerging commercial fishery—Puget Sound shrimp trawl experimental fishery—Seasons and gear. Notwithstanding the provisions of WAC 220-88A-080, effective 6:00 p.m. July 14, 1997, until further notice, it is unlawful to fish for or possess shrimp taken for commercial purposes in Puget Sound using shellfish beam trawl gear except as provided for in this section:

(1) **Open** - in Marine Fish Shellfish Management and Catch Reporting Areas 20A, 20B, 22A, 23B, 23C, and 29, except as provided for in this section.

(2) The following areas are closed to beam trawl gear:

(a) Marine Fish Shellfish Management and Catch Reporting Area 20A is closed through July 15, 1997. Beginning July 16, 1997 open in waters greater than 20 fathoms depth only.

(b) Those waters of Marine Fish Shellfish Management and Catch Reporting Area 22A west of a line projected true south from Deer Point on Orcas Island to Blakely Island and west of a line projected true south from the southernmost point of Blakely Island to Decatur Island, and west of a line projected true south from the southernmost point of Decatur Island to Lopez Island.

(3) It is unlawful to harvest and retain spot shrimp, or any other species other than Pandalid shrimp.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. July 14, 1997:

WAC 220-88A-08000L Emerging commercial fishery—Puget Sound shrimp trawl experimental

EMERGENCY

fishery—Seasons and gear.
(97-117)

WSR 97-15-058
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)
[Filed July 15, 1997, 1:36 p.m.]

Date of Adoption: July 15, 1997.

Purpose: To codify into WAC existing policies regarding interpreter services for limited-English speaking, deaf-blind, and deaf/hard of hearing clients.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.025, 74.04.050; 45 CFR Sections 80.1 and 80.3; 45 CFR Section 605.52; 28 CFR Part 35.

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 budget allocated for interpreter services for MAA has been significantly reduced for the 1997-99 biennium. In order to keep the interpreter services program in existence, MAA must codify its policies in WAC to assure funds for the program do not run out. Lack of interpreter services may endanger the health, safety, and general welfare of its limited-English proficient, deaf, deaf-blind, and hard of hearing clients due to inability to communicate with providers or total denial of services.

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 10, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 10, 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 10, amended 0, repealed 0.

Effective Date of Rule: Immediately.

July 15, 1997
Merry A. Kogut
Rules and Policies Assistance Unit

Chapter 388-555 WAC
INTERPRETER SERVICES

NEW SECTION

WAC 388-555-1000 Scope of care. (1) The department shall pay for interpreter services for a person determined eligible for a medical program who is:

- (a) Deaf;
- (b) Deaf-blind;
- (c) Hard of hearing; or
- (d) Limited English proficient.

(2) The department shall pay for interpreter services for clients described in subsection (1) of this section when such services:

- (a) Are provided during the provision of a necessary medical service; and
- (b) The medical service for which interpretation services are needed is covered under a medical assistance program for which the client is eligible. For exceptions, see 388-555-1200, Noncovered services.

NEW SECTION

WAC 388-555-1050 Definitions. For the purposes of this chapter, the following definitions apply:

"Consecutive appointments" – means appointments beginning or scheduled to begin within fifteen minutes of the last completed appointment.

"Family member" – means any person who is related to the client: a spouse, child, grandmother, grandfather, mother, father, sister, brother, cousin, niece, nephew, aunt, uncle, step relations and/or in-laws.

"Independent interpreter" – means any fluent, bilingual/multilingual person, certified by LIST, who provides interpreter services for payment and who is not employed by or a contractor of any interpreter agency enrolled with the medical assistance administration (MAA).

"Interpreter" – means a person who speaks English and another language fluently or signs English or another language fluently. Fluency includes an understanding of nonverbal and cultural patterns necessary to effectively communicate in that language. An interpreter enables clients and medical/health care providers to communicate effectively with each other.

"Interpreter agency" – a business entity which offers, by advertising or otherwise, as one of its main objectives or purposes, to procure interpreter services by employing or contracting with bilingual/multilingual persons on a permanent or part-time basis to provide interpreter services for payment in at least three of the languages required by RCW 74.04.025 or sign language. For purposes of this chapter, interpreter agency shall not include:

(1) Any person, or business entity that employs a person exclusively or regularly to perform other duties, or who performs interpreter services solely in connection with the affairs of that employer; or

(2) Those who are self-employed, and are the only bilingual/multilingual employee contracting for the purpose of providing interpreter services to others.

"Language interpretation services and translation" (LIST) – means the office within the department of social and health services (DSHS) that is responsible for certifying and qualifying spoken language interpreters.

"Limited English proficient (LEP)" – means a limited ability or an inability to speak, read, or write English well

enough to understand and communicate effectively in normal daily activities. The client decides whether he/she is limited in his/her ability to speak, read, or write English.

"Primary language" – means the language identified by the client as the language in which he/she wishes to communicate. This is also referred to as the preferred language.

"Qualified interpreter (for spoken languages)" – means an interpreter who has passed DSHS screening tests in languages other than the seven DSHS certificated languages as listed in RCW 74.04.025.

"Qualified interpreter (for American Sign Language)" – means a noncertified interpreter for the deaf, deaf-blind and/or hard of hearing who is determined to be qualified by the consumer to effectively meet their communication needs, both receptively and expressively.

"Unit" – means a billable amount of time for interpreter services equal to fifteen minutes.

NEW SECTION

WAC 388-555-1100 Eligible providers. (1) The department shall pay for interpreter services provided to an eligible client by independent interpreters, and/or interpreter agencies:

(a) Enrolled with the department to provide interpreter services;

(b) Who meet the criteria in this chapter, WAC 388-87-007, Medical provider agreement, and WAC 388-87-010, Conditions of payment—General.

(2) To enroll as an independent interpreter for medical assistance clients, interpreters shall submit the following to the department:

(a) A copy of a current office of language interpretation services and translation (LIST) certificate of proficiency for any LIST-tested languages; or

(b) A copy of a current registry of interpreters for deaf (RID) or Washington state national association of the deaf (NAD) certificate for certified sign language interpreters; and

(c) Verification of Social Security Number;

(d) Verification of unified business identifier number;

(e) A completed contract;

(f) A signed confidentiality pledge;

(g) A completed provider information form; and

(h) Verification of errors and omissions liability insurance at or over one hundred thousand dollars per occurrence.

(3) To enroll as an MAA interpreter agency, the agency shall submit to the department:

(a) Verification of federal tax identification number;

(b) A unified business identifier number;

(c) A completed MAA contract;

(d) Verification of errors and omissions liability insurance at or over one million dollars per occurrence;

(e) A completed provider information form; and

(f) A list of interpreters employed/contracted to provide services to medical assistance clients, including for each interpreter:

(i) A Social Security Number;

(ii) A signed confidentiality pledge; and

(iii) A copy of a current LIST certificate of proficiency for any LIST-tested languages or verification of qualification by LIST in non-LIST-tested languages; or

(iv) A copy of a current RID or NAD certificate for certified sign language interpreters or verification of qualified interpreter status.

(4) An interpreter agency shall have the capacity to provide interpretation in no fewer than three of the required languages in RCW 74.04.025.

(5) Interpreter agencies shall assume full legal and financial liability for interpreter services provided by employees and contractors.

NEW SECTION

WAC 388-555-1150 Provider requirements. (1) An interpreter shall not determine the need for interpreter services, nor shall the interpreter market interpreter services to medical assistance clients. See WAC 388-555-1250, Coordination of services.

(2) An interpreter shall not require a medical assistance client to obtain interpreter services exclusive of other interpreters or interpreter agencies.

(3) Interpreters shall adhere to department policies and procedures regarding confidentiality of client records as stated in WAC 388-501-0150.

(4) An independent interpreter shall enroll with the department as provided in WAC 388-555-1100 and obtain a current medical assistance provider number.

(5) The department shall schedule and give providers of interpreter services an orientation within their first year of contracting with the department. The department may terminate contracts with any provider who does not participate in the orientation. The orientation shall include:

(a) Codes of professional conduct and confidentiality for interpreters;

(b) Legal requirements;

(c) The interpreter's role when working with medical assistance clients;

(d) Issues specific to medical assistance client interpretation services;

(e) An overview of the billing process; and

(f) Record keeping requirements.

NEW SECTION

WAC 388-555-1200 Noncovered services. (1) The department shall not pay for interpretation services related to:

(a) Inpatient hospital services;

(b) Nursing facility services;

(c) Community mental health center services;

(d) The provision of any noncovered service; or

(e) Interpretation funded or paid for by any other source.

(2) The department shall not pay for the following:

(a) Interpretation services provided to the interpreter's family members;

(b) Any person other than an eligible medical assistance client;

(c) Medical Assistance client no-shows;

(d) The interpreter's transportation costs or travel time;

(e) Waiting time before the scheduled appointment; or

(f) Any block of time when services are not required by the medical provider to communicate with a medical assistance client.

NEW SECTION

WAC 388-555-1250 Coordination of services. An interpreter shall:

- (1) Facilitate coordination of the appointment dates and times with the medical provider and the client as requested by the medical provider;
- (2) Provide interpretation for medically necessary services; and
- (3) Notify the medical provider of any changes to scheduled appointments at least twenty-four hours in advance.

NEW SECTION

WAC 388-555-1300 Payment. (1) The department shall pay for interpretation services for limited English proficient (LEP), deaf, deaf-blind and/or hard of hearing medical assistance clients when the interpreter is enrolled with the department as provided in WAC 388-555-1100; and requirements of chapter 388-87 WAC and the following conditions are met:

- (a) The medical assistance client or the medical provider determines that an interpreter is necessary in order for the client to appropriately access necessary medical and health care services covered by the client's medical assistance program;
 - (b) The medical provider has informed the client that interpreter services are available at no cost to the client; and
 - (c) The interpreter presents a current identification card with his/her name, such as a driver's license, prior to all interpretation services.
- (2) Interpreters shall provide written justification to the department for any interpretation service at or exceeding eight units.
- (3) The department may reimburse an interpreter for up to twenty-four units per client per day.
- (4) To the extent permitted under federal law, the department may provide federal financial participation to match public funds expended by public agencies for interpreter services.

NEW SECTION

WAC 388-555-1350 Payment methodology. The department shall base its payment for interpreter services on:

- (1) Funds legislatively provided for interpreter services;
- (2) Department allocation of vendor rate increases appropriated by the legislature; and
- (3) Billable units of time, where a unit equals fifteen minutes.

NEW SECTION

WAC 388-555-1400 Billing requirements. (1) An interpreter may bill a minimum of four units per encounter, except as provided in subsection (2).

- (2) An interpreter shall charge the actual time spent interpreting for a client encounter with a medical provider when the appointments are consecutive and:
 - (a) The interpreter interprets for more than one client in the same medical provider's office on the same day;

(b) The interpreter interprets for one client for multiple medical providers in the same medical facility on the same day; or

(c) The interpreter interprets for more than one client for multiple medical providers in the same medical facility on the same day.

(3) Interpreters shall bill claims to the department according to the department's billing instructions. The department shall publish and provide its billing instructions to all eligible interpreters.

(4) The following shall be included on the claim submitted to the department for payment:

- (a) The interpreter's name;
- (b) The medical provider's name;
- (c) The medical condition for which the client required interpreter services; and
- (d) The client's language interpreted during the units being billed.

(5) When the interpreter interprets for eight units or more for the same client, the interpreter shall include the following on the department's claim:

- (a) An explanation justifying the need for eight or more units of interpretation services;
- (b) Waiting time exceeding one unit between medical services; and
- (c) Waiting time between separate medical services that are provided during a single appointment and the interpreter was requested to wait between services.

(6) See 388-87-015, Billing limitations, for time frames for submitting claims to the department.

NEW SECTION

WAC 388-555-1450 Audits. (1) Providers shall maintain legible, accurate, and complete records in order to support and justify interpretation services provided to medical assistance clients.

(2) Providers shall maintain interpretation service records by date of service and interpreter.

(3) Interpreter records shall be legible, written in English, and shall include at a minimum:

- (a) The client's name;
- (b) The client's patient identification code;
- (c) The client's assistance unit number;
- (d) The name of the interpreter who provided the service;
- (e) The language used;
- (f) The date of the service;
- (g) The name of the medical provider for whom interpretation assistance was provided;
- (h) The specific reason for the appointments;
- (i) The start and end time of each interpretation service for a client;
- (j) Place of service; and
- (k) Patient's address.

WSR 97-15-070
EMERGENCY RULES
FOREST PRACTICES BOARD

[Filed July 16, 1997, 9:21 a.m.]

Date of Adoption: July 10, 1997.

Purpose: To modify forest practices rules that define Type 2 and 3 Waters in WAC 222-16-030, and define requirements for the Forest Practices Board manual.

Citation of Existing Rules Affected by this Order: Amending WAC 222-12-090 and 222-16-030.

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: New data has shown that the physical characteristics of streams, as defined in the current forest practices rules, are no longer accurate. This emergency rule updates those physical characteristics based on current knowledge so that appropriate resource protection can be provided to fish habitat and water quality.

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 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

July 16, 1997

Jennifer M. Belcher

Commissioner of Public Lands

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-16-030 Water typing system. *The department in cooperation with the departments of fisheries, wildlife and ecology, and in consultation with affected Indian tribes shall classify streams, lakes and ponds and prepare stream classification maps showing the location of Type 1, 2, 3 and 4 Waters within the various forested areas of the state. Such maps shall be available for public inspection at region offices of the department. The waters will be classified using the following criteria. If a dispute arises concerning a water type the department shall make available informal conferences, which shall include the departments of fisheries, wildlife and ecology, and affected Indian tribes and those contesting the adopted water types. These conferences

shall be established under procedures established in WAC 222-46-020.

***(1) "Type 1 Water"** means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, but not including those waters' associated wetlands as defined in chapter 90.58 RCW.

***(2) "Type 2 Water"** shall mean segments of natural waters which are not classified as Type 1 Water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

(a) Are diverted for domestic use by more than 100 residential or camping units or by a public accommodation facility licensed to serve more than 100 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 2 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type 2 Water upstream from the point of diversion for 1,500 feet including tributaries if highly significant for protection of downstream water quality. The department may allow additional harvest beyond the requirements of Type 2 Water designation provided the department determines after a landowner-requested on-site assessment by the department of fish and wildlife, department of ecology, the affected tribes and interested parties that:

(i) The management practices proposed by the landowner will adequately protect water quality for the fish hatchery; and

(ii) Such additional harvest meets the requirements of the water type designation that would apply in the absence of the hatchery;

(c) Are within a federal, state, local, or private campground having more than 30 camping units: *Provided*, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

~~((e))~~ (d) Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:

(i) Stream segments having a defined channel 20 feet or greater in width between the ordinary high-water marks and having a gradient of less than 4 percent.

(ii) Lakes, ponds, or impoundments having a surface area of 1 acre or greater at seasonal low water.

~~((d))~~ (e) Are used by salmonids for off-channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria:

(i) The site must be connected to a stream bearing salmonids and accessible during some period of the year; and

(ii) The off-channel water must be accessible to juvenile salmonids through a drainage with less than a 5% gradient.

*~~(3)~~ **"Type 3 Water"** shall mean segments of natural waters which are not classified as Type 1 or 2 Water and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are used by significant numbers of anadromous or resident game fish for spawning, rearing or migration. Guidelines for determining fish use are described in the Forest Practices Board Manual. If fish use has not been determined:

(i) Waters having the following characteristics are presumed to have significant anadromous or resident game fish use:

~~((#))~~ (A) Stream segments having a defined channel of ~~(5)~~ 2 feet or greater in width between the ordinary high-water marks in Western Washington; or 3 feet or greater in width between the ordinary high-water marks in Eastern Washington; and having a gradient ~~((of less than 12))~~ 16 percent ~~((and not upstream of a falls of more than 10 vertical feet))~~ or less;

(B) Stream segments having a defined channel of 2 feet or greater in width between the ordinary high-water marks in Western Washington; or 3 feet or greater in width between the ordinary high-water marks in Eastern Washington; and having a gradient greater than 16 percent and less than or equal to 20 percent; and having greater than 50 acres in contributing basin size in Western Washington; or greater than 175 acres in contributing basin size in Eastern Washington based on hydrographic boundaries;

(ii) The department shall waive or modify the characteristics in (i) above where:

(A) Waters have confirmed, long term, naturally occurring water quality parameters incapable of supporting anadromous or resident game fish;

(B) Snowmelt streams have short flow cycles that do not support successful life history phases of anadromous or resident game fish. These streams typically have no flow in the winter months and discontinue flow by June 1; or

(C) Sufficient information about a geographic region is available to support a departure from the characteristics in (i), as determined in consultation with the department of fish and wildlife, department of ecology, affected tribes and interested parties.

~~((#))~~ (iii) Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to an anadromous fish stream.

~~((e))~~ Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use:

(i) Stream segments having a defined channel of 10 feet or greater in width between the ordinary high-water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent.

~~((#))~~ (iv) For resident game fish ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water.

~~((d))~~ (c) Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 Water are presumed to be significant for 1,500 feet from their confluence with the Type 1 or 2 Water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less.

*~~(4)~~ **"Type 4 Water"** classification shall be applied to segments of natural waters which are not classified as Type 1, 2 or 3, and for the purpose of protecting water quality downstream are classified as Type 4 Water upstream until the channel width becomes less than 2 feet in width between the ordinary high-water marks. Their significance lies in their influence on water quality downstream in Type 1, 2, and 3 Waters. These may be perennial or intermittent.

*~~(5)~~ **"Type 5 Water"** classification shall be applied to all natural waters not classified as Type 1, 2, 3 or 4; including streams with or without well-defined channels, areas of perennial or intermittent seepage, ponds, natural sinks and drainageways having short periods of spring or storm runoff.

*~~(6)~~ For purposes of this section:

(a) "Residential unit" means a home, apartment, residential condominium unit or mobile home, serving as the principal place of residence.

(b) "Camping unit" means an area intended and used for:

(i) Overnight camping or picnicking by the public containing at least a fireplace, picnic table and access to water and sanitary facilities; or

(ii) A permanent home or condominium unit or mobile home not qualifying as a "residential unit" because of part time occupancy.

(c) "Resident game fish" means game fish as described in the Washington game code that spend their life cycle in fresh water. Steelhead, searun cutthroat and Dolly Varden trout are anadromous game fish and should not be confused with resident game fish.

(d) "Public accommodation facility" means a business establishment open to and licensed to serve the public, such as a restaurant, tavern, motel or hotel.

(e) "Natural waters" only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.

(f) "Seasonal low flow" and "seasonal low water" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted hydrologic techniques recognized by the department.

(g) "Channel width and gradient" means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States geological survey topographic maps.

(h) "Intermittent streams" means those segments of streams that normally go dry.

AMENDATORY SECTION (Amending WSR 92-15-113, filed 7/21/92, effective 8/21/92)

WAC 222-12-090 Forest practices board manual.

When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fisheries, wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) **The standard methods** for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.

(3) **A chart** for establishing recommended permanent culvert sizes and associated data.

(4) **Guidelines** for clearing slash and debris from Type 4 and 5 Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for calculating average widths of riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(13) **Guidelines for determining fish use for the purpose of typing waters** under WAC 222-16-030.

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Hooking mortality has been accounted for in setting seasons based on the number of retained fish. Additional hooking mortality after the daily limit was taken would reduce fishing opportunity. Additionally, requiring cessation of fishing after the daily limit is taken will reduce crowding and provide for a more orderly fishery. There is insufficient time to promulgate permanent rules for the fall 1997 salmon season, and additional hooking mortality may affect critical stocks. This will be proposed for permanent adoption in the 1998 rule cycle.

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

July 16, 1997
Bern Shanks
Director

NEW SECTION

WAC 220-56-18000A Salmon daily limits—Unlawful to fish when limit retained. Notwithstanding the provisions of WAC 220-56-180, effective immediately until further notice:

(1) In all areas where the daily limit allows adult salmon to be taken, it is unlawful to continue to fish for salmon after the adult portion of the daily limit has been retained.

(2) In all areas it is unlawful to continue to fish for salmon after the daily limit has been retained.

**WSR 97-15-080
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-121—Filed July 16, 1997, 4:50 p.m.]

Date of Adoption: July 16, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-180.

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

**WSR 97-15-081
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-120—Filed July 16, 1997, 4:51 p.m., effective July 16, 1997, 6:00 p.m.]

Date of Adoption: July 15, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-88A-08000M; and amending WAC 220-88A-080.

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: July 16, 1997, 6:00 p.m.

July 15, 1997
Bern Shanks
Director

NEW SECTION

WAC 220-88A-08000N Emerging commercial fishery—Puget Sound shrimp trawl experimental fishery—Seasons and gear. Notwithstanding the provisions of WAC 220-88A-080, effective 6:00 p.m. July 16, 1997, until further notice, it is unlawful to fish for or possess shrimp taken for commercial purposes in Puget Sound using shellfish beam trawl gear except as provided for in this section:

(1) **Open** - in Marine Fish Shellfish Management and Catch Reporting Areas 20A, 20B, 22A, 23C, and 29, except as provided for in this section.

(2) The following areas are closed to beam trawl gear:

(a) Marine Fish Shellfish Management and Catch Reporting Area 20A in waters less than 20 fathoms deep.

(b) Those waters of Marine Fish Shellfish Management and Catch Reporting Area 22A west of a line projected true south from Deer Point on Orcas Island to Blakely Island and west of a line projected true south from the southernmost point of Blakely Island to Decatur Island, and west of a line projected true south from the southernmost point of Decatur Island to Lopez Island.

(3) It is unlawful to harvest and retain spot shrimp, or any other species other than Pandalid shrimp.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. July 16, 1997:

WAC 220-88A-08000M Emerging commercial fishery—Puget Sound shrimp trawl experimental fishery—Seasons and gear. (97-119)

WSR 97-15-087
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed July 17, 1997, 10:56 a.m., effective August 1, 1997]

Date of Adoption: July 15, 1997.

Purpose: Amends WAC 388-218-1210, 388-218-1230, 388-218-1300, 388-218-1350, 388-218-1410, 388-218-1430, 388-218-1440, 388-218-1470, 388-218-1630, 388-218-1710, 388-218-1720 and 388-218-1740, to remove reference to thirty dollars and one-third earned income disregard and changing to fifty percent earned income disregard. Repeals WAC 388-218-1420, 388-218-1450, 388-218-1460, 388-218-1480, and 388-218-1730.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-218-1420, 388-218-1450, 388-218-1460, 388-218-1480 and 388-218-1730; and amending WAC 388-218-1210, 388-218-1230, 388-218-1300, 388-218-1350, 388-218-1410, 388-218-1430, 388-218-1440, 388-218-1470, 388-218-1630, 388-218-1710, 388-218-1720, and 388-218-1740.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Public Law 104-193, Section 103 (a)(1); RCW 74.08.090; EHB 3901, section 308 (1997); EHB 3901, section 309(11) (1997) (amends RCW 74.04.-005).

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: Changes in federal law require state legislation to adopt and amend public assistance statute. State statute change requires the department to amend existing regulations by August 1, 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 12, repealed 5.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: August 1, 1997.

July 15, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3759, filed 7/27/94, effective 9/1/94)

WAC 388-218-1210 Exempt and disregarded income—Educational assistance. (1) The department shall exempt from consideration as income when determining need educational assistance, in the form of grants, loans, or work study, issued to a student from the following sources:

- (a) Title IV of the Higher Education Amendments; or
- (b) Bureau of Indian Affairs student assistance programs.

(2) The department shall disregard the following types of income when determining need:

(a) Grants or loans made or insured under any programs administered by the department of education to an undergraduate student for educational purposes.

(b) Educational assistance in the form of grants, loans, or work study, issued under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-391, for attendance costs as identified by the institution. For a student attending school:

(i) At least half-time, attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses; or

(ii) Less than half-time, attendance costs include tuition, fees, and costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.

(c) Educational assistance in the form of grants, work study, scholarships, or fellowships, from sources other than those identified in subsections (1)(a) and (b), (2)(a) and (b)(i) and (ii) of this section for attendance costs as identified by the institution. Attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses.

(d) Any remaining educational assistance, in the form of grants, work study, scholarships, or fellowships, not disregarded in subsections (1)(a) and (b), (2)(a), (b)(i) and (ii), and (c) of this section, as allowed under WAC 388-218-1540 Assistance from other agencies and organizations.

(e) ~~((Apply any applicable))~~ One-half of the gross earned income ((disregards to any)) received from work study earnings ((received and)) not disregarded in subsections (1)(a) and (b), (2)(a), (b)(i) and (ii), (c), and (d) of this section. If applicable, deduct the dependent care disregard as specified in WAC 388-218-1470.

(f) Veterans' Administration educational assistance for the student's educational expenses and child care necessary for school attendance. Attendance costs include tuition, fees,

costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses.

AMENDATORY SECTION (Amending Order 3759, filed 7/27/94, effective 9/1/94)

WAC 388-218-1230 Disregarded income types. The department shall disregard the following types of income when determining need:

(1) Child's earned income. Earned income of a child when student eligibility conditions in WAC 388-218-1410 Earned income of a child, have been met.

(2) Foster care payments. Disregard as income a foster care payment made for the care of a child. See WAC 388-218-1400 Earned income types, for the treatment of foster care retainer fees.

(3) Gifts:

(a) Cash gifts. Nonrecurring cash gifts up to thirty cumulative dollars received by each member of the ~~((AFDC))~~ TANF assistance unit per calendar quarter. The department, unless otherwise specified by the donor, shall determine an individual's share in a gift to more than one person by dividing the amount of the gift by the number of persons receiving the gift.

(b) Noncash gifts. Gifts other than cash as defined under chapter 388-22 WAC provided such gifts are within the allowable program resource limits.

(4) Household cost funds. Funds representing another person's or family's share of household costs.

(5) Loans.

(a) Bona fide loans. The department shall consider a loan bona fide when the loan is a debt the borrower has an obligation to repay.

(b) Loan repayments. The department shall not consider as income to a client money received from loan repayment; however, the department shall consider any interest paid in the loan as newly acquired income.

(6) Office of support enforcement pass-through payments. The monthly child support incentive payment from the office of support enforcement (OSE);

(7) Overpayments recovered by source agency. Any overpayment amount withheld from a client's benefit in order to recover an overpayment by the source agency.

(8) Per diem and transportation. Per diem and transportation funds paid to ~~((AFDC))~~ TANF advisory committee members.

(9) Settlements. Settlements for destroyed, stolen exempt property, or back medical bills when conditions in, WAC 388-218-1530 Determining net income—Other income, have been met.

(10) Self-produced or supplied items. The value of self-produced or supplied items except as specified in, WAC 388-218-1340 Self-produced or supplied items, when:

- (a) Self-produced items are sold for cash; or
- (b) The household's requirement for shelter is supplied.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1300 Self-employment income. (1) Earned income from self-employment is the amount left after deducting allowable business expenses from gross business income.

(2) ~~((Applicable)) Disregard one-half of the self-employment earned income ((disregards are further deducted from self-employment earned income))~~ to determine the net amount available to meet need. If applicable, deduct the dependent care disregard as specified in WAC 388-218-1470.

(3) In order to establish eligibility for public assistance, a self-employed client must maintain and make available to the department a record clearly documenting all business expenses and income.

AMENDATORY SECTION (Amending Order 3857, filed 5/24/95, effective 6/24/95)

WAC 388-218-1350 Deductible self-employment expenses. The department shall consider the following items as deductible business expenses in a self-employment enterprise:

- (1) Rental of business equipment or property.
- (2) Utilities.
- (3) Postage.
- (4) Telephone.
- (5) Office supplies.
- (6) Advertising.
- (7) Insurance.
- (8) Legal, accounting, and other professional fees.
- (9) The cost of goods sold, including wages paid to employees producing salable goods, raw materials, stock, and replacement or reasonable accumulation of inventory, provided inventory has been declared exempt on the basis of an agreed plan pursuant to WAC 388-216-2500.

- (10) Interest on business indebtedness.
- (11) Wages and salaries paid to employees not producing salable goods.
- (12) Commissions paid to agents and independent contractors.

(13) Documented and verified costs of self-employment business-related transportation. These costs are limited to gas, oil, and fluids; necessary services and repairs; replacement of worn items such as tires; registration and licensing fees; and interest on automobile loans.

- (a) The client may choose:
 - (i) To itemize the actual operating cost of a vehicle; or
 - (ii) A cost per mile established by the department using a prevailing rate based on market standards.
- (b) The cost of tolls and parking related to the business shall be deducted as a business expense.
- (c) If a vehicle is needed for both business and private purposes, the mileage and expenses attributable to the business must be documented in a daily log and is subject to verification by the department.

(d) Transportation to and from the place of business is not a business expense ~~((, but is a personal work expense and is covered by the work expense deduction))~~.

(14) Nonpersonal taxes on the business and business property, including the employer's share of federal Social Security taxes on business employees and state and federal

unemployment insurance contributions, if any. The self-employed person's personal income taxes and self-employment taxes are not business deductions ~~((, but are work expenses covered by the work expense deduction))~~.

(15) Repairs to business equipment and property, excluding vehicles. An expenditure to maintain property in its usual working condition is deductible as a repair.

(16) Other expenditures reasonable and necessary to the efficient and profitable operation of the self-employment enterprise.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1410 Earned income of a child. The department shall apply the following rules when determining the amount of a child's earned income available to meet the current need of the assistance unit of which the child is a member:

(1) The department shall disregard all of the child's monthly earned income when the following circumstances apply:

(a) When determining whether total family income exceeds one hundred and eighty-five percent of the need standard for a child who is a full-time student. This disregard is limited to six months per calendar year;

(b) When determining ~~((whether total family income exceeds one hundred percent of the need standard))~~ the payment amount for:

(i) A ~~((n applicant))~~ child, who is a full-time student ~~((, provided that such income is also disregarded under (a) of this subsection))~~; or

(ii) A ~~((recipient))~~ child, who is ~~((a full-time student or))~~ a part-time student ~~((who is not a full-time employee;~~

~~((e) When determining the payment amount for an applicant or recipient child who is a full-time student or a part-time student who is not a full-time employee))~~ carrying at least half the normal school load and working fewer than one hundred fifty hours per month.

(2) A child earning income by working in a sheltered workshop or other training facility for handicapped children shall be considered, for purposes of income exemption, as being at least a part-time student working less than full time.

(3) To be employed full time, a child must be working ~~((thirty-five))~~ one hundred fifty hours ((a week)) per month or the number of hours considered full time by the industry for which he or she works, whichever is less.

(4) Summer employment of students shall not be considered as full-time employment due to the temporary nature of such employment, even though the hours worked may exceed thirty-five hours a week.

(5) In determining the amount of a nonstudent child's earned income available to meet the current needs of the assistance unit, net income shall be computed without application of the earned income disregards specified in this section.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1430 Earned income disregards—Deduction sequence. Earned income disregards shall be applied in the following sequence:

- (1) ~~((Work expense))~~ Earned income disregard; and
- (2) ~~((Thirty dollars and one third disregard; or~~
- ~~(3) Thirty dollar disregard; and~~
- (4)) Dependent care disregard.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1440 ~~((Work expense))~~ Earned income disregard. (1) Disregard ~~((the first ninety dollars))~~ one-half of the gross earned income for ~~((work expenses, regardless of the number of hours worked per month))~~ each month the client receives earned income.

(2) When payment of income over a period of more than one month is delayed, the earned income disregard applies to the period during which the income was earned.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1470 Dependent care disregard. Disregard the actual cost for care of each dependent child or incapacitated adult living in the same home and receiving ~~((AFDC))~~ TANF provided:

- (1) Conditions under WAC ~~((388-51-110-1(e)))~~ 388-290-110 (1)(c) are met for each dependent child;
- (2) No disregard will be allowed for care provided by a parent or stepparent;
- (3) The provider verifies the cost incurred;
- (4) The cost is incurred for the month of employment being reported; and
- (5) The cost for each dependent child or incapacitated adult, depending on the number of hours worked per month does not exceed the following:

Hours Worked per month	Dependent Care Maximum Deductions	Dependent Care Maximum Deductions
Years of Age or Older	Dependent Under Two Years of Age	
0 - 40	\$ 43.75	\$ 50.00
41 - 80	87.50	100.00
81 - 120	131.25	150.00
121 or More	175.00	200.00

AMENDATORY SECTION (Amending Order 3857, filed 5/24/95, effective 6/24/95)

WAC 388-218-1630 Allocation of assistance unit income for support of legal dependents. (1) The department shall ~~((budget))~~ allocate the income of a parent ~~((or))~~, stepparent or caretaker relative included in the assistance unit to meet the needs of the assistance unit after ~~((allocating an amount for))~~ deducting:

- (a) One-half of the gross earned income for each employed person;
- (b) An amount for the support of the parent, stepparent or caretaker relative and other dependents not eligible for inclusion in the assistance unit for factors other than sanction or ~~((noncooperation))~~ disqualification, not to exceed the

appropriate payment standard for an assistance unit of the same composition; and ~~((b))~~ (c) An amount for court or administratively ordered support for a legal dependent, not living in the parent or stepparent's home not to exceed the lesser of the amount actually paid or the appropriate need standard for each dependent;

(2) The department shall consider a dependent to be one who:

- (a) Is or could be claimed for federal income tax purposes by the parent ~~((or))~~, stepparent or caretaker relative; or
- (b) The parent ~~((or))~~, stepparent or caretaker relative is legally obligated to support.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1710 Income tests. To be eligible for ~~((AFDC))~~ TANF, a client shall meet the following income tests:

- (1) One hundred eighty-five percent of need test, as specified in WAC 388-218-1720 One hundred eighty-five percent of need test; and
- (2) ~~((One hundred percent of need test, as specified in WAC 388-218-1730 One hundred percent of need test; and~~
- (3)) Payment standard test, as specified in WAC 388-218-1740 Payment standard test.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1720 One hundred eighty-five percent of need test. A client whose nonexempt gross income exceeds one hundred eighty-five percent of the standard of need for the appropriate household size plus additional requirements authorized for that assistance unit, shall not be eligible for ~~((AFDC))~~ TANF from the date specified in WAC 388-218-1830 Treatment of income—Suspension of a grant.

(1) The department shall consider the income of all members of the assistance unit and the income of natural, adoptive, or stepparents of children in the assistance unit, residing in the same household, in this test except for income specifically exempted or disregarded and in subsection (2) of this section.

(2) In determining the total income of the family, the department shall exclude:

- (a) The earned income of a child who is a full-time student is excluded for six months per calendar year; and
- (b) The first fifty dollars per month of the current monthly support obligation of any child support collected on the family's behalf or received by the family.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1740 Payment standard test. The assistance unit's monthly nonexempt unearned income, after applying the earned income disregards, plus monthly nonexempt earned income shall be below the appropriate state payment standard plus additional requirements.

EMERGENCY

REPEALER

The following sections of the Washington Administrative Code are repealed:

388-218-1420	Earned income disregards—General.
388-218-1450	Thirty dollars and one-third disregard.
388-218-1460	Thirty-dollar disregard.
388-218-1480	Circumstances where earned income disregards are not allowed.
388-218-1730	One hundred percent of need test.

WSR 97-15-090
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed July 17, 1997, 11:03 a.m., effective August 1, 1997]

Date of Adoption: July 15, 1997.

Purpose: Amends WAC 388-216-2450 to change the earned income disregard WAC reference, adds a motor vehicle necessary to transport a physically disabled household member as an exempt resource with no ceiling value to WAC 388-216-2500; amends WAC 388-216-2650 to increase the ceiling value of one used and useful vehicle to \$5,000, adds savings accounts with combined balances of up to an additional \$3,000 for TANF recipients as an exempt resource to WAC 388-216-2650; and amends WAC 388-216-2800 to increase the TANF client's prorated ceiling value of a vehicle to \$5,000 when the vehicle is owned by a TANF client and an SSI recipient.

Citation of Existing Rules Affected by this Order: Amending WAC 388-216-2450, 388-216-2500, 388-216-2650, and 388-216-2800.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.005.

Other Authority: Public Law 104-193, Section 103 (a)(1); EHB 3901 (section 308, chapter 58, Laws of 1997); EHB 3901 (section 309, chapter 58, Laws of 1997 (RCW 74.04.005)).

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: Changes in federal law require state legislation to adopt and amend public assistance statute. State statute change requires the department to amend existing regulations by August 1, 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 4, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: August 1, 1997.

July 15, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3862, filed 6/28/95, effective 7/29/95)

WAC 388-216-2450 Resources—Exempt or disregarded income which is also exempt as a resource. The department shall exempt or disregard as income all the funds listed in this section. The department shall also consider these funds as an exempt resource:

(1) The resources of a supplemental security income (SSI) recipient. The department shall not consider nonrecurring lump sum SSI retroactive payments made to ~~((an AFDC))~~ a TANF client as income or as a resource in the month paid nor in the next following month;

(2) The monthly child support incentive payment from the division of child support (DCS);

(3) ~~((AFDC))~~ TANF benefits resulting from a court order modifying a department policy;

(4) Title IV-E, state and/or local foster care maintenance payments; ~~((and))~~

(5) Adoption support payments if the adopted child is excluded from the assistance unit;

(6) Bona fide loans as specified in WAC ~~((388-216-6230 and 388-216-7100))~~ 388-218-1230(5). The department shall consider loans bona fide when the loan is a debt the borrower has an obligation to repay;

(7) Educational assistance, in the form of grants, loans, or work study, issued to a student from the following sources:

(a) Title IV-A of the Higher Education Amendments; or

(b) Bureau of Indian Affairs student assistance programs;

(8) Grants or loans made or insured under any programs administered by the department of education to an undergraduate student for educational purposes;

(9) Educational assistance in the form of grants, loans, or work study, issued under the Carl D. Perkins Vocational and Applied Technology Education Act (P.L. 100-391), for attendance costs as identified by the institution. For a student attending school:

(a) At least half-time, attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses; or

(b) Less than half-time, attendance costs include tuition, fees, and costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study;

(10) Educational assistance in the form of grants, work study, scholarships, or fellowships, from sources other than

those identified in subsections (7)(a) and (b), (8), and (9)(a) and (b) of this section for attendance costs as identified by the institution. Attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses;

(11) Any remaining educational assistance, in the form of grants, work study, scholarships, or fellowships, not disregarded in subsections (7)(a) and (b), (8), (9)(a) and (b), or (10) of this section, as allowed under WAC 388-218-1540;

(12) The earned income disregards in WAC (~~388-218-1430 through 388-218-1480~~) 388-218-1440 and 388-218-1470 for ((AFDC)) TANF and WAC 388-219-1500 for GA-U to any work study earnings received and not disregarded in subsections (7)(a) and (b), (8), (9)(a) and (b), (10), and (11) of this section;

(13) Payment under Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, section 216);

(14) The food coupon allotment under Food Stamp Act of 1977;

(15) Compensation to volunteers under the Domestic Volunteer Act of 1973 (P.L. 93-113, Titles I, II, and III);

(16) Benefits under Women, Infants and Children program (WIC);

(17) Food service program for children under the National School Lunch Act of 1966 (P.L. 92-433 and 93-150);

(18) Energy assistance payments;

(19) Indian trust funds or lands held in trust (including interest and investment income accrued while such funds are held in trust) by the Secretary of the Interior for an Indian Tribe, including but not limited to funds issued under the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420);

(20) Per capita judgment funds under P.L. 97-408 to members of the:

(a) Blackfeet Tribe of the Blackfeet Indian Community, Montana;

(b) Gros Ventre Tribe of the Fort Belknap Reservation, Montana; and

(c) Assiniboine Tribe of the Fort Belknap Indian Community;

(21) Indian judgment funds or funds held in trust by the Secretary of the Interior distributed per capita under P.L. 93-134, as amended by P.L. 103-66, 94-114, 97-458, or 98-64. In addition:

(a) Real or personal property purchased directly with funds from the per capita payments, up to the amount of the funds from the per capita payment, are referred to as initial investments. These initial investments are exempt;

(b) Income derived either from the per capita payment or the initial investments shall be treated as newly acquired income;

(c) Appreciation in value of the initial investment shall be treated as a nonexempt resource at the time of eligibility review, unless the initial investment is a type of resource which is listed as exempt under WAC 388-216-2500 or 388-216-2650;

(d) The disregard does not apply to per capita payments or initial investments from per capita payments which are transferred or inherited;

(e) The department shall not consider up to two thousand dollars per year of income received by individual Indians, derived from leases or other uses of individually owned trust or restricted lands;

(22) Two thousand dollars per person per calendar year received under the Alaska Native Claims Settlement Act (P.L. 92-203 and 100-241);

(23) Veterans' Administration educational assistance for the student's educational expenses and child care necessary for school attendance;

(24) Housing and Urban Development (HUD) community development block grant funds that preclude use for current living costs;

(25) Restitution payments made under the Wartime Relocation of Civilians Act, P.L. 100-383. The department shall also disregard resources derived from restitution payments;

(26) A previous underpayment of assistance under WAC (~~388-260-1550~~) 388-270-1550 in the month paid nor in the next following month;

(27) Payment from the annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989 (P.L. 101-41), made to a Puyallup Tribe member upon reaching twenty-one years of age. In addition:

(a) Real or personal property purchased directly with funds from the annuity fund payment, up to the amount of the funds from the annuity fund payment, are referred to as initial investments. These initial investments are exempt;

(b) Income derived either from the annuity fund payment or the initial investments shall be treated as newly acquired income;

(c) Appreciation in value of the initial investment shall be treated as a nonexempt resource at the time of eligibility review, unless the initial investment is a type of resource which is listed as exempt under WAC 388-216-2500 or 388-216-2650;

(d) Proceeds from the transfer of the initial investments are treated as a transfer of exempt property, as specified in WAC 388-217-3350;

(28) Payments from the trust fund established by the P.L. 101-41 made to a Puyallup Tribe member;

(29) Payments made from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims (P.L. 101-201). The effective date of the disregard is retroactive to January 1, 1989;

(30) Payments made under the Disaster Relief Act of 1974 (P.L. 93-288), as amended by disaster Relief and Emergency Assistance amendments of 1988 (P.L. 100-707). This applies to assistance issued by federal, state, or local governments or by a disaster assistance organization;

(31) Payments from the Radiation Exposure Compensation Act (P.L. 101-426) made to an injured person, surviving spouse, children, grandchildren, or grandparents;

(32) Payments made to victims of nazi persecution under (~~Public Law~~) (P.L. 103-286). The effective date of the disregard is retroactive to August 1, 1994;

(33) Payments made from the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act trust fund, pursuant to P.L. 93-134. Funds paid, interest or

investment income earned on such funds, and any payment authorized by the tribe or the Secretary of the Interior are not counted as a resource; and

(34) Income specifically excluded by any other federal statute from consideration as income and a resource.

AMENDATORY SECTION (Amending WSR 97-06-075, filed 2/28/97, effective 3/31/97)

WAC 388-216-2500 Resources—Exempt as a resource with no ceiling value. (1) ~~((Irrespective))~~ Regardless of value, the department shall exempt the following resources:

(a) The client's home, subject to the conditions specified in sections WAC 388-216-2550 through 388-216-2590.

(b) Household furnishings and personal clothing essential for daily living. The department shall not exempt household furnishings and personal clothing in storage without evidence that these items are essential for daily living.

(c) One cemetery plot for each member of the assistance household.

(d) Personal property of "great sentimental value" when the applicant/recipient establishes the circumstances and conditions giving the personal property this value. "Sentimental value" as used in this section means personal property held primarily because of personal attachment or hobby interest, rather than for its intrinsic value.

(e) A motor vehicle necessary to transport a physically disabled household member. This exemption is limited to one vehicle per physically disabled person.

(2) The department may declare real and personal property which will be used in a self-employment enterprise as an exempt resource:

(a) On the basis of an agreed plan; and
(b) When the department determines that the real or personal property:

(i) Is necessary to restore the client's independence; or
(ii) Will aid in rehabilitating the client or the client's dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(3) The department shall consider any increase in value to exempted stock, raw materials, or inventory as:

(a) Exempt, when the increase is necessary to the health of the enterprise; or

(b) Income, when such increase might reasonably be used towards the client's self-support.

(4) In the absence of an agreed plan, the department shall consider the business assets of a self-employment enterprise, if available and nonexempt, as available to the owner in the amount of the sale value minus encumbrances.

(5) Under an agreed plan, the department shall consider accounts receivable as:

(a) An exempt resource when:
(i) The client makes a diligent effort to collect; or
(ii) If efforts to collect are unsuccessful, the client turns the accounts over to a collection agency;
(b) A nonexempt resource when the client does not meet the requirements in (a) of this subsection; and
(c) Earned income from self-employment, when payment is received.

(6) The department shall consider goodwill as an unavailable resource until the business is sold. Goodwill as used in this section means the reputation and patronage of a company. Goodwill can generally be valued as the amount a company would sell for over the value of its physical property, money owed it, and other assets.

AMENDATORY SECTION (Amending Order 3862, filed 6/28/95, effective 7/29/95)

WAC 388-216-2650 Resources—Exempt within a ceiling value. (1) The department shall exempt the equity value of the resources listed below up to the specified ceiling value. ~~((Consider))~~ Any excess value ~~((as))~~ is a nonexempt resource and ~~((apply))~~ applied to the resource limit of one thousand dollars:

(a) Term or burial insurance, up to a ceiling value of one thousand five hundred dollars per household member;

(b) One used and useful vehicle up to a ceiling value of ~~((one))~~ five thousand ~~((five hundred))~~ dollars per household;

(c) When a vehicle is jointly owned by ~~((an AFDC recipient))~~ a TANF client and an SSI recipient, the equity value of the vehicle is prorated between the owners:

(i) The portion of equity value owned by the SSI recipient is not counted for ~~((AFDC))~~ TANF;

(ii) ~~((Do not count))~~ The portion of equity value owned by the ~~((AFDC))~~ TANF client, up to the ceiling value of ~~((one))~~ five thousand ~~((five hundred))~~ dollars, does not count;

(iii) ~~((Consider))~~ Any portion of the equity value owned by the ~~((AFDC))~~ TANF client in excess of the ceiling value ~~((as))~~ is a nonexempt resource. ~~((Per provisions in))~~ Under WAC 388-216-2000 (3)(b) ~~((consider))~~ nonexempt resources will be considered up to the resource limit of one thousand dollars.

(d) Savings accounts with combined balances of up to an additional three thousand dollars for TANF recipients.

(2) The department shall phase in changes to the ceiling values at the first opportunity, when the department first:

(a) Takes a case action;
(b) Determines eligibility; or
(c) Redetermines eligibility.

AMENDATORY SECTION (Amending Order 3862, filed 6/28/95, effective 7/29/95)

WAC 388-216-2800 Resources—Value. "Equity value" means fair market value minus encumbrances (legal debts).

(1) The department shall determine the value of all nonexempt resources according to the resource's equity value. When a vehicle is jointly owned by ~~((an AFDC recipient))~~ a TANF client and an SSI recipient, the equity value of the vehicle is prorated between the owners:

(a) The portion of equity value owned by the SSI recipient is not counted for ~~((AFDC))~~ TANF;

(b) ~~((Do not count))~~ The portion of equity value owned by the ~~((AFDC))~~ TANF client, up to the ceiling value of ~~((one))~~ five thousand ~~((five hundred))~~ dollars, ~~((for the first vehicle))~~ does not count. Do not apply ~~((this rule))~~ to additional vehicles;

(c) ~~((Consider))~~ Any portion of the equity value owned by the ~~((AFDC))~~ TANF client in excess of the ceiling value

~~((as))~~ is a nonexempt resource. ~~((Per provisions in))~~ Under WAC 388-216-2000 (3)(b) ~~((consider))~~ nonexempt resources will be considered up to the resource limit of one thousand dollars.

(2) The department shall reassess the fair market value if the client provides acceptable evidence that:

(a) A good-faith effort has been made to sell the resource at the fair market value determined by the department; and

(b) The current worth of the resource is less than the resource standard.

(3) The department shall:

(a) Use the *National Automobile Dealers Association Official Used Car Guide* to determine the resource value of automobiles. For automobiles listed in this guide, the department shall presume the "average loan" value in the current edition represents the resource value.

(b) Use the *Kelley Bluebook R.V. Guide* to determine the resource value of recreational vehicles. For vehicles listed in this guide, the department shall presume the "wholesale" value in the current edition represents the resource value.

(c) Document the method used to determine the resource value in the case record for vehicles not listed in these guides.

(d) Document evidence in the case record when the values listed in these guides can be overcome by positive evidence to the contrary.

(4) The equity value in the cash discount value of a chattel mortgage or sales contract represents the value of the resource.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have [been] removed from the fishing grounds.

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: Immediately.

July 18, 1997
Bern Shanks
Director

NEW SECTION

WAC 220-47-802 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Saturday July 19, 1997 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREAS 7 and 7A** - Purse seines may fish from 6:00 a.m. to 12:00 noon Saturday July 19, 1997. Purse seines may not retain chinook salmon in area 7.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7B, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.

**WSR 97-15-108
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-127—Filed July 22, 1997, 8:01 a.m.]

Date of Adoption: July 21, 1997.

Purpose: Personal and commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-12-010, 220-56-118, 220-56-240, 220-48-061, 220-47-427, 220-47-428, 220-48-062, and 220-49-020.

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

**WSR 97-15-095
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-122—Filed July 18, 1997, 4:19 p.m.]

Date of Adoption: July 18, 1997.

Purpose: Commercial fishing regulations.

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; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: A harvestable surplus of sockeye salmon is available, as determined by the Fraser River Salmon Management Forum. Opening in Areas 7 and 7A is consistent with management agreements among parties within this forum, and provides opportunity to harvest the nontreaty allocation of sockeye salmon relative to inseason run size update of 1.4 million Early Stuart-origin sockeye salmon. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

EMERGENCY

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 allow for the take and retention of feral Atlantic salmon that have escaped from aquaculture net pens. This is a particular problem in western Catch Record Card Area 10 where several pens were torn on July 18th. Removal of these fish from Puget Sound waters is a priority and 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 4, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

July 21, 1997
Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-12-01000B Food fish—Classification. Notwithstanding the provisions of WAC 220-12-010, effective immediately until further notice the following species is classified as a food fish:

Atlantic salmon (in its anadromous form) *Salmo salar*

NEW SECTION

WAC 220-56-11800A Atlantic salmon—Gear. Effective immediately until further notice:

(1) It is unlawful to use barbed hooks while angling for Atlantic salmon in all marine waters.

(2) It is lawful to take Atlantic salmon with a dip net in those waters of Catch Record Card Area 10 west of a line projected due north from the northerly tip of Vashon Island.

NEW SECTION

WAC 220-56-24000A Daily limits—Other food fish—Atlantic salmon. Notwithstanding the provisions of WAC 220-56-180 and 220-56-240, effective immediately until further notice:

(1) There is no minimum size limit for anadromous Atlantic salmon and no daily or possession limits.

(2) Atlantic salmon may be fished for and retained in all waters open to salmon fishing for salmon other than Atlantic salmon.

(3) Once the daily limit of salmon other than Atlantic salmon is taken, it is unlawful to continue to fish for Atlantic salmon or salmon other than Atlantic salmon.

NEW SECTION

WAC 220-48-06100A Drag seine gear—Atlantic salmon. Notwithstanding the provisions of WAC 220-47-427, WAC 220-47-428, WAC 220-48-061, WAC 220-48-062, WAC 220-49-011, WAC 220-49-013, and WAC 220-49-020, effective immediately until 11:59 p.m., July 25, 1997:

(1) It is lawful to fish for Atlantic salmon with drag seine gear and dip bag net gear in those waters of Marine Fish Management and Catch Reporting Area 26C south of the Agate Pass Bridge and those waters of Area 26B west of a line from Restoration Point to Point Vashon, except the following areas are closed:

(a) Sinclair Inlet southwest of a line from the Bremerton Ferry Terminal to the Retsil Dock.

(b) Dyes Inlet and the Port Washington Narrows northerly of the Manette Bridge.

(c) Liberty Bay northwesterly of a line projected due east from the southernmost Keyport dock to the opposite shore.

(2) Lawful drag seine may be no longer than 600 feet in length, nor contain mesh size smaller than 1/2 inch or mesh size larger than 4 inches.

(3) Lawful dip bag net gear is as provided for in WAC 220-49-013.

(4) It is unlawful to retain salmon other than Atlantic salmon.

(5) The license required to participate in this fishery is an emerging commercial fishery license with Quilcene permit as provided for in WAC 220-47-427, a food fish drag seine fishery license, a herring drag seine fishery license, a smelt dip bag net fishery license or a herring dip bag net fishery license.

(a) Holders of an emerging commercial fishery license with Quilcene permit, a food fish drag seine fishery license or a smelt dip bag net fishery license may not retain herring at any time and may not retain bottomfish.

(b) Holders of a herring drag seine fishery license or a herring dip bag net fishery license may not retain bottomfish.

WSR 97-15-109

EMERGENCY RULES

TRANSPORTATION COMMISSION

[Order 84—Filed July 22, 1997, 8:11 a.m., effective July 27, 1997]

Date of Adoption: July 16, 1997.

Purpose: WAC 466-07-010 and 468-300-210 are repealed due to 1997 legislation. WAC 468-300-220 will implement that legislation.

Citation of Existing Rules Affected by this Order: Repealing WAC 466-07-010 and 468-300-210.

Statutory Authority for Adoption: RCW 47.01.061, 47.56.032, and chapter 323, Laws of 1997.

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: Chapter 323, Laws of 1997, specifies the conditions for chartering Washington state ferries vessels and stipulates that charter rates must comply with statutorily specified criteria. Because of the effective date of the legislation, WAC 468-300-220 must be effective on the same date, July 27, 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 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 2.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: July 27, 1997.

July 16, 1997
Alice B. Tawresey
Chair

NEW SECTION

WAC 468-300-220 Calculation of charter rates for vessels owned by the Washington state ferry system. Pursuant to chapter 323, Laws of 1997, vessels owned by the Washington state ferry system may be made available for charter subject to operational availability. Execution of a charter agreement as set forth in the statute must precede a commitment to charter. The following actual hourly vessel operating costs have been calculated for establishing the rates to be charged for vessel charters from July 27, 1997, through June 30, 1998:

Vessel Class	Deck Crew On Overtime	Deck Crew Not On Overtime
Jumbo	\$987.69	808.53
Super	949.27	776.27
Evergreen	725.99	582.84
Issaquah	723.97	594.50
Steel	602.60	489.58
Rhododendron	575.60	462.58
Hiyu	430.27	356.31
Passenger Only	420.05	359.75

The rate for an individual charter will be calculated by:

(1) Multiplying the actual operating cost set forth above for the vessel that is chartered by the number of hours, or fraction thereof, for which the vessel is chartered;

(2) Adding labor costs, mileage and per diem expenses to determine the total actual costs if the particular charter requires a crew callout; and

(3) Increasing the total actual costs calculated pursuant to subsections (1) and (2) of this section by fifty percent, and rounding to the nearest fifty dollars.

In the case of charters for the transport of hazardous materials, the transporter is required to pay for all legs necessary to complete the charter, even if the vessel is simultaneously engaged in an operational voyage on behalf of the Washington state ferry system.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-300-210 Transporting hazardous materials on Washington state ferries.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 466-07-010 Charter use of Washington state ferries—Form.

**WSR 97-15-117
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

(Fisheries)

[Order 97-125—Filed July 22, 1997, 4:31 p.m., effective July 23, 1997, 1:00 p.m.]

Date of Adoption: July 22, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100B; and amending WAC 220-52-071.

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: Harvestable amounts of sea cucumbers are available for harvest in districts and areas listed. Titlow Beach Marine Preserve and Sund Rock Marine Preserve are closed to preserve the character of the marine preserves. Tatoosh Island closure is consistent with tribal agreements.

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 1, amended 0, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making:

EMERGENCY

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: July 23, 1997, 1:00 p.m.

July 22, 1997
Dirk Brazil
for Bern Shanks
Director

WSR 97-15-118
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-126—Filed July 22, 1997, 4:34 p.m.]

Date of Adoption: July 21, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-32-05500I; and amending WAC 220-32-055.

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: Harvestable numbers of spring chinook salmon are available for a subsistence fishery. This conforms state rules with Yakama Nation 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: Immediately.

July 21, 1997
Dirk Brazil
for Bern Shanks
Director

EMERGENCY

NEW SECTION

WAC 220-52-07100C Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective 1:00 p.m. July 23, 1997, until further notice, it is unlawful for non-treaty sea cucumber harvesters to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 1 (Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, and 23B), Sea Cucumber District 2 (Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 23D, 25A, 25B, 25C, 25D, 25E, 29 and those waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, Grays Harbor, Willapa Bay, and the waters at the mouth of the Columbia River west of the Buoy 10 Line), and Marine Fish-Shellfish Management and Catch Reporting Areas, 26D, 27A, 27B, 27C, and all Washington waters of the Pacific Ocean Monday, Tuesday, and Wednesday of each week from 6:00 a.m. to one-half hour before official sunset of each day, except for closures as provided for in this section.

(2) The following waters are closed to the harvest of sea cucumbers at all times:

(a) Those waters closed under WAC 220-52-071.

(b) Titlow Beach Marine Preserve - All waters due west from the southern end of the Tacoma Outboard Association building near the boat launch ramp to the outer harbor line, then south following the outer harbor line to a line due west from the old ferry landing dock at the 6th Ave. extension then following the line to the high water line then to the point of origin.

(c) Tatoosh Island - Those waters within one-quarter mile of Tatoosh Island.

(d) Sund Rock Marine Preserve - Waters within 100 yards of the salmon net pens near Sund Rock in Hood Canal.

(e) Edmonds Underwater Park - Those tidelands and waters bounded by the mean high tide line then along the projected line of Main St. west to the outer harbor line, then 250 feet north following the outer harbor line, then back to shore, then to the point of origin.

REPEALER

The following section of the Washington Administrative Code is repealed effective 1:00 p.m. July 23, 1997:

WAC 220-52-07100B Sea cucumbers. (97-116)

NEW SECTION

WAC 220-32-05500J Columbia River tributaries—Subsistence. Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Yakima River, Klickitat River, Wind River, Icicle River, Drano Lake and Ringold in the Columbia River except under the following provisions:

(1) The Klickitat River from the site of the former Swinging Bridge (RM 1.5) to Fishway No. 5 (RM 2.2) is open noon Wednesday to 6:00 p.m. Saturday of each week until further notice.

(2) The Icicle River where it borders the property of the U.S. Fish and Wildlife National Fish Hatchery at Leavenworth is open from 6:00 a.m. Monday to 6:00 p.m. Saturday of each week to August 9, 1997.

(3) The Columbia River from the marker located approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a boundary marker approximately 1/4 mile downstream of Ringold waterway outlet, is open from 6:00 a.m. Monday to 6:00 p.m. Saturday of each week to July 26, 1997. Fishing may be conducted from the riverbank on the hatchery side of the Columbia River only; fishing is not allowed from boats.

(4) ALLOWABLE GEAR: Dipnets, setbag net, or rod and reel with bait or lures. All other fishing gear and methods, including snagging are unlawful.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500I Columbia River tributaries—
Subsistence. (97-115)

WSR 97-15-119
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-128—Filed July 22, 1997, 4:54 p.m.]

Date of Adoption: July 22, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-19000I; and amending WAC 220-56-190.

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 regulation implements federal recommendations from the north of Falcon process of the Pacific Fisheries Management Council. They are interim until permanent rules take effect. They provide for harvest of salmon while protecting weak and mixed stocks. They have been agreed upon by all parties in *United States v. Washington*.

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.

Emergency

Effective Date of Rule: Immediately.

July 22, 1997
Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-56-19000J Coastal salmon—Seasons and limits. Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 1 through 4 except as provided for in this section:

(1) Area 1 - Special daily limit of 2 salmon, special cumulative limit of 4 salmon in any seven consecutive days - Sundays through Thursdays only, July 21 through September 25, except closed 0-3 miles offshore and closed in the Columbia River Mouth Control Zone 1.

(2) Area 2 - Special daily limit of 2 salmon of which only one may be chinook. Special cumulative limit of 4 salmon in any seven consecutive days - Sundays through Thursdays only, July 21 through September 25, except closed 0-3 miles offshore.

(3) Area 2.1 - Special daily limit of 6 salmon, not more than 3 of which may be adult salmon as defined in WAC 220-56-190 - August 16 until further notice.

(4) Area 2.2 - The Westport Boat Basin fishery as provided for in WAC 220-56-190 is unchanged. Waters east of the Channel Marker 13 line -Daily limit A except release coho salmon - September 1 through September 30.

(5) Area 3 - Special daily limit of 2 salmon - July 21 through September 25.

(6) Area 4 - Special daily limit of 2 salmon except release coho salmon - July 21 through September 25.

(7) Size limits - Chinook salmon minimum size 24 inches in length. Coho salmon minimum size 16 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000I Coastal salmon—Seasons and limits. (97-110)

WSR 97-15-127
EMERGENCY RULES
DEPARTMENT OF HEALTH
[Filed July 23, 1997, 10:17 a.m.]

Date of Adoption: July 27 [22], 1997.

Purpose: To implement SSB 5227 by establishing a procedure by which the acquisition of a nonprofit hospital or public hospital district hospital is reviewed and approved or disapproved by the department.

Statutory Authority for Adoption: Chapter 332, Laws of 1997.

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

EMERGENCY

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 process needs to be in place to meet public needs as soon as the legislation takes effect. The Department of Health must be prepared to receive applications at any time.

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.

July 22, 1997

Mimi L. Fields, M.D.
for Bruce Miyahara

NEW SECTION

WAC 246-312-010 Purpose. The purpose of this chapter is to implement chapter 332, Laws of 1997, the nonprofit hospital sales review program. The legislature has determined that the state has an interest to assure the continued existence of accessible, affordable health care facilities. To achieve this goal the department of health is responsible for reviewing and approving the acquisition of nonprofit hospitals by for-profit entities. The department may approve an acquisition of a nonprofit hospital only if it determines that the nonprofit hospital has taken appropriate steps to safeguard charitable assets and any proceeds of the acquisition are used for appropriate charitable health and health care purposes.

NEW SECTION

WAC 246-312-020 Fees. (1) The department will assess on the acquiring party a nonrefundable application processing fee, a review fee and other charges as authorized in chapter 332, Laws of 1997. The fees shall consist of the following:

Processing Fees	Nonrefundable Processing Fee
Each New Application will be subject to a	\$1,000
Each Amendment to an application undergoing review will be subject to a	\$ 500
Type of Acquisition Description	Review Fee
Acquisition of 20% or more of the assets of the hospital	\$40,000

Change in current ownership position that results in acquiring party holding or controlling 50% or more of the hospital assets	\$50,000
Any Other Change in Ownership	\$60,000
Amendment to an approved Change of Ownership	\$15,000
Other Fees	Fee Amount
Exemption Determinations	\$ 250
Fair Market Value Determination- Nonrefundable	\$ Based on Contracted Amount
Public Hospital District-Voluntary Review	\$ To be billed at Cost
On-Site Compliance Visit- Nonrefundable	\$ To be billed at Cost
Attorney General Opinion- Nonrefundable	\$ To be billed at Cost

(2) When an applicant submits a written request to withdraw an application, the department shall refund the review fee using the following schedule:

Time Period For Requesting Withdrawal of Application	Amount of Review Fee to be Refunded
Within 10 working days after receipt of the completed application	100%
Between the 11th working day and the 45th working day after receipt of the completed application	50%
After the 45th working day	0%

(3) Fees for the fair market value determination shall be paid in addition to the applicable processing and application review fees. These fees shall be based on the contracted amount for consultants with the expertise to make such an evaluation. The acquiring party is responsible for this payment. If payment of this fee is not made within ten working days following being billed, the review of the application shall be suspended until payment is made.

(4) Fees for the public hospital district voluntary review shall be paid by the hospital district. These fees shall be billed at cost and must be paid within ten working days of being billed.

(5) Fees for the attorney general's opinion shall be paid in addition to the applicable processing and application review fees. These fees shall be based on the cost to the department and billed to the acquiring party. Fees must be paid within ten working days of being billed or the review of the application shall be suspended until payment is made.

WSR 97-15-137
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed July 23, 1997, 10:35 a.m., effective August 1, 1997]

Date of Adoption: July 22, 1997.

Purpose: Amends WAC 388-218-1800 and 388-218-1940; and repeals WAC 388-218-1700.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-218-1700; and amending WAC 388-218-1800 and 388-218-1940.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Public Law 104-193, Section 103 (a)(1); EHB 3901, section 308 (1997); EHB 3901, section 309(11) (1997) (amends RCW 74.04.005).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Changes in federal and state law require the department to amend existing rules by August 1, 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 2, repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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: August 1, 1997.

July 22, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1800 Treatment of newly acquired nonexempt income. (1) Income affects the grant amount according to the provisions of:

(a) ~~((WAC 388-218-1700 Prospective eligibility;~~

~~(b)))~~ WAC 388-218-1710 Income tests;

~~((e)))~~ (b) WAC 388-218-1810 Treatment of recurring income;

~~((d)))~~ (c) WAC 388-218-1820 Treatment of nonrecurring income—Lump sum(s) payments;

~~((e)))~~ (d) WAC 388-218-1830 Treatment of income—Suspension of a grant;

~~((f)))~~ (e) WAC 388-218-1900 Prospective budgeting; and

~~((g)))~~ (f) WAC 388-218-1910 Retrospective budgeting.

(2) When the value of the income is taken into account when determining the assistance payment, as specified in subsection (1) of this section, assistance is continued in the amount of the difference between the income value plus any other income amounts and the payment standard plus authorized additional requirements.

(3) If income is not taken into account when determining assistance payments but is subsequently discovered, an overpayment shall be established according to chapter 388-270 WAC.

(4) Rules and procedures in chapter 388-270 WAC are followed in respect to overpayments.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1940 Determining grant amount—Recipients. (1) The department shall base the grant amount for the third month of assistance and subsequent months upon income received in the budget and/or report month. WAC 388-218-1900 Prospective budgeting, is an exception to this rule.

(2) The department shall treat newly acquired income as specified under:

(a) ~~((WAC 388-218-1700 Prospective eligibility;~~

~~(b)))~~ WAC 388-218-1710 Income tests;

~~((e)))~~ (b) WAC 388-218-1800 Treatment of newly acquired nonexempt income;

~~((d)))~~ (c) WAC 388-218-1810 Treatment of recurring income;

~~((e)))~~ (d) WAC 388-218-1820 Treatment of nonrecurring income—Lump sum(s) payments;

~~((f)))~~ (e) WAC 388-218-1830 Treatment of income—Suspension of a grant; and

~~((g)))~~ (f) WAC 388-218-1920 Determining grant amount—General.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-218-1700 Prospective eligibility.

WSR 97-15-001
INTERPRETIVE STATEMENT
DEPARTMENT OF ECOLOGY

[Filed July 2, 1997, 4:45 p.m.]

INTERPRETIVE STATEMENT

Purpose: In order to comply with RCW 34.05.230(4) of the Administrative Procedure Act, the Department of Ecology submits the following:

Document Title: Assessment of Water Quality for the Section 303(d) List.

Subject: Development of the state's list of surface waters requiring further pollution controls.

Document Description: Policies and procedures that are used to prepare the list of surface waters not expected to meet water quality standards after application of technology-based controls as required by the federal Clean Water Act, Section 303(d).

Effective Date: July 1, 1997.

To receive a copy of the interpretive statement contact Steve Butkus, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6482, FAX (360) 407-6426, TDD (360) 407-6006, e-mail stbu461@ecy.wa.gov.

July 1, 1997
Richard K. Wallace
Program Manager
Water Quality Program

Wednesday, June 4, 1997
Teleconference
WTECB
Olympia, Washington

Thursday, June 12, 1997
Teleconference
WTECB
Olympia, Washington

Monday, June 23, 1997
Teleconference
WTECB
Olympia, Washington

Wednesday, August 5-6, 1997
Bellingham Technical College
3028 Lindbergh Avenue
Bellingham, WA
(Planning Session)

Friday, September 11-12, 1997
Medicine Creek Tribal College
2002 East 28th Street
Tacoma, WA

Tuesday, October 27-28, 1997
Spokane Community College
2002 East 28th Street
Tacoma, WA

Friday, December 11-12, 1997
Seattle Vocational Institute
2120 South Jackson
Seattle, WA

WSR 97-15-004
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD

[Memorandum—July 2, 1997]

Following is a revised list of meeting dates for the Workforce Training and Education Coordinating Board for 1997. Please note these are one day additions to each scheduled meeting. August 5-6, 1997, September 11-12, 1997, October 27-28, 1997, and December 11-12, 1997.

WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
1997 BOARD MEETING SITES

The Following Locations are WTECB
Meeting Sites for 1997

Tuesday, January 28, 1997
The Olympia Center
222 North Columbia
Olympia, WA

Tuesday, March 25, 1997
New Market Skills Center
7299 New Market Street
Tumwater, WA

Thursday, May 28-29, 1997
Chief Lechi School
5625 52 Street East
Puyallup, WA

WSR 97-15-005
NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY
[Memorandum—July 1, 1997]

Regular meetings of the Central Washington University board of trustees will be held in Barge Hall, Room 412, on the Central Washington University campus in Ellensburg at 1:00 p.m. on the following dates:

October 9, 1997 (all-day retreat session)
October 10, 1997
December 12, 1997
February 13, 1998
June 12, 1998

The board will also meet September 5 and 6, 1997, in a retreat session in Leavenworth, Washington, and April 10, 1998, at the CWU Yakima Center, 16th and Nob Hill, Yakima, Washington.

MISCELLANEOUS

**WSR 97-15-008
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION**

[Memorandum—July 3, 1997]

Regular Meeting
July 18, 1997

The Gardenview Room
Yakima Area Arboretum and Botanical Garden
1401 Arboretum Drive
Yakima, WA

Note: Opening sessions will commence as shown; all other times are approximate. If you need special accommodations to participate in this meeting, please notify us by July 1, 1997, at (360) 902-3000 or TDD (360) 902-1996.

Next Meeting: September 25-26, 1997, Natural Resources Building, Room 172, Olympia, Washington.

1, 1997, MAA will (1) implement the remaining Medicare physician fee schedule data base 1997 relative value units (RVUs) and many of its policy changes; (2) implement changes to the base anesthesia units (BAU); (3) apply the 2.0% ratable reduction and 3.0% vendor rate increase for an overall vendor rate increase of one percent; and other technical changes.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

July 1, 1997
Julie Lake, Director
Division of Program Support

**WSR 97-15-009
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 3, 1997, 4:00 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 97-47 MAA.
Subject: Sterilization procedures.
Effective Date: Issued July 1, 1997.

Document Description: This numbered memorandum has instructions and clarifications to assist providers when billing for sterilization procedures.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

July 1, 1997
Julie Lake, Director
Division of Program Support

**WSR 97-15-012
POLICY STATEMENT
DEPARTMENT OF HEALTH**

[Filed July 7, 1997, 8:15 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Closure of Disciplinary Cases.
Issuing Entity: Washington State Board of Osteopathic Medicine and Surgery.

Subject Matter: The board has adopted revisions to its policy on closure of disciplinary cases to incorporate the case disposition guidelines criteria.

Effective Date: May 2, 1997.

Contact Person: Arlene A. Robertson, Program Manager, Department of Health, Board of Osteopathic Medicine and Surgery, P.O. Box 47866, Olympia, WA 98504-7866, (360) 664-3722.

**WSR 97-15-013
POLICY STATEMENT
DEPARTMENT OF HEALTH**

[Filed July 7, 1997, 8:16 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Guidelines for Management of Pain.
Issuing Entity: Washington State Board of Osteopathic Medicine and Surgery.

Subject Matter: The board has modified the section relative to consultations.

Effective Date: May 2, 1997.

Contact Person: Arlene A. Robertson, Program Manager, Department of Health, Board of Osteopathic Medicine and Surgery, P.O. Box 47866, Olympia, WA 98504-7866, (360) 664-3722.

**WSR 97-15-010
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 3, 1997, 4:02 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 97-10 MAA.

Subject: Update resource based relative value scale (RBRVS), anesthesiology relative value system for physicians (RVSP), base anesthesia units (BAU), and vendor rate increase.

Effective Date: July 1, 1997.

Document Description: This memorandum is accompanying a newly revised resource-based relative value scale fee schedule. Effective with services provided on or after July

MISCELLANEOUS

WSR 97-15-014
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed July 7, 1997, 8:17 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Delegated Decision Making for Selected License Applications.

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject Matter: The commission has delegated decision making to staff for selected nursing license applications with affirmative answers to personal data questions.

Effective Date: March 14, 1997.

Contact Person: Jeanne Giese, RN, P.O. Box 47864, Olympia, WA 98504-7864.

WSR 97-15-015
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed July 7, 1997, 8:18 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Review of Complaints by the Consulting Board Member.

Issuing Entity: Washington State Board of Osteopathic Medicine and Surgery.

Subject Matter: The board has adopted revisions to its policy on review of complaints to incorporate the case disposition guidelines criteria.

Effective Date: May 2, 1997.

Contact Person: Arlene A. Robertson, Program Manager, Department of Health, Board of Osteopathic Medicine and Surgery, P.O. Box 47866, Olympia, WA 98504-7866, (360) 664-3722.

WSR 97-15-016
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed July 7, 1997, 8:19 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Review of Investigations by Consulting Board Member Recommending Disciplinary Action or Further Investigation.

Issuing Entity: Washington State Board of Osteopathic Medicine and Surgery.

Subject Matter: The board has adopted revisions to its policy on review of investigations that are being recommended for action or further investigation to incorporate the case disposition guidelines criteria.

Effective Date: May 2, 1997.

Contact Person: Arlene A. Robertson, Program Manager, Department of Health, Board of Osteopathic Medicine and Surgery, P.O. Box 47866, Olympia, WA 98504-7866, (360) 664-3722.

WSR 97-15-017
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed July 7, 1997, 8:20 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Commission Member Review of Investigative Files/WA Health Professional Services Participants.

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject Matter: Commission staff will close investigative files in which the licensee has signed a contract with the Washington health professional services program. Disciplinary action may be considered when the licensee is no longer compliant with the signed contract.

Effective Date: April 25, 1997.

Contact Person: Jeanne Giese, P.O. Box 47864, Olympia, WA 98504-7864, (360) 664-4224.

WSR 97-15-018
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH
[Filed July 7, 1997, 8:20 a.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: May a nursing assistant-certified, turn on/off an O² concentrator and turn off small portable O² tanks? (Not to include setting liter flow.)

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from Ginger Isenhour, RN, St. Francis Extended Care.

Effective Date: June 13, 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 97-15-020
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD
[Memorandum—July 3, 1997]

MEETING NOTICE FOR JULY 1997
TRANSPORTATION IMPROVEMENT BOARD
OLYMPIA, WASHINGTON 98504-0901

Increase Committee, 3:00 p.m. - 5:00 p.m., Thursday, July 24, 1997, at the Best Western Cottontree Inn, 2300 Market Street, Mt. Vernon.

Work Session, 7:00 p.m., Thursday, July 24, 1997, at the Best Western Cottontree Inn.

Board Meeting, 9:00 a.m., Friday, July 25, 1997, at the Best Western Cottontree Inn.

SPECIAL NEEDS: For special accommodations or to request an auxiliary aid, please contact the TIB office at (360) 705-7300 by July 15, 1997.

MISCELLANEOUS

There are no TIB meetings in August and September. The next scheduled meeting is October 16-17, 1997, in Moses Lake. A notice with further detail of the October meeting will be mailed September 26, 1997.

WSR 97-15-021
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE

[Memorandum—July 1, 1997]

EDMONDS COMMUNITY COLLEGE
 BOARD OF TRUSTEES
 NOTICE OF SPECIAL MEETINGS
 TO MEDIA/OTHER

- July 17, 1997* Board of Trustees and College Leadership Study Session: Port Ludlow Conference Center, 200 Olympic Place, Port Ludlow, WA, 9:30 a.m.
- July 18, 1997* Board of Trustees and College Leadership Study Session (cont.): Port Ludlow Conference Center, 200 Olympic Place, Port Ludlow, WA, 8:45 a.m.
- July 18, 1997 Board of Trustees Meeting: Edmonds Community College, Sno-King Building, 6600 196th Street S.W., Room 103, 1:30 p.m.

* These events are being scheduled as special meetings, which are study sessions where no action will be taken.

WSR 97-15-027
POLICY STATEMENT
DEPARTMENT OF HEALTH

[Filed July 9, 1997, 8:06 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Service of Legal Documents, D21.02.
 Issuing Entity: Health Professions Quality Assurance Division, Department of Health.

Subject Matter: This revises the current division policy. The policy establishes policy and procedures for staff to follow for service of legal documents.

Effective Date: June 4, 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 97-15-030
DEPARTMENT OF LICENSING

[Filed July 9, 1997, 10:20 a.m.]

ANNOUNCEMENT

June 30, 1997

After careful consideration of the data and statements pertaining to the marine fuel use in Washington presented at

the public hearing held on March 27, 1997, and subsequent research, I have determined that of all the taxable motor fuel sold in Washington during the study period of October 1, 1994, to September 30, 1995, the proportion which was marine fuel was 1.1390 percent. The Marine Fuel Use Study was conducted by the Office of Budget and Program Support of the Department of Licensing.

In accordance with RCW 43.99.030, this proportion will be implemented as of the next biennium after the period from which the study data was collected. This implementation date will be July 1, 1997.

Evelyn P. Yenson
 Director

WSR 97-15-034
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES

[Memorandum—July 2, 1997]

The Seattle Community College District board of trustees have scheduled a special board of trustees meeting, to be held Thursday, July 10, 1997, from 2:00 to 4:00 p.m.

The meeting will be held in the Elwha Conference Room at the Siegal Education and Service Center, 1500 Harvard, Seattle, WA 98122.

WSR 97-15-036
NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYEES BENEFITS BOARD

[Memorandum—July 9, 1997]

We have determined that we will not have completed our analysis of information from the health plans to make a meeting on July 16 worthwhile. We are very sensitive to your schedules and try to be careful not to have meetings unless they can be productive. Therefore, we are **canceling** the July 16 meeting of the Public Employees Benefit Board. The next meeting will be held on July 24 at 1:00 p.m. at the Attorney General Conference Room. There will be an additional meeting on August 5 beginning at 1:00 p.m. at the Attorney General Conference Room.

Public Employees Benefits Board
 1997 Meeting Schedule

- 1997
- July 24
- August 5
- September 23
- October 14
 (Planning Session)
- November 4
- December 9

In the event an additional meeting is needed, we are tentatively holding the following date for a special meeting: August 19.

MISCELLANEOUS

All meetings will begin at 1:00 p.m. and will be held at the Attorney General Conference Room at RoweSix in Lacey, Washington, except for the October 14 planning session which will begin in the morning.

If you have any questions, please feel free to contact Gary Christenson or Judy Lamm at (360) 923-2828.

Contact Person: Shanán Gillespie, Program Coordinator, Board of Registration for Professional Engineers and Land Surveyors, Department of Licensing, Business and Professions Division, P.O. Box 9649, Olympia, WA 98507-9649, (360) 753-6966.

Shanán Gillespie
Program Coordinator

WSR 97-15-038
RULES COORDINATOR
RENTON TECHNICAL COLLEGE
[Filed July 11, 1997, 11:00 a.m.]

Effective July 1, 1997, I am appointing Gary Koppang, Vice-President for Human Resources, as the rules coordinator for Renton Technical College. He will replace Charles DeMoss, Vice-President for Finance and Administration, who will be retiring shortly.

Dr. Robert C. Roberts
President

WSR 97-15-039
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
[Memorandum—July 9, 1997]

The Washington State Convention and Trade Center's (WSCTC) Operating Goals, Measurements and Performance Committee will meet on Tuesday, July 15, 1997, from 4:00 - 5:00 p.m. in Room 301 of the convention center, 800 Convention Place, Seattle, Washington.

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on Friday/Saturday, July 18-19, 1997, at 9:00 a.m. each day at the Inn at Ludlow Bay, One Heron Road, Port Ludlow, Washington.

If you have any questions regarding these meetings, please call 694-5000.

WSR 97-15-045
POLICY STATEMENT
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
[Filed July 11, 1997, 3:55 p.m.]

POLICY STATEMENT

Date: May 12, 1997.

Agency: Board of Registration for Professional Engineers and Land Surveyors, Department of Licensing, Business and Professions Division.

Title of Statement: Policy No. 39 - Complaints Against Board Members.

Subject Matter: Describes the procedure the Board of Registration for Professional Engineers and Land Surveyors will use to process and investigate (if necessary) complaints against board members.

Effective Date: May 9, 1997.

WSR 97-15-046
POLICY STATEMENT
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
[Filed July 11, 1997, 3:56 p.m.]

POLICY STATEMENT

Date: May 12, 1997.

Agency: Board of Registration for Professional Engineers and Land Surveyors, Department of Licensing, Business and Professions Division.

Title of Statement: Policy No. 40 - Complaints Against Board Staff.

Subject Matter: Describes the procedure the Board of Registration for Professional Engineers and Land Surveyors will use to process and investigate (if necessary) against current board staff members that fall under the board's jurisdiction.

Effective Date: May 9, 1997.

Contact Person: Shanán Gillespie, Program Coordinator, Board of Registration for Professional Engineers and Land Surveyors, Department of Licensing, Business and Professions Division, P.O. Box 9649, Olympia, WA 98507-9649, (360) 753-6966.

Shanán Gillespie
Program Coordinator

WSR 97-15-047
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Memorandum—July 9, 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.

The board of directors of the Washington Technology Center is scheduled to meet at least quarterly according to statute. The following are the quarterly scheduled meetings for 1997/1998 beginning in September.

Thursday, September 4, 1997
Washington State University
Pullman, Washington
Time and meeting room to be determined.
Contact Molly Corrigan (206) 616-3102

Thursday, December 4, 1997
9 a.m. - 12:00

MISCELLANEOUS

First Floor Conference Room, Fluke Hall
University of Washington
Seattle, Washington

Thursday, March 5, 1998
9 a.m. - 12:00

First Floor Conference Room, Fluke Hall
University of Washington
Seattle, Washington

Thursday, June 4, 1998
9 a.m. - 12:00

First Floor Conference Room, Fluke Hall
University of Washington
Seattle, Washington

Contact Person: Molly K. Corrigan, phone (206) 616-3102.

WSR 97-15-048
RULES COORDINATOR
STATE BOARD OF EDUCATION
[Filed July 14, 1997, 11:16 a.m.]

Following is the agency rules coordinator information for your records and website publication: State Board of Education, Larry Davis, P.O. Box 47206, Olympia, WA 98504-7206, (360) 753-6715.

Larry Davis
Executive Director

WSR 97-15-049
RULES OF COURT
STATE SUPREME COURT
[July 10, 1997]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO RLD 11.1) NO. 25700-A-610
AND 11.2)

The Washington State Bar Association having recommended the adoption of the proposed amendments to RLD 11.1 and 11.2, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 1997.

DATED at Olympia, Washington this 10th day of July, 1997.

Durham, C.J.

Dolliver, J.

Madsen, J.

Smith, J.

Talmadge, J.

Guy, J.

Alexander, J.

Johnson, J.

RLD 11.1

PENDING INVESTIGATIONS AND PROCEEDINGS DISCLOSURE

~~(a) **Investigations Confidential.** An investigation into an alleged act of misconduct by a lawyer shall be confidential except as necessary to conduct the investigation or to keep a grievant advised of the status of a matter, but the pendency, subject matter, and status of an investigation may be disclosed if:~~

~~(1) Both the respondent lawyer and the grievant have waived confidentiality; or~~

~~(2) The proceeding is based upon the conviction of a crime; or~~

~~(3) A review panel finds that the investigation is based upon allegations that have become generally known to the public.~~

~~In furtherance of its supervisory function, and not in derogation of the foregoing, the Board of Governors shall have access to all records and information of the disciplinary department.~~

Policy Statement. Disciplinary information shall be public information to which the public will be given access subject to the restrictions set forth below and reasonable regulation as to the time, place and circumstances. In general, records of disciplinary action shall be public information. In general, records of grievances shall be confidential unless a determination has been made by disciplinary counsel that the lawyer's apparent conduct warrants a public statement of concern, or disciplinary counsel has recommended that a review committee order the grievance to hearing or issue an admonition, or the Disciplinary Board has approved a stipulation to a disciplinary sanction or admonition. Disciplinary hearings and meetings of the Disciplinary Board shall be public, with the exception of deliberations or matters made confidential by a protective order.

~~(b) **Release May Be Authorized.** The Board of Governors, or the Executive Director acting under the direction of the Board, may authorize the general or limited release of any confidential information obtained during the course of an investigation when to do so appears necessary to protect the interests of clients or other persons, the public, or the integrity of the Bar. A respondent lawyer shall be given notice of a decision to release information under this section prior to its release unless the Board, or the Executive Director acting under the direction of the Board, finds that such notice would jeopardize serious interests of any person or the public, or that the delay caused by giving the notice to the respondent would be detrimental to the integrity of the Bar.~~

Pending Investigations. Disciplinary counsel shall evaluate all submissions. Any submission which fails to allege conduct which, if true, would constitute a violation of either the Rules of Professional Conduct or the Rules for Lawyer Discipline, shall be treated as an inquiry, not a grievance, and shall not be public information. A grievance is a submission or other matter of which the Association takes notice which alleges a violation of the Rules of Professional Conduct or the Rules for Lawyer Discipline. Grievances

MISCELLANEOUS

shall be treated as confidential unless otherwise made public by these rules.

(c) Proceedings — Public. Upon the filing and service of a formal complaint and after the lawyer has answered that complaint, or failed to answer within the time required, a disciplinary proceeding shall be public, subject to the provisions of any protective order as may be entered pursuant to section (f). The filing of a motion for a protective order shall stay the provisions of this rule with regard to any matter sought to be kept confidential in that motion, and the motion itself shall be confidential, until ruled upon.

Public Information. Public information means:

(1) the record upon submission by disciplinary counsel to a review committee, in any matter where disciplinary counsel has recommended that the matter be ordered to hearing or that an admonition be issued;

(2) the record before a review committee in any matter which a review committee has ordered to hearing or ordered an admonition be issued;

(3) the record upon submission by disciplinary counsel to a review committee or to the Supreme Court in proceedings based upon a lawyer's conviction of a felony or serious crime, as defined in rule 3.1(i);

(4) the record upon submission by disciplinary counsel to a review committee or to the Supreme Court in proceedings pursuant to rule 3.2;

(5) a statement of concern issued pursuant to rule 11.1(f) upon expiration of 14 days following service of the statement of concern upon the lawyer about whom the statement of concern has been filed, absent an appeal pursuant to rule 11.1 (f)(3);

(6) the record upon approval by the Disciplinary Board of a stipulation for discipline imposing a disciplinary sanction or admonition;

(7) the record before a hearing officer or panel;

(8) the record upon submission to the Disciplinary Board in any matter reviewed pursuant to rule 6.1;

(9) the bar file and any exhibits in any matter which the Disciplinary Board or a Review Committee has ordered to public hearing, or any matter in which disciplinary action has been taken, or any proceeding under Title 3; and

(10) In any disciplinary matter referred to the Supreme Court, the file, record, briefs, and argument in the case;

except for documents the disclosure of which is restricted by Title 10, rule 2.8(d), rule 2.9 (a)(4), a protective order entered pursuant to rule 11.1(g), court order, or other applicable law (e.g., medical records, police reports, etc.). During the course of an investigation or proceeding, the Chief Disciplinary Counsel may authorize disciplinary counsel to keep confidential any information which is otherwise public information when doing so is necessary to further the purposes of the investigation, provided however, that at the conclusion of the proceeding all such materials will become public information unless made subject to a protective order pursuant to rule 11.1(g).

(d) Matters Which Are Public. In a matter which is public pursuant to section (e), any person may have access to the contents of the bar file in the pending proceeding, may attend any hearing on the charges against the attorney, except a hearing on a motion, and may attend any oral

argument before the Board conducted pursuant to rule 6.7(e). In any disciplinary matter referred to the Supreme Court, the file, record, briefs, and argument in the case shall also be public except to the extent previously made confidential by a protective order or as otherwise ordered by the court.

Scope of Confidentiality. All disciplinary materials which are not public information as defined in rule 11.1(c) are confidential, and are held by the Washington State Bar Association under the authority of the Supreme Court. Disciplinary counsel may disclose such information as necessary to conduct the investigation or to keep a grievant advised of the status of a matter except as prohibited by Title 10, by rule 2.8(d), by rule 2.9 (a)(4), by a protective order entered under rule 11.1(g), by other court order, or by other applicable law. In furtherance of its supervisory function, and not in derogation of the foregoing, the Board of Governors shall have access to all confidential disciplinary information, but will maintain the confidentiality thereof.

(e) Matters Which Are Not Public. In no case shall the deliberations of a hearing panel, board or court, or matters made confidential by a protective order, be public.

(f) Statement of Concern. The Chief Disciplinary Counsel may in his or her discretion file a statement of concern with the Clerk of the Disciplinary Board when deemed necessary to protect members of the public from a substantial threat, based on information from a pending investigation into a lawyer's apparent ongoing serious misconduct not otherwise made public by these rules, provided that:

(1) On or before the date it is filed, a copy of the statement of concern shall be served pursuant to rule 12.1(a) on the lawyer about whom the statement of concern has been made;

(2) The lawyer about whom a statement of concern has been filed may at any time appeal to the chairperson of the Disciplinary Board to have the statement of concern withdrawn;

(3) If an appeal to the chairperson of the Disciplinary Board is filed with the Association pursuant to rule 12.2(a) within 14 days of service of the statement of concern, the statement of concern will not be public information until the chairperson of the Disciplinary Board has entered a final order on the appeal;

(4) The decision of the chairperson of the Disciplinary Board regarding a statement of concern shall be final; and

(5) The Chief Disciplinary Counsel may at any time withdraw a statement of concern.

(fg) Protective Orders. In order to protect a compelling interest of a grievant, witness, third party, or respondent, or other participant in an investigation, the hearing officer or panel chairperson to whom a matter is assigned, the chairperson of a review committee or of the Board when a matter is before a committee or the Board for review, or the chairperson of the Character and Fitness Committee in the case of a petition for reinstatement after disbarment, following individuals may, upon motion and for good cause shown, issue a protective order prohibiting the disclosure of specific information or specific documents or pleadings, and direct that the proceedings be conducted so as to implement the order.;

- (1) the chairperson of the Disciplinary Board;
- (2) the chairperson of a Review Committee, when a matter is before a Review Committee;
- (3) a hearing officer or panel chairperson to whom a matter is assigned; or
- (4) the chairperson of the Character and Fitness Committee, in the case of a petition for reinstatement after disbarment

The filing of a motion for a protective order shall stay the provisions of this rule with regard to any matter sought to be kept confidential until ruled upon. The Disciplinary Board shall review decisions granting or denying protective order if either the respondent lawyer or disciplinary counsel, or in a proceeding for reinstatement after disbarment, the petitioner or counsel for the Association, requests a review within 5 days of service of the decision. Upon review, the Disciplinary Board may affirm, reverse, or modify the protective order as it deems appropriate. The Board's decision shall be final. A request for review by the Disciplinary Board shall stay the provisions of this rule with regard to any matter sought to be kept confidential in that request, and the request itself shall be confidential until ruled upon.

(gh) Application to Stipulations. A stipulation entered into pursuant to rule 4.14 providing for imposition of a disciplinary sanction or admonition shall be confidential until approved by the Board, except that a grievant may be advised concerning a stipulation and its proposed or actual content at any time. A stipulation which is approved by the Board shall be public, except that a stipulation entered into prior to the filing of a formal complaint and which provides for dismissal or conditional dismissal of a grievance without the imposition of a disciplinary sanction or admonition shall be confidential, unless and until proceedings are instituted for failure to comply with the conditions of the stipulation.

(h) Application to Title 3 Suspensions. Proceedings for suspension of a lawyer for conviction of a crime pursuant to rule 3.1 shall be public upon the filing of the petition. Proceedings for suspension of a lawyer for other causes pursuant to rule 3.2 shall be public upon issuance of a show cause order by the Chief Justice of the Supreme Court.

(i) Application for Disability Proceedings. Proceedings for transfer to and from disability inactive status are confidential. However, a grievant may be advised of disability proceedings or transfers affecting a lawyer complained against. The fact that a lawyer is on inactive status, or has been reinstated to active status, is public.

Disclosure of Information. Except as provided in rule 11.1(g), nothing in these rules shall prohibit the grievant, respondent, or any witness from disclosing the existence of proceedings under these rules or from disclosing any documents or correspondence served on or provided to those persons.

(j) Application to Reinstatement Proceedings. A petition for reinstatement after disbarment shall be a public proceeding within this rule from the time the petition is filed.

Association Response to Inquiry. The President, the Board of Governors, the Executive Director or Chief Disciplinary Counsel of the WSBA, or their designees, may respond to specific inquiries concerning matters that are in the public

domain, but otherwise confidential under these rules, by disclosing the status of the disciplinary proceedings.

(k) Regulations. Public access to file materials and proceedings as permitted by this rule may be subject to reasonable regulation as to time, place and circumstances. Certified copies of public bar file documents shall be made available at the same rate as certified copies of superior court records. Uncertified copies of public bar file documents shall be made available at a rate to be set by the Executive Director of the Association.

(k) Release to Judicial Officers. Any federal judicial officer under the disciplinary jurisdiction of a circuit Judicial Council, or any state judicial officer under the disciplinary jurisdiction of the Commission on Judicial Conduct or comparable authority of another jurisdiction, Any state or federal judicial officer may be advised of the status of a confidential disciplinary grievance regarding a lawyer appearing before the judicial officer in a representational capacity and may be provided with requested confidential or public information, if the confidential disciplinary grievance is relevant to the conduct of the lawyer in a matter pending before that judicial officer. The judicial officer shall maintain the confidentiality of the matter.

(1) Wrongful Disclosure. Disclosure by any person involved with an investigation or proceeding either as an officer or agent of the Association (including but not limited to its staff, members of the Board of Governors, the Disciplinary Board, review committees, hearing panels, hearing officers, disciplinary counsel, special district counsel, a lawyer appointed pursuant to rule 8.6 or 10.2(d), any other individual acting under authority of these rules) of any information concerning a pending or completed investigation or proceeding, except as permitted by these rules, may subject that person to an action for contempt of the Supreme Court. When the person is a lawyer, such wrongful disclosure may also be grounds for discipline:

Cooperation With Criminal and Disciplinary Authorities. Except as provided in rule 11.1(e) these rules shall not preclude the giving of any information or testimony to authorities authorized in any jurisdiction to investigate alleged criminal activity or lawyer misconduct.

(m) Release to Lawyers' Fund for Client Protection. Nothing in these rules shall prohibit the release of information obtained during the course of an investigation to the Lawyers' Fund for Client Protection concerning applications which are pending before it. The Fund shall treat such information as confidential unless release is authorized by this rule or the Board of Governors.

Response to False or Misleading Statement. Subject to rule 11.1(e), if public statements that are false or misleading are made about any otherwise confidential disciplinary matter, the President, the Board of Governors, the Executive Director or Chief Disciplinary Counsel of the WSBA, or their designees, may disclose all information necessary to correct such false or misleading statements.

(n) Disclosure Based Upon Respondent's Waiver. Upon a written waiver executed by a respondent lawyer, the Washington State Bar Association may disclose the status of otherwise confidential disciplinary proceedings and provide copies of nonpublic information to:

- (1) the Washington State Bar Association Committee of Law Examiners, the Washington State Bar Association Character and Fitness Committee, the National Conference of Bar Examiners, or the comparable body in other jurisdictions for the purpose of evaluating the character and fitness of an applicant for admission to the practice of law in that jurisdiction; and
- (2) the Washington State Bar Association Judicial Recommendation Committee, or the comparable body in other jurisdictions, for the purpose of evaluating the character and fitness of a candidate for judicial office; and
- (3) the Governor of the State of Washington, or of any other state, or his or her delegate, for the purpose of evaluating the character and fitness of a potential nominee to judicial office; and
- (4) any other agency that an Association member authorizes to investigate his or her disciplinary record.

(o) Discretionary Disclosure. The Executive Director or the Chief Disciplinary Counsel may authorize the general or limited release of any confidential information obtained during the course of an investigation when to do so appears necessary to protect the interests of clients or other persons, the public, or the integrity of the Bar. A respondent lawyer shall be given notice of a decision to release information under this section prior to its release unless the Executive Director or the Chief Disciplinary Counsel finds that such notice would jeopardize serious interests of any person or the public, or that the delay caused by giving the notice to the respondent would be detrimental to the integrity of the Bar.

(p) Application to Disability Proceedings. Proceedings for transfer to and from disability inactive status are confidential. However, a grievant may be advised of disability proceedings or transfers affecting a lawyer complained against. The fact that a lawyer is on inactive status, or has been reinstated to active status, is public.

(q) Application to Reinstatement Proceedings. A petition for reinstatement after disbarment shall be a public proceeding within this rule from the time the petition is filed.

(r) Regulations. Public access to file materials and proceedings as permitted by this rule may be subject to reasonable regulation as to time, place and circumstances. Certified copies of public bar file documents shall be made available at the same rate as certified copies of superior court records. Uncertified copies of public bar file documents shall be made available at a rate to be set by the Executive Director of the Association.

(s) Release to Lawyers' Fund for Client Protection. Nothing in these rules shall prohibit the release of information obtained during the course of an investigation to the Lawyers' Fund for Client Protection concerning applications which are pending before it. The Fund shall treat such information as confidential unless release is authorized by this rule or the Executive Director.

(t) Wrongful Disclosure. Disclosure, except as permitted by these rules, by any person involved with an investigation or proceeding, either as an officer or agent of the Association (including, but not limited to, its staff, members of the Board of Governors, the Disciplinary Board, a review committee, hearing panels, hearing officers,

disciplinary counsel, special district counsel, a lawyer appointed pursuant to rule 8.6, or any other individual acting under authority of these rules) of any information concerning a pending or completed investigation or proceeding, except as permitted by these rules, may subject that person to an action for contempt of the Supreme Court. When the person is also a lawyer, such wrongful disclosure may also be grounds for discipline.

RLD 11.2

NOTICE OF DISCIPLINE

(a) Disciplinary Action to Be Public. In any case in which a disciplinary action, including sanctions under rule 5.1 and admonitions under rule 5.5A is imposed upon a lawyer pursuant to these rules, whether after a hearing or by stipulation, the nature of the ~~sanction~~ disciplinary action and the decision or stipulation upon which it is based shall be public. When a lawyer is permitted to resign with discipline pending, the fact of the resignation with discipline pending shall also be public.

(b) Notice to Supreme Court. A copy of any decision imposing a disciplinary sanction on a lawyer shall be filed with the Supreme Court when that decision becomes final. A copy of any admonition, together with the order issuing the admonition, shall be filed with the Supreme Court if the admonition is accepted or otherwise becomes final.

(c) Other Notices. Notice of the imposition of a disciplinary sanction or admonition on a lawyer, or of the filing of a statement of concern under rule 11.1(f) shall also be given to the ~~as follows~~ authorities, in such form as may appear appropriate:

(1) The lawyer discipline authority or highest court in any jurisdiction where the lawyer is believed to be admitted to practice;

(2) The chief judge of each federal district court in the state of Washington, and the chief judge of the United States Court of Appeals for the Ninth Circuit;

(3) The National Discipline Data Bank;

(4) The Washington State Bar News.

(d) Notices of Suspension, Disbarment, or Disability Inactive Status. Additional notices in any case where a lawyer is suspended, disbarred, or transferred to disability inactive status shall be given as provided in rule 8.4.

(e) Person Responsible. The clerk of the Board if one has been appointed, or disciplinary counsel, shall be responsible for providing the notices set forth in this rule.

(f) Discipline Under Prior Rules. Discipline imposed on a lawyer under prior rules of this state which was confidential when imposed shall remain confidential, regardless of the provisions of section (a). A record of confidential discipline may be kept confidential during the course of proceedings under these rules, or in connection with the consideration of a stipulation under rule 4.14, through a protective order issued under rule 11.1(fg).

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

WSR 97-15-050
RULES OF COURT
STATE SUPREME COURT
[July 10, 1997]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO RLD 1.1;) NO. 25700-A-611
2.2; 2.3; 2.4; 2.5; 2.6; 2.7;)
2.9; 3.2; NEW 3.3; 4.2; 4.13;)
4.14; 5.2; 5.3; 5.5A; 5.6; 5.7;)
6.1; 6.3; 6.5; 6.7; 7.1; 7.3;)
7.5; 7.6; 9.3; 9.6; 10.2; 12.1;)
12.8 AND 12.10)

The Washington State Bar Association having recom-
mended the adoption of the proposed amendments to RLD
1.1; 2.2; 2.3; 2.4; 2.5; 2.6; 2.7; 2.9; 3.2; New 3.3; 4.2; 4.13;
4.14; 5.2; 5.3; 5.5A; 5.6; 5.7; 6.1; 6.3; 6.5; 6.7; 7.1; 7.3; 7.5;
7.6; 9.3; 9.6; 10.2; 12.1; 12.8 and 12.10, and the Court
having considered the amendments, proposed new rule and
comment submitted thereto, and having determined that the
proposed amendments and new rule will aid in the prompt
and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments and new rule as attached
hereto are adopted.

(b) That the amendments and new rule will be published
in the Washington Reports and will become effective
September 1, 1997.

DATED at Olympia, Washington this 10th day of July,
1997.

Durham, C.J.

Dolliver, J.

Madsen, J.

Smith, J.

Talmadge, J.

Guy, J.

Alexander, J.

Johnson, J.

Reviser's note: The material contained in this filing exceeded the
page-count limitations of WAC 1-21-040 for appearance in this issue of the
Register. It will appear in the 97-16 issue of the Register.

WSR 97-15-051
RULES OF COURT
STATE SUPREME COURT
[July 10, 1997]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO JuCR 7.3(e)) NO. 25700-A-612
AND (f); JuCR 7.6(e); JuCR 7.7)
AND JuCR 7.8(d))

The Superior Court Judges' Association having recom-
mended the adoption of the proposed amendments to JuCR
7.3 (e) and (f); JuCR 7.6(e); JuCR 7.7 and JuCR 7.8(d), and
the Court having determined that the proposed amendments
will aid in the prompt and orderly administration of justice

and further determined that an emergency exists which
necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR
9(i), the amendments will be published expeditiously in the
Washington Reports and become effective upon publication.

DATED at Olympia, Washington this 10th day of July,
1997.

Durham, C.J.

Dolliver, J.

Madsen, J.

Smith, J.

Talmadge, J.

Guy, J.

Alexander, J.

Johnson, J.

Sanders, J.

SCJA/FJLC JUVENILE COURT RULES REVIEW

PROPOSED REVISIONS

(Final Draft, June 24, 1997)

TITLE VII

JuCR 7.3(e) If Motion Not Filed Before Custody. If a
juvenile alleged to have violated a diversion agreement, a
conditional release order, a disposition order, or a deferred
adjudication or deferred disposition order is taken into
custody and held in detention before a petition to terminate
the diversion agreement, a motion to modify the conditional
release order or the disposition order, or a motion to revoke
the deferred adjudication or deferred disposition order is
filed, the court shall make every reasonable effort to conduct
a hearing on the issue of detention by the end of the next
judicial day. The juvenile shall be released unless a motion
if filed within 72 hours (excluding Saturdays, Sundays, and
holidays) after taking the juvenile into custody. In the
absence of any prior determination, a juvenile held in
detention after the filing of a motion shall be given a hearing
to determine whether continued detention is necessary. The
juvenile shall be released unless this determination is made
within 72 hours (excluding Saturdays, Sundays, and holi-
days) after the juvenile is taken into custody.

JuCR 7.3(f) If Petition or Motion Filed Before Custody.
If a juvenile alleged to have violated a diversion agreement,
a conditional release order, or a disposition order, or a
deferred adjudication or deferred disposition order is taken
into custody and held in detention after a petition to termi-
nate the diversion agreement, a motion to modify the
conditional release order or the disposition order, or a
motion to revoke the deferred adjudication or deferred
disposition order is filed, the juvenile shall be given a
hearing within 72 hours (excluding Saturdays, Sundays, and
holidays) after taking the juvenile into custody, or the
juvenile shall be released.

MISCELLANEOUS

COMMENT: These two subsections are revised incorporating deferred disposition as provided in §21 C338 L97, effective July 1, 1997.

JuCR 7.6 (e) Determination of Capacity. A hearing to determine the juvenile's capacity shall be held within 14 days from the filing of the information, separate from and prior to arraignment. Notice of the hearing to determine capacity and its purpose shall be given in accordance with rule 11.2.

COMMENT: An earlier proposal for JuCR 7.6(e) was returned from the Supreme Court Rules Committee to the Superior Court Judges' Association for further review. This revised proposed rule establishes the information filing date as the starting date for calculating a 14-day time-frame for holding a capacity hearing.

JuCR 7.7 STATEMENT OF JUVENILE ON PLEA OF GUILTY

9. I have been informed and fully understand that my plea of guilty and the court's acceptance of my plea will become part of my criminal history. I have also been informed and fully understand that ~~if the offense is a class A felony, a serious violent offense, or a sex offense, then the plea will remain part of my criminal history when I am an adult. I also understand that if the offense is a class B or C felony that is not classified as a serious violent or sex offense, or the offense is a serious traffic offense and I was 15 years of age or older when the offense was committed, then the plea will remain part of my criminal history when I am an adult if I commit another offense prior to my twenty-third birthday.~~

COMMENT: The revised language is based on the definition of criminal history pursuant to §7 C338 L97, effective July 1, 1997.

JuCR 7.8 (d) Excluded Periods. The following periods shall be excluded in computing the time for the adjudicatory hearing:

(6) The time required for determining the capacity of the juvenile offender.

COMMENT: Proposed JuCR 7.8(d) is being resubmitted in conjunction with the proposed revisions to JuCR 7.6(e).

Reviser's note: The spelling 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.

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

**WSR 97-15-055
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Commission)
[Memorandum—July 14, 1997]**

The Washington State Library Commission will meet via telephone conference call on:

DATE: Friday, July 18, 1997
TIME: 9:00 a.m.
LOCATION: via Telephone Conference Call
CONTACT: Cathy M. Stussy, (360) 753-2914

The Washington State Library Commission will meet for a commission workshop on:

DATE: Thursday, July 31, 1997

TIME: 9:00 to noon
LOCATION: Washington State Library
Conference Room
Olympia, Washington
SUBJECT: WSL Commission Workshop

For additional information, please contact Cathy M. Stussy at (360) 753-2914, FAX (360) 586-7575 or INTERNET cstussy@statelib.wa.gov.

**WSR 97-15-059
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed July 15, 1997, 1:38 p.m.]**

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: #97-38 MAA.

Subject: New fee schedule for other nondurable medical equipment and supplies.

Effective Date: July 1, 1997.

Document Description: Effective with dates of service October 1, 1997, certain state assigned procedure codes have been deleted and replaced with HCPCS codes which are effective with dates of service July 1, 1997. Also, some HCPCS codes have been deleted and replaced with new HCPCS codes. Contraceptive and prophylactic supplies are discontinued effective October 1, 2007. Pharmacists are to use NDC codes for these items, effective July 1, 1997.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

July 11, 1997
Roxie Schalliol, Section Head
Program Assistance Services

**WSR 97-15-060
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed July 15, 1997, 1:41 p.m.]**

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 97-11 MAA, 97-26 MAA and 97-33 MAA.

Subject: RBRVS update and vendor increase.
Effective Date: July 1, 1997.

Document Description: Services related to fitting and fabricating orthotics for occupational therapy for private OTs, neurodevelopmental centers and outpatient hospitals revised definitions of two procedures and added one procedure. Allow OTs to bill for a group.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical

MISCELLANEOUS

Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail de-ja-rae@dshs.wa.gov.

July 11, 1997
Roxie Schalliol, Section Head
Program Assistance Services

WSR 97-15-061
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 15, 1997, 1:43 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Memorandum No. 97-40.
Subject: Increase in maximum allowable fees for ground ambulance services.

Effective Date: July 1, 1997.

Document Description: Gives one percent vendor rate increase to ground ambulance providers. Adds three new codes and modifies one procedure code description. Adds requirement that ground ambulance providers use modifiers indicating origin and destination of ambulance trips to claims submitted to MAA, effective with services provided on or after July 1, 1997.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail de-ja-rae@dshs.wa.gov.

July 11, 1997
Roxie Schalliol, Section Head
Program Assistance Services

WSR 97-15-062
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 15, 1997, 1:45 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 97-49 MAA.

Subject: Support devices/orthotics revisions to the wheelchair, durable medical equipment and supplies billing instructions.

Effective Date: July 1, 1997.

Document Description: Fifty-five 1997 Medicare HCPCS description changes.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail de-ja-rae@dshs.wa.gov.

July 11, 1997
Roxie Schalliol, Section Head
Program Assistance Services

WSR 97-15-063
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 15, 1997, 1:46 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 97-12 MAA.

Subject: Vendor increase for ambulatory surgery centers.

Effective Date: July 1, 1997.

Document Description: Added thirty-two procedures allowed to be billed in ASC. Deleted nineteen procedures that were discontinued by CPT.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail de-ja-rae@dshs.wa.gov.

July 11, 1997
Roxie Schalliol, Section Head
Program Assistance Services

WSR 97-15-064
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 15, 1997, 1:48 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 97-10 MAA.

Subject: Update RBRVS and vendor increase.

Effective Date: July 1, 1997.

Document description: Effective July 1, 1997, following procedures added for: Bundled supplies; lab panels; STAT; added-on procedures for anesthesia; and processing blood derivatives codes. Added and deleted procedure codes to bundled supplies. Simple repair codes not reimbursed separately with dermatology excision codes. Procedures for thermograms, IPPB, cardiomyography assessment of cardio output are no longer medically appropriate and reimbursed. Annual mammogram screening for clients age forty and over.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail de-ja-rae@dshs.wa.gov.

July 11, 1997
Roxie Schalliol, Section Head
Program Assistance Services

July 11, 1997

Roxie Schalliol, Section Head
Program Assistance Services

WSR 97-15-065
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 15, 1997, 1:50 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Memorandum No. 97-40.

Subject: Increase in maximum allowable fees for ground ambulance services.

Effective Date: July 1, 1997.

Document Description: Gives one percent vendor rate increase to ground ambulance providers. Adds three new codes and modifies one procedure code description. Adds requirement that ground ambulance providers use modifiers indicating origin and destination of ambulance trips to claims submitted to MAA, effective with services provided on or after July 1, 1997.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

July 11, 1997

Roxie Schalliol, Section Head
Program Assistance Services

WSR 97-15-066
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 15, 1997, 1:51 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum No. 97-46 MAA.

Subject: Major trauma payments for MI and GAU clients.

Effective Date: July 1, 1997.

Document Description: This continues the additional compensation for MI/GAU major trauma patients treated in designated trauma care centers. Major trauma patients are now defined as patients with an injury severity score (ISS) of nine or greater. This score is reduced from the previous requirement of ISS sixteen or greater in order to incorporate a broader span of major trauma clients. Governmental hospitals will receive direct grants. Nongovernmental hospitals will be paid at the full, undiscounted Medicaid rate for these clients.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

WSR 97-15-067

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 15, 1997, 1:53 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memoranda 97-53 (MAA).

Subject: Enrolling Eastern Washington SSI clients in *Healthy Options* plans.

Effective Date: July 1, 1997.

Document Description: The Medical Assistance Administration is expanding the *Healthy Options* program to serve individuals eligible for supplemental security income (SSI) under the categorically needy program (CNP). This means that clients in this eligibility group will be required to enroll in one of the medical plans offered by MAA. The exceptions to this are those individuals who also have CHAMPUS; privately paid third-party managed care; or who are eligible for Medicare. This memorandum lists the licensed health carriers for each county, and contact names and numbers for further information regarding this program.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

July 11, 1997

Roxie Schalliol, Section Head
Program Assistance Services

WSR 97-15-068
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 15, 1997, 1:55 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Memorandum Number: 97-52 MAA.

Subject: Removal of prior authorization on selected dental procedures.

Effective Date: Date of Service August 1, 1997.

Document Description: Removal of authorization on selected dental procedures, except for 0515D, and 0075D, the following crown procedure codes: 02750, 02751, 02752, 02790, 0279, and all procedures not listed in the MAA dental billing instructions. All claims will be subject to post-pay audit.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98513, phone (360) 664-2320,

TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

July 11, 1997
Roxie Schalliol
for Julie Lake, Director
Division of Program Support

WSR 97-15-079
POLICY AND INTERPRETIVE STATEMENTS
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed July 16, 1997, 3:40 p.m.]

Following is the list of Policy and Interpretive Statements issued during the months of April and May 1997.

POLICY AND INTERPRETIVE STATEMENT

Consultation and Compliance

WISHA Interim Operations Memorandum #97-5-A, "Determining Whether to Reassume Jurisdiction Over a WISHA Appeal," confirms previous guidance given to staff regarding when to reassume.

Contact: Teri Neely
Mailstop 4648
(360) 902-5503

Michael Silverstein
Assistant Director

WISHA Interim Operations Memorandum #97-5-B, "Summary of WISHA Reassumption Hearings Process," provides guidance to staff involved in WISHA reassumptions regarding reassumptions hearings and the basic expectations related to them.

Contact: Teri Neely
Mailstop 4648
(360) 902-5503

Michael Silverstein
Assistant Director

WISHA Interim Operations Memorandum #97-5-C, "Settlement Agreements During Reassumptions," describes internal procedures and conditions related to settlement agreements as a result of WISHA reassumptions.

Contact: Teri Neely
Mailstop 4648
(360) 902-5503

Michael Silverstein
Assistant Director

WISHA Interim Operations Memorandum #97-5-D, "Reduction of Penalties During WISHA Reassumptions," Provides direction to regional hearings officers (RHOs) and other staff involved in reassumptions regarding reduction of WISHA penalties.

Contact: Teri Neely
Mailstop 4648
(360) 902-5503

Michael Silverstein
Assistant Director

WRD 23.10, "Occupational Exposure to Asbestos." Replaces previously existing WRD 88-1A, "Inspection Procedures for the Asbestos Standard," and WRD 92-4, "Asbestos Abatement Scheduling System." Also incorporates and replaces previously existing WISHA policy memorandums regarding the evaluation of certification and abatement requirements for asbestos containing flooring and roofing materials and cement asbestos board.

This WRD remains in effect indefinitely and applies to WISHA inspections and consultations related to occupational exposure to asbestos and to the Asbestos Certification Program. This WRD provides uniform guidance in the application and interpretation of safety and health rules related to all occupational exposure to asbestos in WAC 296-62-077 and to the asbestos certification of chapter 296-65 WAC.

Contact: Dave Marsh
Mailstop 4620
(360) 902-5517

Michael Silverstein
Assistant Director

WRD 32.00, "Law Enforcement." Establishes guidelines for the inspection and citation of alleged violations found in law enforcement field operations and equipment; provides WISHA Consultation and Compliance staff with a guide as to how WISHA standards apply to law enforcement and how those standards must be enforced.

Applies with respect to any and all activities, operations and equipment of general authority law enforcement agencies as defined in RCW 10.93.020 which excludes limited authority personnel involved in providing law enforcement services which are subject to the provisions of chapter 49.17 RCW.

The WRD is subject to further periodic review as necessary by a law enforcement task force to include representatives from labor, management, and the Department of Labor and Industries.

Contact: Dave Marsh
Mailstop 4620
(360) 902-5517

Michael Silverstein
Assistant Director

Marie Myerchin-Redifer
Rules Coordinator

WSR 97-15-082
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed July 17, 1997, 10:42 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Medical News Bulletin 7/97 #1.
Subject: New Enteral Product.

Document Description: This memorandum introduces a new nutritional product, Steel Bar, Hi-Protein for kidney dialysis clients, procedure code 4170B. Attached with the memorandum are replacement pages 37-47 for the Infusion/

Parenteral/Enteral Therapy Billing Instructions, dated September 1995.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

July 11, 1997
Roxie Schalliol, Section Head
Program Assistance Services

WSR 97-15-094
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
[Memorandum—July 16, 1997]

The Seattle Community College District board of trustees will hold a special meeting to conduct a work session on Tuesday, July 29, 1997, from 8:00 to 10:00 a.m.

The work session will be held at the Seattle Community College District Siegal Center, Kalakala Conference Room, 1500 Harvard, Seattle, WA 98122.

WSR 97-15-102
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
[Memorandum—July 16, 1997]

Following is the date and location of an upcoming board of regents meeting:

August 20, 1997 Bainbridge Island, Washington

The regents will be meeting for purposes of short- and long-term institutional planning discussions. Further information can be obtained from Ms. Christine Hoyt, WSU President's Office, (509) 335-6666.

WSR 97-15-103
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
[Memorandum—July 21, 1997]

BOARD OF TRUSTEES
July 25, 1997, 9:00 a.m.
Cheney
Pence Union Building
Room 263-65

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. in the Pence Union Building, Room 261.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling President's Office, 359-2371.

WSR 97-15-104
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Barley Commission)
[Memorandum—July 10, 1997]

The Washington Barley Commission's September 24, 1997, regular meeting has been rescheduled. The meeting will now be held on Thursday, October 9, 1997. The meeting will begin at 8:30 a.m. and will be held at the Washington Wheat Commission's Conference Room, 907 West Riverside Avenue, Spokane, WA.

WSR 97-15-112
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
[Memorandum—July 21, 1997]

The Commission on Judicial Conduct's business meeting, previously scheduled for 11:00 a.m. on October 3, 1997, at the Sea-Tac Holiday Inn has been changed. The meeting will now be held on October 10, 1997, at 11:00 a.m. at the Silverdale Hotel, 3073 North West Bucklin Hill Road, Silverdale, WA 98383.

WSR 97-15-121
POLICY STATEMENT
WASHINGTON STATE LOTTERY
[Filed July 23, 1997, 8:35 a.m.]

The Washington State Lottery has recently adopted or revised the following policies:

POL 110.005 - USE OF WASHINGTON STATE LOTTERY STATIONERY (revision)

Memorandum stationery has been eliminated; informal written interoffice communication not sent via electronic mail is now printed on lottery logo stationery.

Signed May 27, 1997

POL 110.107 - PUBLIC RECORDS REQUESTS (revision)

The lottery lowered the amount charged for photocopies of forty or more pages from twenty-five cents to fifteen cents per page. The public records officer may now determine that an on-going request can be paid after the copies have been sent to the requester. All requests must still be in writing, but not necessarily on the form previously required. Added that fraudulent requests for lists of individuals will be denied. Also added information in the general section of the document that public agencies are required to disclose records not specifically exempted, and employees who act in good faith are protected from liability.

Signed April 18, 1997

POL 130.008 - IDENTIFICATION BADGES (revision)

Lottery headquarters employees are no longer required to present their badge to the security guard every time they enter the building. If the guard does not recognize an employee, he/she will ask to see the badge.

Signed April 22, 1997

POL 220.002 - TRAVEL REIMBURSEMENT (revision)

The technical service manager has been authorized to review the lottery director's travel expense voucher for correctness and compliance with OFM regulations, and sign it as approved. This authorization expires when the assistant director of finance position is filled or a new authorization is issued.

Signed March 20, 1997

POL 220.013 - SEMI-ANNUAL AUDIT OF REGIONAL OFFICES (revision)

The lottery's internal audit manager will continue to perform semi-annual audits of the agency's regional offices at the times that he/she determines appropriate. The internal audit manager will now: (a) Also check the general appearance, safety, and sanitation of regional offices during the audits; (b) check that the stock clerk has been trained to perform his/her required duties; and (c) audit and reconcile commodities, including promotional, premiums, and plastics. Region 4 (located at lottery headquarters) is now a part of these audits. The checklists attached to the policy that show what is performed during the audits were updated to reflect other recent policy changes, such as: The elimination of district sales representative ticket inventory and the need to ensure separation of duties when writing/issuing prize checks.

Signed May 28, 1997

POL 220.025 - MAINTAINING SECURITIES (revision)

Added information on obtaining securities for the "Win For Life" scratch game grand prize winners. Specified that all Lotto jackpot payments (including those assigned to a third party) are made on the anniversary date of the drawing for which the prize was won, unless it was impossible for the winner to claim the prize in the calendar year of the drawing because of weekend or extraordinary closure of the lottery's offices. In this instance only, the claimant may receive the Lotto annuity from the date the prize is claimed.

Signed June 12, 1997

POL 230.008 - INSTANT TICKET FULL PACK RETURNS (revision)

All full packs (which are defined as being a pack with the shrink wrap intact) in received status shall be accepted for return; however, there are circumstances in which lottery customer service may return a pack in activated or settled status to received status (these circumstances are spelled out in POL 230.009 - Changing the Status of Instant Ticket Packs). Added steps for using a bar-code scanner to return tickets to the lottery warehouse. The lottery recommends that retailers activate instant tickets within sixty days of receipt (used to say thirty days).

Signed April 16, 1997

POL 250.004 - MAIL-IN PRIZE VALIDATION AND PAYMENT AND POL 250.005 - WALK-IN PRIZE VALIDATION AND PAYMENT (revisions)

Clarified that tickets presented to the lottery for payment are validated against the Washington Administrative Code rules that apply to that type of game (instant tickets are validated against instant rules; on-line rules are validated against on-line rules).

Signed June 9, 1997

POL 260.001 - PURCHASING SECURITIES FOR LOTTO JACKPOT WINNERS (revision)

Securities brokers can now offer "noncallable, principle strips," in addition to United States treasury zero stripped coupons.

Signed June 17, 1997

POL 310.015 - INSTALLING/REMOVING INSTANT TERMINALS (revision)

Updated the language associated with the lottery's former on-line vendor. On-line terminals are no longer engraved; the terminal number is now entered into the on-line vendor's computer system. District sales representatives (DSRs) no longer install and remove the on-line terminals from retail locations; instead they are responsible for notifying the vendor of the required installation/removal. However, DSRs do have authority to remove a terminal from a retail location during a "hostile situation," such as when the retailer's license has been revoked and he/she is threatening to damage the equipment.

Signed June 16, 1997

POL 420.011 - INVENTORY AND ACCOUNTABILITY OF FIXED ASSETS (revision)

Clarified that the supply officer is designated as the inventory officer. Added that: (a) The information resources - technical support designee tags and tracks all computer systems; (b) employees must take reasonable precautions to ensure the safety of items assigned to them; (c) inventory teams actively look for equipment not tagged/listed on the inventory, and tag/add them; (d) the supply officer signs a written statement that the reconciliation is correct; if the reconciliation is not correct, the operations manager determines the appropriate course of action; (e) the inventory is performed by employees who are neither responsible, nor supervised by the person responsible, for the assets being inventoried; and (f) the supply officer may engrave a tag number directly onto an item if he/she determines it appropriate (i.e., if the tag most likely will not stay on the item, etc.).

Signed March 24, 1997

POL 420.014 - POINT OF SALE (POS) INVENTORY (revision)

Inventory listings are no longer printed and sent to regions; they are printed via the local area network. The supply control technician now performs duties at the headquarters office that were formerly performed by the stock clerk. The policy attachments were updated to coincide with new reports used by the lottery's on-line vendor.

Signed March 26, 1997

To receive a copy of any of these policy statements, contact Becky Zopolis, Washington State Lottery, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 586-1051, FAX (360) 586-6586.

July 14, 1997
Merritt D. Long
Director

WSR 97-15-144
AGENDA
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 23, 1997, 10:50 a.m.]

The Department of Labor and Industries
Semiannual Rules Agenda (July 1, 1997 - December 31, 1997)

1. Statement of Inquiry (CR-101) Date 2. Subject Area 3. Contact/Telephone Number	Purpose of Rule
INSURANCE SERVICES	
1. 7/97 2. Industrial Insurance Rates Chapter 296-17-WAC 3. Frank Romero 902-4748	These rules are amended annually to adjust Industrial Insurance rates and related rating tables commensurate with the hazard of each industry. Adjusting Industrial Insurance rates is considered a significant legislative rule amendment because it financially impacts stakeholders. However, these amendments are exempt from application of the rule making criteria because rates are explicitly mandated by law. (See RCW 34.05.328 (5)(b)(v) and (vi)).
1. 7/97 2. Industrial Insurance 98-Classification Plan Chapter 296-17-WAC 3. Frank Romero 902-4748	These rules are amended annually to adjust rate classifications as appropriate. Adjusting rate classifications is considered a significant legislative rule amendment because it amends current policy. However, these amendments are exempt from application of the rule making criteria because rate classifications are explicitly mandated by law. (See RCW 34.05.328 (5)(b)(v) and (vi)).
1. 7/97 2. Occupational Disease Claims Chapter 296-17-WAC 3. Frank Romero 902-4748	These rules are being amended to revise how the department is prorates occupational disease claims among employers. Such a revision would probably be considered a significant legislative rule amendment because it amends current policy.
1. 7/97 2. Workers Compensation General Reporting Rules Chapter 296-17-WAC 3. Frank Romero 902-4748	The department is considering amendments to the general reporting requirements for reporting and collection of workers compensation premiums.
1. 7/97 2. Workers Compensation-Retrospective Rating & Group Plans Chapter 296-17-WAC 3. Frank Romero 902-4748	The department is considering updating the rules that relate to workers compensation retrospective rating and group insurance plans to reflect changes in premium size ranges and other factors.
1. 1/97 2. Chiropractic Chapter 296-20 WAC and Chapter 296-23 WAC 3. Diane Reus 902-5021	The chiropractic rules in the department's fee schedule are being updated. The amendments are considered significant legislative rule amendments because they amend current policy relating to chiropractors. The rule making criteria would apply to these amendments.
1. TBD 2. Billing Procedures Chapter 296-20-125 WAC 3. Simone Stilson 902-4744	The rules relating to billing procedures may be amended to reflect forms that providers must use to bill the department.
1. TBD 2. Physical Medicine Chapter 296-21-290 WAC 3. Simone Stilson 902-4744	The rules relating to physical medicine may be amended to clarify what services can be billed, eliminate obsolete CPT codes, and note where specific information can be found.

MISCELLANEOUS

1. Statement of Inquiry (CR-101) Date 2. Subject Area 3. Contact/Telephone Number	Purpose of Rule
1. 1/98 2. Conversion Factors/RBRVS Chapter 296-20 WAC Chapter 296-23 WAC 3. Simone Stilson 902-4744	The conversion factors for calculating the reimbursement for services payable through the RBRVS fee schedule is amended annually. These amendments are considered significant legislative rule amendments because they impact providers reimbursement rates. The rule making criteria would apply to these amendments.
ADMINISTRATIVE SERVICES	
1. 8/97 2. Legal Services/Practice and Procedure Chapter 296-08 WAC 3. Russell Johnson 902-4714	The department is considering amending this rule to update and rewrite it for clarity. The amendments are considered housekeeping because the substance of the rule would probably not change. The rule making criteria would not apply to these rules.
1. 9/97 2. Third Party Qualifications for Special Assistant Attorneys General Chapter 296-14-920 WAC 3. James Nylander 902-5118	The department is considering amending these rules to allow out of state attorneys to pursue third party cases for the department. This amendment is considered a significant legislative rule amendment because it is a major change to departmental policy. The rule-making criteria would apply to these rules.
WASHINGTON INDUSTRIAL SAFETY AND HEALTH (WISHA)	
1. 8/94 2. Pulp and Paper Chapter 296-79 WAC 3. Tracy Spencer 902-5530 and Tom Ford 902-5428	The department is considering amendments to these rules at the request of Labor Management Advisory Committee. The amendments address changes in technology, process, equipment, employer training, hazard prevention for employees, lockout/tagout and permit required confined spaces. These amendments are significant because they amend our current program and may be controversial. The rule making criteria would apply to these rules.
1. 10/94 2. Rigging Chapter 296-155 WAC 3. Chuck Blocher 902-5523 and Roger Dickey 902-5476	These rules are being amended by a subcommittee of the construction Advisory Committee to clarify qualifications for riggers and to update the rule relating to new technology, equipment and with specification charts for load, line, and rigging capacities. These amendments are significant because they impact our regulatory program and will have an economic impact on the affected industries. The rule making criteria would apply to these rules.
1. 6/96 2. General Safety & Health Standards -First Aid Chapter 296-24 WAC 3. Gail Hughes 902-5439 Dan Locke 902-5162	These rules are being amended to update the first aid requirements for kits, number of people trained, and training requirements. Current rules are out of date and need to be amended for today's environment. These amendments are considered significant legislative rule amendments because they amend our first aid training requirements. The rule-making criteria would apply to these rules. An advisory committee of labor, management, and first aid emergency response professionals is rewriting this rule with the agency.

MISCELLANEOUS

1. Statement of Inquiry (CR-101) Date 2. Subject Area 3. Contact/Telephone Number	Purpose of Rule
1. 7/96 2. Grain Handling Facilities Chapter 296-99 WAC 3. Ted Riley 902-4245	These rules are being amended to make our rules at least as effective or identical to OSHA. The Federal final rule was published March 12, 1996. OSHA changes include clarifying requirements which provide protection for a worker who enters bins, silos and tanks, and flat grain storage structures. "Walking down the grain" has been specifically prohibited, with new requirements for safety harness and lifeline. WISHA is reviewing and incorporating appropriate changes from OSHA. These amendments are significant because they impact our regulatory program and will have an economic impact on the affected industries. The rule making criteria would not apply to these rules because the rules are being adopted to make our rules at least as effective as the federal law.
1. 11/96 2. Asbestos Chapter 296-62 WAC 3. Tracy Spencer 902-5530 and John Geppert 902-5431	These rules are being amended to move all asbestos requirements into Chapter 296-62 WAC. The department plans on adopting the federal corrections without any substantive changes. The Federal corrections to the final rule were published August 23, 1996. These amendments correct and clarify certain provisions regarding respirators, signs and labels, training, medical surveillance, one waste-bag limitation for class III work and class IV work. These amendments are not considered significant because they do not make substantive changes to the rules. The rule making criteria does not apply to rules adopted identical to federal rules.
1. 11/96 2. Bakery Equipment Chapter 296-302 WAC 3. Tracy Spencer 902-5530 Roger Dickey 902-5476 • Petition	These rules are being amended at the request of the Washington Food Industry to address guarding for vertical mixers. These amendments are significant because they impact our regulatory program and will have an economic impact on the affected industries. The rule making criteria would apply to these rules.
1. 11/96 2. Personal Protective Equipment -Shipyards Chapter 296-304 WAC 3. Ted Riley 902-4245	These amendments are being amended to make our rules at least as effective or identical to OSHA. The Federally initiated amendments to Chapter 296-24 WAC to add the words "The employer shall ensure" instead of "each affected employee shall." This applies to requirements for eye and face protection, head protection, and foot protection. These amendments are significant because they impact our regulatory program and will have an economic impact on the affected industries. The rule making criteria would not apply to these rules because they are being adopted to make our rules at least as effective as the federal law.
1. 4/97 2. Methylene Chloride Chapter 296-62 WAC 3. Tracy Spencer 902-5530 3. Dan Locke 902-5162	These rules are being amended to make our rules at least as effective or identical to OSHA. The final Federal rule was published on January 10, 1997. Methylene chloride is a solvent used extensively in paint removal, construction and foam industries and is known as a carcinogen. The new rule requires worker exposure to this carcinogen be reduced from 500 parts per million (ppm) of air to 25 ppm during a normal working day. These amendments are significant because they impact our regulatory program and will have an economic impact on the affected industries. The rule making criteria would not apply to these rules because they are being adopted to make our rules at least as effective as the federal law.

MISCELLANEOUS

MISCELLANEOUS

1. Statement of Inquiry (CR-101) Date	2. Subject Area	3. Contact/Telephone Number	Purpose of Rule
1. 5/97	2. Mechanical Power Transmission Apparatus Chapter 296-24 WAC	3. Laura Brand-Bauer 902-5545 Roger Dickey 902-5476	The department is proposing amendments to Chapter 296-24 WAC - to make it clearer and easier for users. These amendments are considered significant because we will be making a major changes to the language, format and appearance of the rule. The rule making criteria would apply to these rules.
*Clear Rule Writing Style			
1. 5/97	2. Scaffolding Chapter 296-155 WAC	3. Cindy Ireland 902-5522 Roger Dickey 902-5476	These rules are being amended to make our rules at least as effective or identical to OSHA. The final Federal rule was published on August 30, 1996, with corrections published November 25, 1996. The final rule sets performance-oriented criteria, where possible, to protect employees from scaffold-related hazards such as falls, falling objects, structural instability, electrocution and overloading. It updates the existing scaffold rules and addresses the types of scaffolds not covered by these rules such as catenary scaffolds, step and trestle ladder scaffolds and multi-level suspended scaffolds.
			These rules are currently being reviewed with a small representative industry group. These amendments are significant because they impact our regulatory program and will have an economic impact on the affected industries. The rule making criteria would not apply to these rules because they are being adopted to make our rules at least as effective as the federal law.
1. 5/97	2. Logging Chapter 296-54 WAC	3. Merle Larson 902-5519 and Tom Ford 902-5428	These rules are being amended at the request of industry. The Logging Advisory Committee was created by the department to address industry needs in Washington state. These rules will also be rewritten for clarity. These amendments are significant because they amend our current policy on this subject. The rule making criteria would apply to these rules.
1. TBD	2. Explosives Chapter 296-52 WAC	3. Merle Larson 902-5519 and Morris Payne 902-5569	The department is considering amendments to these rules to make our rules at least as effective as OSHA rules on the subject. The rule making criteria would apply to these rules if amendments significantly impact the public.
1. TBD	2. Electrical Chapter 296-44 & 45 WAC	3. Chuck Blocher 902-5523 and Ron Dillion 902-5562	These rules are being amended by the electrical labor and management committee and being rewritten in a format similar to the federal rules on this subject. The department is proposing repeal of Chapter 296-44 WAC because it is outdated and redundant. Chapter 296-44 is duplicative. It reiterates the National Electrical Safety Code.
			These rules are not considered significant legislative rules because we are not proposing substantive changes to the rules but, merely housekeeping and clarification amendments. The rule making criteria does not apply to these rules because the amendments are housekeeping only.

1. Statement of Inquiry (CR-101) Date 2. Subject Area 3. Contact/Telephone Number	Purpose of Rule
1. TBD 2. Abatement Verification Chapter 296-350 WAC 3. Ted Riley 902-4245	These rules are being amended to make our rules at least as effective or identical to OSHA. The final Federal rule was published on March 31, 1997, effective May 31, 1997. The federal rule requires employers who have received a citation for violations of the OSHA Act certify that they have abated the hazardous condition and they must inform their employees of their abatement actions. If abatement occurs during or immediately after the inspection, an abatement verification letter is not required. These rule amendments codify, simplify, and streamline abatement certification required by OSHA.
1. TBD 2. Penalty - Chapter 296-27 WAC and Chapter 296-350 WAC 3. Ted Riley 902-4245	WISHA penalty requirements will be adopted in rule when the department adopts OSHA's abatement verification rule, reorganizes and updates the recordkeeping and reassumptions rules Chapter 296-27 WAC and Chapter 296-350 WAC respectively.
SPECIALTY COMPLIANCE SERVICES	
1. TBD 2. Material Lifts Chapter 296-81 WAC 3. Jan Gould 902-6128	The department is considering proposing rules for new and altered material lifts.
1. 1/97 2. Contractor Registration Chapter 296-400 WAC 3. Kevin Morris 902-5578	These rules are being amended to comply with 1996 and 1997 legislation. The amendments are significant because they adopt substantive provision of law, establish qualifications for the issuance, suspension, revocation of a license, and adopt new policy for the contractor registration program. The rule making criteria would apply to these rules.
1. 1/97 2. Electrical Audit Chapter 296-46-WAC and Chapter 296-401 WAC 3. Janet Lewis 902-5249	The department is considering amendments to these rules to reduce an electrical fee and to update these rules as appropriate. These amendments are significant because they subject the violator to a sanction, change requirements for suspension or revocation of a license, adopt a new policy, and significantly amend existing policy, and have a financial impact on the public. The rule making criteria would apply to these rules.
1. 8/97 2. Plumbing Chapter 296-400 WAC 3. Kevin Morris 902-5578	These rules are being amended because of 1997 legislation relating to medical gas piping installer enforcement. We will also be amending the Plumbers Advisory Board rules. These amendments are significant because they adopt substantive provision of law, establish qualifications for the issuance, suspension, revocation of a license, and adopt new policy for the plumbing program. The rule making criteria would apply to these rules.
1. 10/97 2. Code updates for Specialty Compliance Rules Chapter 296-150C WAC and Chapter 296-150F WAC 3. Dan Wolfenbarger 902-5225	These rules are being updated by incorporating Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, VIAQ and the Energy Code amendments.

MISCELLANEOUS

1. Statement of Inquiry (CR-101) Date 2. Subject Area 3. Contact/Telephone Number	Purpose of Rule
EMPLOYMENT STANDARDS	
1. TBD 2. Wearing Apparel/Uniform Chapter 296-126-098 3. Greg Mowat 902-5310	The department will be amending our wearing apparel/uniform rules. We are working with Labor, Management, and the Restaurant Association to develop a rule proposal.
1. TBD 2. Computer programmers/Overtime 3. Greg Mowat 902-5310	The department is considering proposal of rules that will exempt computer programmers from overtime as reflected in the Fair Labor Standards Act.
BOARDS & COUNCILS ASSOCIATED WITH L&I	
Apprenticeship Council	
1. 4/96 2. Apprenticeship Chapter 296-04 WAC 3. Melinda Nichols and William Mirand 902-5321	These rules are being updated and reorganized for clarity by the Apprenticeship Council.
Board of Boilers	
1. 5/97 2. Board of Boilers - Chapter 296-104 WAC 3. Dick Barkdoll 902-5270	The Boiler rules are being amended for clarification, consistency, formatting, and clear rule writing. The Board of Boilers is not required to apply the rule making criteria to their rules. (See RCW 34.05.328 for those agencies required to comply with the criteria analysis).

7/2/97

*This agenda does not include rules that will be identified for review under the Governor's Executive Order 97-02

**WSR 97-15-146
NOTICE OF PUBLIC MEETINGS
UTILITIES AND TRANSPORTATION
COMMISSION**

[Memorandum—July 22, 1997]

NOTICE OF CHANGE OF PUBLIC MEETING TIME

The time of the public meeting scheduled for Wednesday, August 27, 1997, has been changed from 9:30 a.m. to 1:30 p.m. In all other respects the notice filed on December 9, 1996, remains in effect.

**WSR 97-15-149
INSURANCE COMMISSIONER'S OFFICE**

[Filed July 23, 1997, 11:35 a.m.]

T 97-3

TECHNICAL ASSISTANCE ADVISORY

July 9, 1997

Attention: Property and Casualty State Filing Managers.
RE: SUBSTITUTE SENATE BILL 5750

SSB 5750, which establishes a use-and-file system for property/casualty commercial lines rates and forms, was signed into law by Governor Locke on May 19, 1997. Personal lines rates and forms are still subject to prior approval. This technical assistance advisory contains information that filers of commercial lines rates and forms need to know, in order to adapt their procedures to the use-and-file system. The last section of this advisory also contains information applicable to all property/casualty form filings—not just commercial lines.

Effective Date of the Law: SSB 5750 takes effect on July 27, 1997. Commercial lines rates and forms used for coverages effective before July 27 must first be approved by the Office of Insurance Commissioner (OIC). For coverages effective on or after July 27, an insurer must file the rates and forms within thirty days after the initial date of their use.

What it Means to "Issue" a Policy or "Use" a Rate or Form: A policy (or a coverage that is part of a policy) will be considered "issued" on the effective date of coverage, regardless of when the insurer processed the policy and of when the insured received it. A rate or form will be considered "used" on the effective date of the coverage to which the rate or form applies.

MISCELLANEOUS

What "Commercial Property Casualty" means: Surety, as defined in RCW 48.11.080, has not been included in the definition of "commercial property casualty." Thus surety rates must still receive OIC approval prior to use. Surety forms need not be filed. (This is not a change; see RCW 48.18.100(1).) OIC will take a common sense approach to determining which products or classes qualify as "commercial." Pursuant to RCW 48.19.080, OIC may propose a rule clarifying the definition. Although SSB 5750 defines "commercial" as "pertaining to a business, profession, or occupation," OIC does not believe that the legislation was intended to complicate the filing process by having a different system for nonbusiness classes such as public entities and nonprofit organizations, which have traditionally fallen under commercial lines. Certainly, filings pertaining primarily to insurance for individuals in their nonbusiness pursuits will be considered to be personal lines, and thus subject to prior approval requirements.

Proposed Effective Date of Rates or Forms: An insurer must propose an effective date that is consistent with its use of the rate or form. The effective date should not be later than the insurer's first use of the rate or form. It should also not be earlier than thirty days prior to OIC's receipt of the filing. If OIC approves the filing as submitted, the insurer's proposed effective date will be used. (An insurer may always request concurrent effective dates for combinations of rate filings and forms.)

The "effective date" of a form is the earliest date on which coverage may be provided by that form. If a rate filing "becomes effective" on a given date, all policies becoming effective on or after that date must use the new rates. (A company still may specify different effective dates for new and renewal business.)

Deemer Period: Just as under the current prior approval system (see RCW 48.18.100(3) and 48.19.060(2)), OIC has thirty days in which to review a filing. If the filing is not disapproved within thirty days, it is deemed to be approved. OIC may extend the time to forty-five days by giving notice to the insurer before the thirty-day period has expired.

Effective Date of Disapproval: Regardless of when they are used and filed, the rates and forms themselves are subject to the same statutory requirements as before (see chapters 48.18 and 48.19 RCW), and OIC will disapprove them, when it is necessary, for the same reasons as before (see RCW 48.18.110 and 48.19.100). These reasons will be clearly stated in a disapproval letter. In such letters, OIC must also state when the rate filing or form shall be deemed no longer effective. Believing that this is "within a reasonable period thereafter," OIC will set the effective date of disapproval to be ninety days from the date the disapproval letter is mailed.

Company Response to Disapproval: A disapproval letter establishes a date when the rate filing or form is no longer effective. It is therefore essential that the insurer respond to the disapproval, with explanations and/or revisions, on or before that date. If the insurer does not respond by the effective date of disapproval, the filing will be closed, and the rate filing or form will be deemed no longer effective as of that date. If a company makes a good faith effort to give a timely response to OIC's grounds for disapproval, but OIC still cannot approve the rate filing or form, OIC will

postpone the effective date of disapproval; it will be ninety days from the date the newest disapproval letter is mailed.

Effect of Disapproval on Forms: When a form is disapproved, presumably the insurer will revise it or replace it with a form that complies with statutory requirements. Upon approval of the replacement form, all policies containing the disapproved form must be endorsed to use the approved form. For each policy, this endorsement must be made effective on the effective date of the coverage provided by the disapproved form.

Each revised or replacement form must contain a unique identifier; that is, each revision must have a new form number or edition date.

Effect of Disapproval on Rates: When a rate filing is disapproved, there are several possible outcomes:

(a) If the insurer subsequently provides sufficient information to enable OIC to approve the rates that were initially proposed, the rate filing becomes effective on the date initially proposed by the insurer.

(b) If the insurer subsequently revises its proposed rates and OIC approves the revision, the revision takes effect on the effective date of disapproval of the rates originally proposed. All policies using the disapproved rates must be endorsed to use the approved rates as of the effective date of disapproval.

(c) If the insurer accepts OIC's disapproval of its rate filing, the insurer must revert to its previous rates as of the effective date of disapproval. All policies using the disapproved rates must be endorsed to use the approved rates as of the effective date of disapproval.

In other words, in situations (b) and (c), the portion of the premium that has been earned as of the effective date of disapproval is unaffected. The effective date of the endorsement must be the effective date of disapproval; thus, the premium that is unearned as of that date may be affected.

New Programs: A unique situation arises when OIC disapproves the first rate or form filing for a new program or coverage written by an insurer. On the effective date of disapproval of the rate filing, the insurer has no previous rates to revert to, and its continued use of the disapproved rates, which are no longer effective, would be a violation. Similarly, on the effective date of disapproval of the forms, the insurer would not have forms it could legally use. In such cases, OIC will make every effort to work with the insurer to resolve the situation, so that policyholders do not suffer because of it.

No "Mixed" Filings: Each filing will be considered as subject to either prior approval statutes or use-and-file statutes, but not both. When it is possible, an insurer should separate prior approval rates or forms and use-and-file rates or forms into two separate filings. When this is not possible, such as for general rules that cover both personal and commercial lines, or forms that are used for both personal and commercial lines, OIC will consider filings on a prior approval basis.

Approval and Disapproval of Individual Forms: In reviewing both SSB 5750 and chapter 48.18 RCW, OIC has determined that it is more correct to approve or disapprove individual forms, instead of approving or disapproving entire form filings (which may include many forms), as OIC does now. This change will benefit insurers, as acceptable forms will be approved more quickly. Their approval will not be

delayed by any unacceptable forms that may be included in the same filing.

If an insurer's form filing contains some forms that are acceptable and some that are not, OIC will send the insurer a letter stating which forms are disapproved and giving the reasons for disapproval. The acceptable forms will be approved when they are reviewed by OIC, and OIC will assign the effective date proposed by the insurer. This change will apply both to commercial lines form filings subject to use-and-file provisions and to other property/casualty form filings subject to prior approval provisions.

If anyone has specific questions concerning the submission of rate filings under the new system, contact Lee Barclay at (360) 586-3685; for questions concerning form filings, contact Terence Nordahl at (360) 586-2371.

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 #
1-21-010	AMD-P	97-12-068	16-324-360	REP	97-11-028	16-324-445	REP-P	97-07-075
1-21-010	AMD	97-15-035	16-324-361	NEW-P	97-07-075	16-324-445	REP	97-11-028
1-21-020	AMD-P	97-12-068	16-324-361	NEW	97-11-028	16-324-446	NEW-P	97-07-075
1-21-020	AMD	97-15-035	16-324-370	AMD-P	97-07-075	16-324-446	NEW	97-11-028
1-21-070	AMD-P	97-12-068	16-324-370	AMD	97-11-028	16-324-450	REP-P	97-07-075
1-21-070	AMD	97-15-035	16-324-375	AMD-P	97-07-075	16-324-450	REP	97-11-028
1-21-170	AMD-P	97-12-068	16-324-375	AMD	97-11-028	16-324-460	REP-P	97-07-075
1-21-170	AMD	97-15-035	16-324-380	REP-P	97-07-075	16-324-460	REP	97-11-028
1-21-180	AMD-P	97-12-068	16-324-380	REP	97-11-028	16-324-470	REP-P	97-07-075
1-21-180	AMD	97-15-035	16-324-381	NEW-P	97-07-075	16-324-470	REP	97-11-028
16-08-031	AMD-P	97-08-086	16-324-381	NEW	97-11-028	16-324-480	REP-P	97-07-075
16-08-031	AMD	97-14-050	16-324-382	NEW-P	97-07-075	16-324-480	REP	97-11-028
16-08-141	AMD-P	97-08-086	16-324-382	NEW	97-11-028	16-324-490	REP-P	97-07-075
16-08-141	AMD	97-14-050	16-324-390	REP-P	97-07-075	16-324-490	REP	97-11-028
16-08-171	AMD-P	97-08-086	16-324-390	REP	97-11-028	16-324-500	REP-P	97-07-075
16-08-171	AMD	97-14-050	16-324-391	NEW-P	97-07-075	16-324-500	REP	97-11-028
16-34-001	PREP-X	97-14-048	16-324-391	NEW	97-11-028	16-324-510	REP-P	97-07-075
16-34-010	PREP-X	97-14-048	16-324-392	NEW-P	97-07-075	16-324-510	REP	97-11-028
16-34-020	PREP-X	97-14-048	16-324-392	NEW	97-11-028	16-324-520	REP-P	97-07-075
16-34-030	PREP-X	97-14-048	16-324-393	NEW-P	97-07-075	16-324-520	REP	97-11-028
16-34-040	PREP-X	97-14-048	16-324-393	NEW	97-11-028	16-324-530	REP-P	97-07-075
16-46-001	PREP-X	97-14-048	16-324-394	NEW-P	97-07-075	16-324-530	REP	97-11-028
16-46-005	PREP-X	97-14-048	16-324-394	NEW	97-11-028	16-324-540	REP-P	97-07-075
16-46-020	PREP-X	97-14-048	16-324-395	NEW-P	97-07-075	16-324-540	REP	97-11-028
16-46-030	PREP-X	97-14-048	16-324-395	NEW	97-11-028	16-324-600	REP-P	97-07-075
16-46-035	PREP-X	97-14-048	16-324-396	NEW-P	97-07-075	16-324-600	REP	97-11-028
16-46-040	PREP-X	97-14-048	16-324-396	NEW	97-11-028	16-324-605	REP-P	97-07-075
16-46-045	PREP-X	97-14-048	16-324-397	NEW-P	97-07-075	16-324-605	REP	97-11-028
16-46-070	PREP-X	97-14-048	16-324-397	NEW	97-11-028	16-324-610	REP-P	97-07-075
16-50-001	PREP-X	97-14-048	16-324-398	NEW-P	97-07-075	16-324-610	REP	97-11-028
16-50-010	PREP-X	97-14-048	16-324-398	NEW	97-11-028	16-324-620	REP-P	97-07-075
16-50-020	PREP-X	97-14-048	16-324-400	REP-P	97-07-075	16-324-620	REP	97-11-028
16-101-800	NEW-P	97-15-115	16-324-400	REP	97-11-028	16-324-630	REP-P	97-07-075
16-105-001	PREP-X	97-14-074	16-324-401	NEW-P	97-07-075	16-324-630	REP	97-11-028
16-105-010	PREP-X	97-14-074	16-324-401	NEW	97-11-028	16-324-650	REP-P	97-07-075
16-105-020	PREP-X	97-14-074	16-324-402	NEW-P	97-07-075	16-324-650	REP	97-11-028
16-105-030	PREP-X	97-14-074	16-324-402	NEW	97-11-028	16-324-660	REP-P	97-07-075
16-158	PREP	97-15-028	16-324-409	NEW-P	97-07-075	16-324-660	REP	97-11-028
16-162	PREP	97-04-065	16-324-409	NEW	97-11-028	16-324-670	REP-P	97-07-075
16-164	PREP	97-15-029	16-324-410	REP-P	97-07-075	16-324-670	REP	97-11-028
16-218-02001	AMD	97-05-003	16-324-410	REP	97-11-028	16-324-680	REP-P	97-07-075
16-230-835	AMD-P	97-02-094	16-324-420	AMD-P	97-07-075	16-324-680	REP	97-11-028
16-230-835	AMD-W	97-06-003	16-324-420	AMD	97-11-028	16-409-020	AMD-S	97-02-098
16-230-862	AMD-P	97-02-094	16-324-430	REP-P	97-07-075	16-409-020	AMD	97-05-054
16-230-862	AMD-W	97-06-003	16-324-430	REP	97-11-028	16-459-010	AMD-E	97-03-063
16-316-474	AMD-P	97-11-050	16-324-431	NEW-P	97-07-075	16-470-100	AMD-P	97-04-089
16-316-715	AMD-P	97-11-050	16-324-431	NEW	97-11-028	16-470-100	AMD	97-09-098
16-316-724	AMD-P	97-11-050	16-324-435	REP-P	97-07-075	16-473-001	NEW-P	97-04-090
16-324-360	REP-P	97-07-075	16-324-435	REP	97-11-028	16-473-001	NEW-W	97-05-058

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-473-001	NEW-P	97-05-059	16-666-030	PREP-X	97-14-049	112-10-030	NEW-P	97-15-145
16-473-001	NEW	97-11-015	16-666-040	PREP-X	97-14-049	112-10-040	NEW-E	97-13-061
16-473-010	NEW-P	97-04-090	16-666-050	PREP-X	97-14-049	112-10-040	NEW-P	97-15-145
16-473-010	NEW-W	97-05-058	16-666-060	PREP-X	97-14-049	112-10-050	NEW-E	97-13-061
16-473-010	NEW-P	97-05-059	16-666-070	PREP-X	97-14-049	112-10-050	NEW-P	97-15-145
16-473-010	NEW	97-11-015	16-666-080	PREP-X	97-14-049	112-10-060	NEW-E	97-13-061
16-473-015	NEW-P	97-04-090	16-666-090	PREP-X	97-14-049	112-10-060	NEW-P	97-15-145
16-473-015	NEW-W	97-05-058	16-666-100	PREP-X	97-14-049	131-16	AMD-C	97-07-007
16-473-015	NEW-P	97-05-059	16-666-110	PREP-X	97-14-049	131-16-010	AMD-E	97-07-006
16-473-015	NEW	97-11-015	16-666-120	PREP-X	97-14-049	131-16-010	AMD	97-10-069
16-473-020	NEW-P	97-04-090	16-666-130	PREP-X	97-14-049	131-16-011	AMD-E	97-07-006
16-473-020	NEW-W	97-05-058	16-670-001	PREP-X	97-14-049	131-16-011	AMD	97-10-069
16-473-020	NEW-P	97-05-059	16-670-010	PREP-X	97-14-049	131-16-021	AMD-E	97-07-006
16-473-020	NEW	97-11-015	16-675-010	AMD-P	97-09-103	131-16-021	AMD	97-10-069
16-473-025	NEW-P	97-04-090	16-675-010	AMD	97-12-024	131-16-050	AMD-E	97-07-006
16-473-025	NEW-W	97-05-058	16-675-020	AMD-P	97-09-103	131-16-050	AMD	97-10-069
16-473-025	NEW-P	97-05-059	16-675-020	AMD	97-12-024	131-16-060	AMD-E	97-07-006
16-473-025	NEW	97-11-015	16-675-030	AMD-P	97-09-103	131-16-060	AMD	97-10-069
16-532	PREP	97-05-067	16-675-030	AMD	97-12-024	131-16-067	NEW-E	97-14-070
16-532-010	AMD-P	97-09-095	16-675-040	AMD-P	97-09-103	131-16-068	NEW-E	97-14-070
16-532-040	AMD-P	97-09-095	16-675-040	AMD	97-12-024	132E-111-010	PREP	97-08-080
16-532-110	AMD-P	97-09-095	16-695-005	NEW-E	97-04-020	132E-121-010	PREP	97-08-080
16-532-120	AMD-P	97-09-095	16-695-010	NEW-E	97-04-020	132E-121-010	AMD-P	97-11-068
16-536-040	PREP	97-08-083	16-695-015	NEW-E	97-04-020	132E-133-020	PREP	97-08-081
16-536-040	AMD-P	97-11-085	16-695-020	NEW-E	97-04-020	132E-133-020	AMD-P	97-11-069
16-536-040	AMD-C	97-15-151	16-695-025	NEW-E	97-04-020	132K-04	AMD-P	97-07-018
16-573-010	NEW-P	97-11-084	16-695-030	NEW-E	97-04-020	132K-04	AMD	97-12-071
16-573-020	NEW-P	97-11-084	16-695-035	NEW-E	97-04-020	132K-04-001	AMD-P	97-07-018
16-573-030	NEW-P	97-11-084	16-695-040	NEW-E	97-04-020	132K-04-001	AMD	97-12-071
16-573-040	NEW-P	97-11-084	16-695-045	NEW-E	97-04-020	132K-04-010	AMD-P	97-07-018
16-573-041	NEW-P	97-11-084	16-695-050	NEW-E	97-04-020	132K-04-010	AMD	97-12-071
16-573-050	NEW-P	97-11-084	16-695-055	NEW-E	97-04-020	132K-04-020	AMD-P	97-07-018
16-573-060	NEW-P	97-11-084	16-695-060	NEW-E	97-04-020	132K-04-020	AMD	97-12-071
16-573-070	NEW-P	97-11-084	16-695-065	NEW-E	97-04-020	132K-04-030	AMD-P	97-07-018
16-573-080	NEW-P	97-11-084	16-695-070	NEW-E	97-04-020	132K-04-030	AMD	97-12-071
16-580	PREP	97-10-098	16-695-075	NEW-E	97-04-020	132K-04-050	AMD-P	97-07-018
16-580-020	AMD-P	97-14-102	16-695-080	NEW-E	97-04-020	132K-04-050	AMD	97-12-071
16-580-040	AMD-P	97-14-102	16-700-010	AMD	97-04-078	132K-04-070	REP-P	97-07-018
16-650-001	PREP-X	97-14-049	16-700-021	AMD-S	97-04-077	132K-04-070	REP	97-12-071
16-654-030	PREP-X	97-14-049	16-700-021	AMD	97-04-078	132K-04-080	AMD-P	97-07-018
16-654-040	PREP-X	97-14-049	16-700-021	AMD-C	97-09-025	132K-04-080	AMD	97-12-071
16-654-050	PREP-X	97-14-049	16-700-021	AMD	97-12-028	132K-04-110	AMD-P	97-07-018
16-654-060	PREP-X	97-14-049	16-700-040	AMD	97-04-078	132K-04-110	AMD	97-12-071
16-660-001	PREP-X	97-14-049	16-700-050	AMD	97-04-078	132K-04-130	AMD-P	97-07-018
16-660-010	PREP-X	97-14-049	16-700-060	AMD	97-04-078	132K-04-130	AMD	97-12-071
16-662	AMD-P	97-09-080	16-700-080	AMD	97-04-078	132K-08-010	REP-P	97-07-017
16-662	AMD	97-12-075	16-750	PREP	97-12-075	132K-08-010	REP	97-12-079
16-662-070	REP-P	97-09-080	16-750-003	AMD	97-06-108	132N-20	PREP	97-06-008
16-662-070	REP	97-12-075	16-750-011	AMD	97-06-108	132N-20-010	REP-P	97-10-018
16-662-071	REP-P	97-09-080	16-750-015	AMD	97-06-108	132N-20-020	REP-P	97-10-018
16-662-071	REP	97-12-075	16-750-020	AMD	97-06-108	132N-20-030	REP-P	97-10-018
16-662-100	NEW-P	97-09-080	16-750-130	AMD	97-06-108	132N-20-040	REP-P	97-10-018
16-662-100	NEW	97-12-075	25-30-010	PREP-X	97-14-010	132N-20-050	REP-P	97-10-018
16-662-105	NEW-P	97-09-080	25-30-020	PREP-X	97-14-010	132N-20-060	REP-P	97-10-018
16-662-105	NEW	97-12-075	25-30-030	PREP-X	97-14-010	132N-20-070	REP-P	97-10-018
16-662-110	NEW-P	97-09-080	25-30-040	PREP-X	97-14-010	132N-20-080	REP-P	97-10-018
16-662-110	NEW	97-12-075	25-30-050	PREP-X	97-14-010	132N-20-090	REP-P	97-10-018
16-662-115	NEW-P	97-09-080	51-04	PREP	97-14-112	132N-108-010	NEW-P	97-15-078
16-662-115	NEW	97-12-075	51-06	PREP	97-14-112	132N-108-020	NEW-P	97-15-078
16-664-010	NEW-P	97-09-102	51-11-1210	AMD	97-03-017	132N-108-030	NEW-P	97-15-078
16-664-010	NEW	97-12-076	51-11-1301	AMD	97-03-017	132N-108-040	NEW-P	97-15-078
16-664-020	NEW-P	97-09-102	51-26	PREP	97-06-107	132N-108-050	NEW-P	97-15-078
16-664-020	NEW	97-12-076	51-27	PREP	97-06-107	132N-108-060	NEW-P	97-15-078
16-664-030	NEW-P	97-09-102	51-32	PREP	97-03-086	132N-108-070	NEW-P	97-15-078
16-664-030	NEW	97-12-076	51-32-1119	NEW-W	97-09-042	132N-108-080	NEW-P	97-15-078
16-664-040	NEW-P	97-09-102	51-34	PREP	97-03-086	132N-108-090	NEW-P	97-15-078
16-664-040	NEW	97-12-076	82-50-021	AMD-P	97-10-079	132N-120-010	NEW-P	97-10-018
16-664-050	NEW-P	97-09-102	82-50-021	AMD	97-13-064	132N-120-020	NEW-P	97-10-018
16-664-050	NEW	97-12-076	112-10-010	NEW-E	97-13-061	132N-120-030	NEW-P	97-10-018
16-664-060	NEW-P	97-09-102	112-10-010	NEW-P	97-15-145	132N-120-040	NEW-P	97-10-018
16-664-060	NEW	97-12-076	112-10-020	NEW-E	97-13-061	132N-120-050	NEW-P	97-10-018
16-666-002	PREP-X	97-14-049	112-10-020	NEW-P	97-15-145	132N-120-060	NEW-P	97-10-018
16-666-003	PREP-X	97-14-049	112-10-030	NEW-E	97-13-061	132N-120-065	NEW-P	97-10-018

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132V-12-326	REP	97-07-048	137-28-160	AMD	97-03-041	173-201A-140	AMD-P	97-12-034
132V-12-329	REP-P	97-03-128	137-28-220	AMD	97-03-041	173-201A-160	AMD-P	97-12-034
132V-12-329	REP	97-07-048	137-28-260	AMD	97-03-041	173-202-020	AMD-E	97-05-039
132V-12-332	REP-P	97-03-128	137-28-350	AMD	97-03-041	173-202-020	PREP	97-08-038
132V-12-332	REP	97-07-048	137-55-010	NEW	97-03-041	173-202-020	AMD-E	97-13-036
132V-12-335	REP-P	97-03-128	137-55-020	NEW	97-03-041	173-202-020	AMD-P	97-15-130
132V-12-335	REP	97-07-048	137-55-030	NEW	97-03-041	173-223	PREP-X	97-14-076
132V-12-338	REP-P	97-03-128	137-55-040	NEW	97-03-041	173-224	PREP	97-14-084
132V-12-338	REP	97-07-048	137-55-050	NEW	97-03-041	173-303	PREP	97-04-062
132V-12-341	REP-P	97-03-128	137-55-060	NEW	97-03-041	173-309-010	PREP-X	97-13-041
132V-12-341	REP	97-07-048	172-120-015	NEW	97-06-095	173-309-020	PREP-X	97-13-041
132V-12-344	REP-P	97-03-128	172-120-020	AMD	97-06-095	173-309-030	PREP-X	97-13-041
132V-12-344	REP	97-07-048	172-120-030	AMD	97-06-095	173-309-040	PREP-X	97-13-041
132V-12-347	REP-P	97-03-128	172-120-040	AMD	97-06-095	173-309-050	PREP-X	97-13-041
132V-12-347	REP	97-07-048	172-120-050	AMD	97-06-095	173-309-060	PREP-X	97-13-041
132V-12-350	REP-P	97-03-128	172-120-060	AMD	97-06-095	173-309-070	PREP-X	97-13-041
132V-12-350	REP	97-07-048	172-120-070	AMD	97-06-095	173-309-080	PREP-X	97-13-041
132V-12-353	REP-P	97-03-128	172-120-080	AMD	97-06-095	173-309-090	PREP-X	97-13-041
132V-12-353	REP	97-07-048	172-120-090	AMD	97-06-095	173-311-010	PREP-X	97-13-040
132V-12-356	REP-P	97-03-128	172-120-100	AMD	97-06-095	173-311-020	PREP-X	97-13-040
132V-12-356	REP	97-07-048	172-120-110	AMD	97-06-095	173-311-030	PREP-X	97-13-040
132V-12-359	REP-P	97-03-128	172-120-120	AMD	97-06-095	173-311-040	PREP-X	97-13-040
132V-12-359	REP	97-07-048	172-120-130	AMD	97-06-095	173-311-050	PREP-X	97-13-040
132V-12-362	REP-P	97-03-128	172-120-140	AMD	97-06-095	173-315-010	PREP-X	97-13-039
132V-12-362	REP	97-07-048	172-120-150	REP	97-06-095	173-315-020	PREP-X	97-13-039
132V-12-365	REP-P	97-03-128	173-22	AMD-C	97-03-129	173-315-030	PREP-X	97-13-039
132V-12-365	REP	97-07-048	173-22	AMD	97-04-076	173-315-040	PREP-X	97-13-039
132V-12-368	REP-P	97-03-128	173-22-015	REP	97-04-076	173-315-050	PREP-X	97-13-039
132V-12-368	REP	97-07-048	173-22-030	AMD	97-04-076	173-315-060	PREP-X	97-13-039
132V-12-371	REP-P	97-03-128	173-22-035	NEW	97-04-076	173-315-070	PREP-X	97-13-039
132V-12-371	REP	97-07-048	173-22-040	AMD	97-04-076	173-318-010	PREP-X	97-13-038
132V-12-374	REP-P	97-03-128	173-22-070	AMD	97-04-076	173-318-020	PREP-X	97-13-038
132V-12-374	REP	97-07-048	173-22-080	NEW	97-04-076	173-318-030	PREP-X	97-13-038
132V-12-377	REP-P	97-03-128	173-32-010	PREP-X	97-13-042	173-318-040	PREP-X	97-13-038
132V-12-377	REP	97-07-048	173-32-020	PREP-X	97-13-042	173-318-050	PREP-X	97-13-038
132V-12-380	REP-P	97-03-128	173-32-030	PREP-X	97-13-042	173-318-060	PREP-X	97-13-038
132V-12-380	REP	97-07-048	173-32-040	PREP-X	97-13-042	173-318-070	PREP-X	97-13-038
132V-12-383	REP-P	97-03-128	173-90-010	PREP-X	97-13-043	173-318-080	PREP-X	97-13-038
132V-12-383	REP	97-07-048	173-90-015	PREP-X	97-13-043	173-319-010	PREP-X	97-13-037
132V-12-386	REP-P	97-03-128	173-90-020	PREP-X	97-13-043	173-319-020	PREP-X	97-13-037
132V-12-386	REP	97-07-048	173-90-040	PREP-X	97-13-043	173-319-030	PREP-X	97-13-037
132V-12-389	REP-P	97-03-128	173-90-050	PREP-X	97-13-043	173-319-040	PREP-X	97-13-037
132V-12-389	REP	97-07-048	173-90-060	PREP-X	97-13-043	173-319-050	PREP-X	97-13-037
132V-12-392	REP-P	97-03-128	173-90-070	PREP-X	97-13-043	173-319-060	PREP-X	97-13-037
132V-12-392	REP	97-07-048	173-95A-010	NEW-E	97-12-022	173-400-030	AMD-P	97-15-071
132V-12-398	REP-P	97-03-128	173-95A-020	NEW-E	97-12-022	173-400-110	AMD-P	97-15-071
132V-12-398	REP	97-07-048	173-95A-030	NEW-E	97-12-022	173-401-735	AMD-P	97-04-061
132V-12-401	REP-P	97-03-128	173-95A-040	NEW-E	97-12-022	173-401-735	AMD	97-08-084
132V-12-401	REP	97-07-048	173-95A-050	NEW-E	97-12-022	173-401-830	PREP-X	97-14-075
132V-12-404	REP-P	97-03-128	173-152-010	NEW-E	97-10-091	173-430-040	AMD	97-03-021
132V-12-404	REP	97-07-048	173-152-010	RESCIND	97-14-017	173-490	PREP	97-09-018
132V-12-407	REP-P	97-03-128	173-152-010	NEW-E	97-14-017	173-491	PREP	97-09-018
132V-12-407	REP	97-07-048	173-152-020	NEW-E	97-10-091	173-491-020	AMD	97-04-012
132V-12-410	REP-P	97-03-128	173-152-020	RESCIND	97-14-017	173-491-040	AMD	97-04-012
132V-12-410	REP	97-07-048	173-152-020	NEW-E	97-14-017	173-491-050	AMD	97-04-012
132V-12-413	REP-P	97-03-128	173-152-025	NEW-E	97-14-017	173-500	PREP	97-13-074
132V-12-413	REP	97-07-048	173-152-030	NEW-E	97-10-091	173-531A	PREP	97-12-092
132V-12-416	REP-P	97-03-128	173-152-030	RESCIND	97-14-017	173-563-090	PREP	97-12-092
132V-12-416	REP	97-07-048	173-152-040	NEW-E	97-10-091	174-116	PREP	97-05-044
132V-12-419	REP-P	97-03-128	173-152-040	RESCIND	97-14-017	174-122	PREP	97-05-044
132V-12-419	REP	97-07-048	173-152-040	NEW-E	97-14-017	174-122-010	REP-P	97-09-084
132V-12-422	REP-P	97-03-128	173-152-050	NEW-E	97-10-091	174-122-010	REP	97-13-047
132V-12-422	REP	97-07-048	173-152-050	RESCIND	97-14-017	174-122-020	REP-P	97-09-084
132V-12-425	REP-P	97-03-128	173-160	PREP	97-10-093	174-122-020	REP	97-13-047
132V-12-425	REP	97-07-048	173-162	PREP	97-10-093	174-122-030	REP-P	97-09-084
132V-12-428	REP-P	97-03-128	173-201A-020	AMD-P	97-12-034	174-122-030	REP	97-13-047
132V-12-428	REP	97-07-048	173-201A-030	AMD-P	97-12-034	174-122-040	REP-P	97-09-084
132V-12-431	REP-P	97-03-128	173-201A-040	AMD-P	97-12-034	174-122-040	REP	97-13-047
132V-12-431	REP	97-07-048	173-201A-050	AMD-P	97-12-034	174-130	PREP	97-05-044
132V-12-434	REP-P	97-03-128	173-201A-060	AMD-P	97-12-034	174-130-010	REP-P	97-09-084
132V-12-434	REP	97-07-048	173-201A-110	AMD-P	97-12-034	174-130-010	REP	97-13-047
136-130-060	AMD	97-06-006	173-201A-130	AMD-P	97-12-034	174-130-020	REP-P	97-09-084
137-28-140	AMD	97-03-041				174-130-020	REP	97-13-047

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
174-133	PREP	97-05-044	180-75-083	DECOD	97-04-082	180-78A-142	NEW	97-04-084
174-133-020	AMD-P	97-09-084	180-75-085	REP	97-04-088	180-78A-145	NEW	97-04-084
174-133-020	AMD	97-13-047	180-75-087	REP	97-04-088	180-78A-150	NEW	97-04-084
174-140	PREP	97-05-044	180-75-088	REP	97-04-088	180-78A-155	NEW	97-04-084
174-140-010	NEW-P	97-09-084	180-75-089	REP	97-04-088	180-78A-160	NEW	97-04-084
174-140-010	NEW	97-13-047	180-75-090	REP	97-04-088	180-78A-165	NEW	97-04-084
174-140-180	REP-P	97-09-084	180-75-091	REP	97-04-088	180-78A-195	NEW	97-04-084
174-140-180	REP	97-13-047	180-75-092	REP	97-04-088	180-78A-197	NEW	97-04-084
174-140-190	REP-P	97-09-084	180-75-100	REP	97-04-088	180-78A-201	NEW	97-04-084
174-140-190	REP	97-13-047	180-75-110	REP	97-04-088	180-78A-260	NEW	97-04-084
174-140-200	REP-P	97-09-084	180-77	PREP	97-10-016	180-78A-265	NEW	97-04-084
174-140-200	REP	97-13-047	180-77-003	AMD	97-04-085	180-78A-265	PREP	97-14-104
174-140-210	REP-P	97-09-084	180-77-031	AMD	97-04-085	180-78A-266	NEW	97-04-084
174-140-210	REP	97-13-047	180-77-041	AMD	97-04-085	180-78A-300	NEW	97-04-084
174-140-220	REP-P	97-09-084	180-77-120	AMD	97-04-085	180-78A-301	NEW	97-04-084
174-140-220	REP	97-13-047	180-77A-003	NEW	97-04-087	180-78A-302	NEW	97-04-084
174-140-230	REP-P	97-09-084	180-77A-004	NEW	97-04-087	180-78A-303	NEW	97-04-084
174-140-230	REP	97-13-047	180-77A-006	NEW	97-04-087	180-78A-304	NEW	97-04-084
174-140-240	REP-P	97-09-084	180-77A-012	NEW	97-04-087	180-78A-305	NEW	97-04-084
174-140-240	REP	97-13-047	180-77A-014	NEW	97-04-087	180-78A-306	NEW	97-04-084
174-276	PREP	97-05-044	180-77A-016	NEW	97-04-087	180-78A-320	NEW	97-04-084
174-276	AMD-P	97-09-084	180-77A-018	NEW	97-04-087	180-78A-340	NEW	97-04-084
174-276	AMD	97-13-047	180-77A-020	NEW	97-04-087	180-78A-345	NEW	97-04-084
174-276-005	NEW-P	97-09-084	180-77A-025	NEW	97-04-087	180-78A-350	NEW	97-04-084
174-276-005	NEW	97-13-047	180-77A-026	NEW	97-04-087	180-78A-355	NEW	97-04-084
174-276-010	AMD-P	97-09-084	180-77A-028	NEW	97-04-087	180-78A-360	NEW	97-04-084
174-276-010	AMD	97-13-047	180-77A-029	NEW	97-04-087	180-78A-365	NEW	97-04-084
174-276-040	AMD-P	97-09-084	180-77A-030	NEW	97-04-087	180-79-003	REP	97-04-088
174-276-040	AMD	97-13-047	180-77A-033	NEW	97-04-087	180-79-005	REP	97-04-088
174-276-050	AMD-P	97-09-084	180-77A-037	NEW	97-04-087	180-79-010	REP	97-04-088
174-276-050	AMD	97-13-047	180-77A-040	NEW	97-04-087	180-79-031	REP	97-04-088
174-276-060	AMD-P	97-09-084	180-77A-057	NEW	97-04-087	180-79-032	REP	97-04-088
174-276-060	AMD	97-13-047	180-77A-165	NEW	97-04-087	180-79-035	REP	97-04-088
174-276-080	AMD-P	97-09-084	180-77A-170	NEW	97-04-087	180-79-041	REP	97-04-088
174-276-080	AMD	97-13-047	180-77A-175	NEW	97-04-087	180-79-045	REP	97-04-088
174-276-090	AMD-P	97-09-084	180-77A-180	NEW	97-04-087	180-79-047	REP	97-04-088
174-276-090	AMD	97-13-047	180-77A-195	NEW	97-04-087	180-79-049	REP	97-04-088
174-276-095	NEW-P	97-09-084	180-78-205	AMD	97-04-081	180-79-060	REP	97-04-088
174-276-095	NEW	97-13-047	180-78-207	RECOD	97-04-081	180-79-062	REP	97-04-088
180-16	PREP	97-10-014	180-78-215	AMD	97-04-081	180-79-063	REP	97-04-088
180-16-221	AMD	97-04-083	180-78-217	RECOD	97-04-081	180-79-065	REP	97-04-088
180-16-222	AMD	97-04-083	180-78-235	AMD	97-04-081	180-79-075	REP	97-04-088
180-16-223	REP	97-04-083	180-78-237	RECOD	97-04-081	180-79-080	REP	97-04-088
180-16-224	REP	97-04-083	180-78-285	AMD	97-04-081	180-79-086	REP	97-04-088
180-16-236	PREP	97-10-008	180-78A	PREP	97-10-007	180-79-115	REP	97-04-088
180-24	PREP	97-09-032	180-78A	PREP	97-10-013	180-79-117	REP	97-04-088
180-24-410	AMD-P	97-13-096	180-78A-003	NEW	97-04-084	180-79-120	REP	97-04-088
180-24-410	AMD-W	97-14-023	180-78A-004	NEW	97-04-084	180-79-121	REP	97-04-088
180-24-415	AMD-P	97-13-096	180-78A-005	NEW	97-04-084	180-79-122	REP	97-04-088
180-24-415	AMD-W	97-14-023	180-78A-006	NEW	97-04-084	180-79-123	REP	97-04-088
180-27-056	PREP	97-09-115	180-78A-007	NEW	97-04-084	180-79-124	REP	97-04-088
180-33-025	PREP	97-09-116	180-78A-010	NEW	97-04-084	180-79-125	REP	97-04-088
180-40-260	AMD-P	97-04-067	180-78A-010	PREP	97-10-006	180-79-126	REP	97-04-088
180-40-260	AMD	97-08-019	180-78A-012	NEW	97-04-084	180-79-127	REP	97-04-088
180-40-310	AMD-P	97-04-067	180-78A-015	NEW	97-04-084	180-79-128	REP	97-04-088
180-40-310	AMD	97-08-019	180-78A-025	NEW	97-04-084	180-79-131	DECOD	97-04-081
180-51-050	AMD-P	97-04-066	180-78A-026	NEW	97-04-084	180-79-136	DECOD	97-04-081
180-51-050	AMD	97-08-020	180-78A-028	NEW	97-04-084	180-79-140	DECOD	97-04-081
180-75-003	REP	97-04-088	180-78A-030	NEW	97-04-084	180-79-230	REP	97-04-088
180-75-005	REP	97-04-088	180-78A-033	NEW	97-04-084	180-79-236	REP	97-04-088
180-75-016	REP	97-04-088	180-78A-037	NEW	97-04-084	180-79-241	REP	97-04-088
180-75-017	REP	97-04-088	180-78A-047	NEW	97-04-084	180-79-245	REP	97-04-088
180-75-045	REP	97-04-088	180-78A-057	NEW	97-04-084	180-79-247	REP	97-04-088
180-75-047	REP	97-04-088	180-78A-060	NEW	97-04-084	180-79-300	REP	97-04-088
180-75-048	REP	97-04-088	180-78A-063	NEW	97-04-084	180-79-303	REP	97-04-088
180-75-050	REP	97-04-088	180-78A-065	NEW	97-04-084	180-79-305	REP	97-04-088
180-75-055	REP	97-04-088	180-78A-068	NEW	97-04-084	180-79-311	REP	97-04-088
180-75-060	REP	97-04-088	180-78A-073	NEW	97-04-084	180-79-312	REP	97-04-088
180-75-061	REP	97-04-088	180-78A-074	NEW	97-04-084	180-79-315	REP	97-04-088
180-75-065	REP	97-04-088	180-78A-075	NEW	97-04-084	180-79-317	REP	97-04-088
180-75-070	REP	97-04-088	180-78A-080	NEW	97-04-084	180-79-320	REP	97-04-088
180-75-081	DECOD	97-04-082	180-78A-135	NEW	97-04-084	180-79-322	REP	97-04-088
180-75-082	REP	97-04-088	180-78A-140	NEW	97-04-084	180-79-324	REP	97-04-088

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-79-326	REP	97-04-088	180-79A-230	NEW	97-04-088	180-79A-520	NEW	97-04-088
180-79-328	REP	97-04-088	180-79A-230	PREP	97-10-009	180-85	PREP	97-10-011
180-79-330	REP	97-04-088	180-79A-236	NEW	97-04-088	180-85-025	AMD	97-04-086
180-79-332	REP	97-04-088	180-79A-241	NEW	97-04-088	180-85-030	AMD	97-04-086
180-79-333	REP	97-04-088	180-79A-300	NEW	97-04-088	180-85-110	REP	97-04-086
180-79-334	REP	97-04-088	180-79A-302	NEW	97-04-088	180-85-115	REP	97-04-086
180-79-336	REP	97-04-088	180-79A-304	NEW	97-04-088	180-85-120	REP	97-04-086
180-79-338	REP	97-04-088	180-79A-306	NEW	97-04-088	180-85-135	REP	97-04-086
180-79-340	REP	97-04-088	180-79A-308	NEW	97-04-088	180-85-200	AMD	97-04-086
180-79-342	REP	97-04-088	180-79A-310	NEW	97-04-088	180-85-210	AMD	97-04-086
180-79-344	REP	97-04-088	180-79A-311	NEW	97-04-088	180-85-211	NEW	97-04-086
180-79-346	REP	97-04-088	180-79A-312	NEW	97-04-088	180-85-215	AMD	97-04-086
180-79-348	REP	97-04-088	180-79A-315	NEW	97-04-088	180-86-011	NEW	97-04-082
180-79-350	REP	97-04-088	180-79A-317	NEW	97-04-088	180-86-013	RECOD	97-04-082
180-79-352	REP	97-04-088	180-79A-320	NEW	97-04-088	180-86-014	RECOD	97-04-082
180-79-354	REP	97-04-088	180-79A-322	NEW	97-04-088	180-86-080	NEW	97-05-008
180-79-356	REP	97-04-088	180-79A-324	NEW	97-04-088	180-86-080	NEW-W	97-05-043
180-79-358	REP	97-04-088	180-79A-326	NEW	97-04-088	180-86-086	NEW-W	97-05-043
180-79-360	REP	97-04-088	180-79A-328	NEW	97-04-088	180-86-116	NEW	97-05-008
180-79-362	REP	97-04-088	180-79A-330	NEW	97-04-088	180-86-116	NEW-W	97-05-043
180-79-364	REP	97-04-088	180-79A-332	NEW	97-04-088	180-87-070	PREP	97-10-025
180-79-366	REP	97-04-088	180-79A-333	NEW	97-04-088	180-97	PREP	97-10-010
180-79-368	REP	97-04-088	180-79A-334	NEW	97-04-088	180-110	PREP	97-05-027
180-79-370	REP	97-04-088	180-79A-336	NEW	97-04-088	180-110-010	REP-P	97-13-017
180-79-372	REP	97-04-088	180-79A-338	NEW	97-04-088	180-110-015	REP-P	97-13-017
180-79-374	REP	97-04-088	180-79A-340	NEW	97-04-088	180-110-017	REP-P	97-13-017
180-79-376	REP	97-04-088	180-79A-342	NEW	97-04-088	180-110-020	REP-P	97-13-017
180-79-378	REP	97-04-088	180-79A-344	NEW	97-04-088	180-110-030	REP-P	97-13-017
180-79-379	REP	97-04-088	180-79A-346	NEW	97-04-088	180-110-035	REP-P	97-13-017
180-79-380	REP	97-04-088	180-79A-348	NEW	97-04-088	180-110-040	REP-P	97-13-017
180-79-382	REP	97-04-088	180-79A-350	NEW	97-04-088	180-110-045	REP-P	97-13-017
180-79-384	REP	97-04-088	180-79A-352	NEW	97-04-088	180-110-050	REP-P	97-13-017
180-79-386	REP	97-04-088	180-79A-354	NEW	97-04-088	180-110-052	REP-P	97-13-017
180-79-388	REP	97-04-088	180-79A-356	NEW	97-04-088	180-110-053	REP-P	97-13-017
180-79-390	REP	97-04-088	180-79A-358	NEW	97-04-088	180-110-055	REP-P	97-13-017
180-79-392	REP	97-04-088	180-79A-360	NEW	97-04-088	180-110-060	REP-P	97-13-017
180-79-394	REP	97-04-088	180-79A-362	NEW	97-04-088	180-110-065	REP-P	97-13-017
180-79-396	REP	97-04-088	180-79A-364	NEW	97-04-088	180-115	PREP	97-05-026
180-79-398	REP	97-04-088	180-79A-366	NEW	97-04-088	180-115-005	REP-P	97-13-016
180-79A	PREP	97-09-015	180-79A-368	NEW	97-04-088	180-115-010	REP-P	97-13-016
180-79A-003	NEW	97-04-088	180-79A-370	NEW	97-04-088	180-115-015	REP-P	97-13-016
180-79A-005	NEW	97-04-088	180-79A-372	NEW	97-04-088	180-115-020	REP-P	97-13-016
180-79A-010	NEW	97-04-088	180-79A-374	NEW	97-04-088	180-115-025	REP-P	97-13-016
180-79A-012	NEW	97-04-088	180-79A-376	NEW	97-04-088	180-115-030	REP-P	97-13-016
180-79A-013	NEW	97-04-088	180-79A-378	NEW	97-04-088	180-115-035	REP-P	97-13-016
180-79A-015	NEW	97-04-088	180-79A-379	NEW	97-04-088	180-115-040	REP-P	97-13-016
180-79A-020	NEW	97-04-088	180-79A-380	NEW	97-04-088	180-115-045	REP-P	97-13-016
180-79A-022	NEW	97-04-088	180-79A-382	NEW	97-04-088	180-115-050	REP-P	97-13-016
180-79A-025	NEW	97-04-088	180-79A-384	NEW	97-04-088	180-115-055	REP-P	97-13-016
180-79A-101	NEW	97-04-088	180-79A-386	NEW	97-04-088	180-115-060	REP-P	97-13-016
180-79A-105	NEW	97-04-088	180-79A-388	NEW	97-04-088	180-115-065	REP-P	97-13-016
180-79A-110	NEW	97-04-088	180-79A-390	NEW	97-04-088	180-115-075	REP-P	97-13-016
180-79A-115	NEW	97-04-088	180-79A-392	NEW	97-04-088	180-115-080	REP-P	97-13-016
180-79A-117	NEW	97-04-088	180-79A-394	NEW	97-04-088	180-115-081	REP-P	97-13-016
180-79A-120	NEW	97-04-088	180-79A-396	NEW	97-04-088	180-115-085	REP-P	97-13-016
180-79A-122	NEW	97-04-088	180-79A-398	NEW	97-04-088	180-115-090	REP-P	97-13-016
180-79A-125	NEW	97-04-088	180-79A-403	NEW	97-04-088	180-115-095	REP-P	97-13-016
180-79A-126	NEW	97-04-088	180-79A-405	NEW	97-04-088	180-115-100	REP-P	97-13-016
180-79A-130	NEW	97-04-088	180-79A-415	NEW	97-04-088	180-115-105	REP-P	97-13-016
180-79A-131	NEW	97-04-088	180-79A-417	NEW	97-04-088	182-08-160	AMD-E	97-06-071
180-79A-140	NEW	97-04-088	180-79A-420	NEW	97-04-088	182-08-160	AMD-E	97-14-031
180-79A-150	NEW	97-04-088	180-79A-422	NEW	97-04-088	182-08-175	AMD-E	97-06-071
180-79A-150	PREP	97-14-105	180-79A-423	NEW	97-04-088	182-08-175	AMD-E	97-14-031
180-79A-160	NEW	97-04-088	180-79A-424	NEW	97-04-088	182-12-117	AMD-E	97-06-070
180-79A-161	NEW	97-04-088	180-79A-430	NEW	97-04-088	182-12-117	AMD-E	97-14-030
180-79A-165	NEW	97-04-088	180-79A-433	NEW	97-04-088	182-25-010	AMD-P	97-08-067
180-79A-170	NEW	97-04-088	180-79A-435	NEW	97-04-088	182-25-010	AMD	97-15-003
180-79A-200	NEW	97-04-088	180-79A-440	NEW	97-04-088	182-25-020	AMD-P	97-08-067
180-79A-205	NEW	97-04-088	180-79A-445	NEW	97-04-088	182-25-020	AMD	97-15-003
180-79A-210	NEW	97-04-088	180-79A-503	NEW	97-04-088	182-25-030	AMD-E	97-06-069
180-79A-215	NEW	97-04-088	180-79A-510	NEW	97-04-088	182-25-030	AMD-P	97-08-067
180-79A-220	NEW	97-04-088	180-79A-515	NEW	97-04-088	182-25-030	AMD-E	97-14-029
180-79A-225	NEW	97-04-088	180-79A-517	NEW	97-04-088	182-25-030	AMD	97-15-003

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
182-25-040	AMD-E	97-06-069	197-11-970	AMD-P	97-08-085	212-17-205	RESCIND	97-14-019
182-25-040	AMD-P	97-08-067	204-10-035	NEW	97-03-087	212-17-205	REP-E	97-14-019
182-25-040	AMD-E	97-14-029	204-10-045	PREP	97-03-042	212-17-210	REP-E	97-11-023
182-25-040	AMD	97-15-003	204-10-045	NEW-P	97-07-036	212-17-210	RESCIND	97-11-041
182-25-090	AMD-E	97-06-069	204-10-045	NEW	97-10-024	212-17-210	REP-E	97-11-041
182-25-090	AMD-P	97-08-067	204-41-060	PREP	97-03-043	212-17-210	RESCIND	97-14-019
182-25-090	AMD-E	97-14-029	204-41-060	NEW-P	97-07-037	212-17-210	REP-E	97-14-019
182-25-090	AMD	97-15-003	204-41-060	NEW	97-10-023	212-17-215	REP-E	97-11-023
192-32	AMD-E	97-15-022	204-48-010	PREP-X	97-14-041	212-17-215	RESCIND	97-11-041
192-32-001	AMD-E	97-15-022	204-48-020	PREP-X	97-14-041	212-17-215	REP-E	97-11-041
192-32-010	AMD-E	97-15-022	204-48-030	PREP-X	97-14-041	212-17-215	RESCIND	97-14-019
192-32-015	REP-E	97-15-022	204-48-040	PREP-X	97-14-041	212-17-215	REP-E	97-14-019
192-32-025	REP-E	97-15-022	204-60	AMD	97-04-054	212-17-21503	NEW-E	97-11-023
192-32-035	AMD-E	97-15-022	204-60-010	AMD	97-04-054	212-17-21503	RESCIND	97-11-041
192-32-045	AMD-E	97-15-022	204-60-030	AMD	97-04-054	212-17-21503	NEW-E	97-11-041
192-32-065	AMD-E	97-15-022	204-64-010	PREP-X	97-14-040	212-17-21503	RESCIND	97-14-019
192-32-095	AMD-E	97-15-022	204-64-020	PREP-X	97-14-040	212-17-21503	NEW-E	97-14-019
192-32-100	NEW-E	97-15-022	204-64-040	PREP-X	97-14-040	212-17-21503	NEW-E	97-11-023
192-32-105	AMD-E	97-15-022	204-64-060	PREP-X	97-14-040	212-17-21505	RESCIND	97-11-041
192-32-120	REP-E	97-15-022	204-64-080	PREP-X	97-14-040	212-17-21505	NEW-E	97-11-041
192-32-125	REP-E	97-15-022	204-64-100	PREP-X	97-14-040	212-17-21505	RESCIND	97-14-019
192-32-130	NEW-E	97-15-022	204-72-040	PREP	97-06-100	212-17-21505	NEW-E	97-14-019
192-32-135	NEW-E	97-15-022	204-72-040	AMD-P	97-09-069	212-17-21507	NEW-E	97-11-023
192-33-005	NEW-E	97-14-022	204-72-040	AMD	97-12-061	212-17-21507	RESCIND	97-11-041
192-33-006	NEW-E	97-14-022	204-90-040	AMD	97-04-055	212-17-21507	NEW-E	97-11-041
196-12-010	PREP	97-03-029	204-91A-060	AMD-S	97-04-053	212-17-21507	RESCIND	97-14-019
196-12-020	PREP	97-03-029	204-91A-060	AMD-E	97-04-056	212-17-21507	NEW-E	97-14-019
196-12-030	PREP	97-03-029	204-91A-060	AMD	97-08-021	212-17-21509	NEW-E	97-11-023
196-12-050	PREP	97-03-029	204-91A-140	AMD-S	97-04-053	212-17-21509	RESCIND	97-11-041
196-12-060	PREP	97-03-029	204-91A-140	AMD-E	97-04-056	212-17-21509	NEW-E	97-11-041
196-24-030	PREP	97-03-029	204-91A-140	AMD	97-08-021	212-17-21509	RESCIND	97-14-019
196-24-040	PREP	97-03-029	204-95-030	NEW	97-03-127	212-17-21509	NEW-E	97-14-019
196-24-050	PREP	97-03-029	204-95-080	NEW	97-03-127	212-17-21511	NEW-E	97-11-023
196-24-085	PREP	97-03-029	208-440-030	AMD-W	97-03-074	212-17-21511	RESCIND	97-11-041
196-24-100	PREP	97-03-029	208-630-020	AMD-P	97-06-092	212-17-21511	NEW-E	97-11-041
196-24-105	PREP	97-03-029	208-630-020	AMD	97-09-035	212-17-21511	RESCIND	97-14-019
197-11	PREP	97-03-130	208-630-021	NEW-P	97-06-092	212-17-21511	NEW-E	97-14-019
197-11	AMD-C	97-15-129	208-630-021	NEW	97-09-035	212-17-21513	NEW-E	97-11-023
197-11-055	AMD-P	97-08-085	208-630-022	NEW-P	97-06-092	212-17-21513	RESCIND	97-14-019
197-11-060	AMD-P	97-08-085	208-630-022	NEW	97-09-035	212-17-21513	NEW-E	97-14-019
197-11-070	AMD-P	97-08-085	208-630-023	NEW-P	97-06-092	212-17-21513	NEW-E	97-14-019
197-11-158	NEW-P	97-08-085	208-630-023	NEW	97-09-035	212-17-21515	NEW-E	97-11-023
197-11-164	NEW-P	97-08-085	208-680D-050	AMD-W	97-04-071	212-17-21515	RESCIND	97-11-041
197-11-168	NEW-P	97-08-085	212-17	PREP	97-05-028	212-17-21515	NEW-E	97-11-041
197-11-172	NEW-P	97-08-085	212-17	PREP	97-13-073	212-17-21515	RESCIND	97-14-019
197-11-210	AMD-P	97-08-085	212-17-185	AMD-E	97-11-023	212-17-21517	NEW-E	97-11-041
197-11-238	NEW-P	97-08-085	212-17-185	RESCIND	97-11-041	212-17-21517	RESCIND	97-14-019
197-11-259	AMD-P	97-08-085	212-17-185	AMD-E	97-11-041	212-17-21517	NEW-E	97-14-019
197-11-300	AMD-P	97-08-085	212-17-185	RESCIND	97-14-019	212-17-21519	NEW-E	97-11-023
197-11-310	AMD-P	97-08-085	212-17-185	AMD-E	97-14-019	212-17-21519	NEW-E	97-11-041
197-11-315	AMD-P	97-08-085	212-17-190	REP-E	97-11-023	212-17-21519	RESCIND	97-11-041
197-11-330	AMD-P	97-08-085	212-17-190	RESCIND	97-11-041	212-17-21519	RESCIND	97-14-019
197-11-340	AMD-P	97-08-085	212-17-190	REP-E	97-11-041	212-17-21519	NEW-E	97-14-019
197-11-355	NEW-P	97-08-085	212-17-190	RESCIND	97-14-019	212-17-21521	NEW-E	97-11-023
197-11-390	AMD-P	97-08-085	212-17-190	REP-E	97-14-019	212-17-21521	RESCIND	97-11-041
197-11-408	AMD-P	97-08-085	212-17-195	REP-E	97-11-023	220-12-01000B	NEW-E	97-15-108
197-11-502	AMD-P	97-08-085	212-17-195	RESCIND	97-11-041	220-16-470	NEW-P	97-15-147
197-11-508	AMD-P	97-08-085	212-17-195	REP-E	97-11-041	220-16-47000A	NEW-E	97-14-052
197-11-535	AMD-P	97-08-085	212-17-195	RESCIND	97-14-019	220-16-47000A	REP-E	97-14-052
197-11-600	AMD-P	97-08-085	212-17-195	REP-E	97-14-019	220-20-020	AMD-P	97-04-080
197-11-660	AMD-P	97-08-085	212-17-200	REP-E	97-11-023	220-20-020	AMD	97-07-043
197-11-680	AMD-P	97-08-085	212-17-200	RESCIND	97-11-041	220-20-021	AMD-P	97-04-080
197-11-702	AMD-P	97-08-085	212-17-200	REP-E	97-11-041	220-20-021	AMD	97-07-043
197-11-721	NEW-P	97-08-085	212-17-200	RESCIND	97-14-019	220-20-038	AMD	97-08-078
197-11-728	AMD-P	97-08-085	212-17-200	REP-E	97-14-019	220-24-02000D	NEW-E	97-10-029
197-11-775	NEW-P	97-08-085	212-17-203	REP-E	97-11-023	220-24-02000D	REP-E	97-10-029
197-11-790	AMD-P	97-08-085	212-17-203	RESCIND	97-11-041	220-32-05100X	NEW-E	97-04-046
197-11-800	AMD-P	97-08-085	212-17-203	REP-E	97-11-041	220-32-05100X	REP-E	97-04-046
197-11-912	AMD-P	97-08-085	212-17-203	RESCIND	97-14-019	220-32-05100X	REP-E	97-07-044
197-11-914	AMD-P	97-08-085	212-17-203	REP-E	97-14-019	220-32-05100Y	NEW-E	97-07-044
197-11-938	AMD-P	97-08-085	212-17-205	REP-E	97-11-023	220-32-05500B	NEW-E	97-08-007
197-11-940	AMD-P	97-08-085	212-17-205	RESCIND	97-11-041	220-32-05500B	REP-E	97-08-007
197-11-948	AMD-P	97-08-085	212-17-205	REP-E	97-11-041	220-32-05500B	REP-E	97-12-036

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-32-05500C	NEW-E	97-12-036	220-52-04000D	NEW-E	97-05-029	220-56-31000N	REP-E	97-05-011
220-32-05500C	REP-E	97-12-036	220-52-046	AMD	97-08-052	220-56-31000P	NEW-E	97-05-011
220-32-05500C	REP-E	97-12-069	220-52-04600T	NEW-E	97-05-029	220-56-31000P	REP-E	97-10-065
220-32-05500D	NEW-E	97-12-069	220-52-04600T	REP-E	97-06-054	220-56-315	AMD-W	97-10-075
220-32-05500D	REP-E	97-12-069	220-52-04600U	NEW-E	97-06-054	220-56-320	AMD	97-07-078
220-32-05500D	REP-E	97-13-007	220-52-050	AMD-W	97-14-080	220-56-325	AMD	97-07-078
220-32-05500E	NEW-E	97-13-007	220-52-07100A	NEW-E	97-14-028	220-56-32500L	NEW-E	97-09-033
220-32-05500E	REP-E	97-13-007	220-52-07100A	REP-E	97-15-023	220-56-32500M	NEW-E	97-10-070
220-32-05500E	REP-E	97-13-029	220-52-07100B	NEW-E	97-15-023	220-56-32500M	REP-E	97-12-037
220-32-05500F	NEW-E	97-13-029	220-52-07100B	REP-E	97-15-117	220-56-32500N	NEW-E	97-11-011
220-32-05500F	REP-E	97-13-049	220-52-07100C	NEW-E	97-15-117	220-56-32500P	NEW-E	97-12-037
220-32-05500G	NEW-E	97-13-049	220-52-07300L	REP-E	97-03-045	220-56-32500P	REP-E	97-12-037
220-32-05500G	REP-E	97-14-035	220-52-07300M	NEW-E	97-03-045	220-56-330	AMD	97-07-078
220-32-05500H	NEW-E	97-14-035	220-52-07300M	REP-E	97-03-101	220-56-336	NEW	97-07-078
220-32-05500H	REP-E	97-15-007	220-52-07300N	NEW-E	97-03-101	220-56-350	AMD	97-07-078
220-32-05500I	NEW-E	97-15-007	220-52-07300N	REP-E	97-04-011	220-56-35000P	NEW-E	97-12-009
220-32-05500I	REP-E	97-15-118	220-52-07300P	NEW-E	97-04-011	220-56-355	AMD	97-07-078
220-32-05500J	NEW-E	97-15-118	220-52-07300P	REP-E	97-04-049	220-56-36000T	NEW-E	97-04-045
220-32-05700U	REP-E	97-03-002	220-52-07300Q	NEW-E	97-04-049	220-56-36000T	REP-E	97-04-045
220-32-05700U	NEW-E	97-03-002	220-52-07300Q	REP-E	97-05-025	220-56-36000U	NEW-E	97-07-051
220-32-05700V	REP-E	97-09-009	220-52-07300R	NEW-E	97-05-025	220-56-36000U	REP-E	97-07-051
220-32-05700V	NEW-E	97-09-009	220-52-075	AMD	97-08-052	220-56-375	AMD	97-07-078
220-32-05700V	REP-E	97-13-048	220-56	AMD-C	97-05-075	220-56-380	AMD	97-07-078
220-32-05700W	NEW-E	97-13-048	220-56-100	AMD	97-07-078	220-57	AMD-C	97-05-075
220-32-05700W	REP-E	97-13-048	220-56-103	AMD	97-07-078	220-57-130	AMD-P	97-15-147
220-32-05700W	REP-E	97-14-020	220-56-105	AMD	97-07-078	220-57-13000V	NEW-E	97-14-052
220-33-01000M	NEW-E	97-04-013	220-56-115	AMD-W	97-10-075	220-57-13000V	REP-E	97-14-052
220-33-01000M	REP-E	97-04-013	220-56-11800A	NEW-E	97-15-108	220-57-135	AMD-P	97-15-147
220-33-01000N	NEW-E	97-05-042	220-56-124	AMD-P	97-15-147	220-57-13500T	NEW-E	97-14-052
220-33-020	AMD-P	97-04-080	220-56-128	AMD	97-07-078	220-57-13500T	REP-E	97-14-052
220-33-020	AMD	97-07-043	220-56-12800A	NEW-E	97-10-043	220-57-137	AMD-P	97-15-147
220-33-03000K	NEW-E	97-11-045	220-56-180	AMD	97-07-078	220-57-13701	NEW-P	97-15-147
220-33-03000K	REP-E	97-11-045	220-56-18000A	NEW-E	97-15-080	220-57-13700D	NEW-E	97-14-052
220-33-04000C	NEW-E	97-04-014	220-56-190	AMD-P	97-15-147	220-57-13700D	REP-E	97-14-052
220-33-04000C	REP-E	97-05-041	220-56-19000I	NEW-E	97-14-052	220-57-140	AMD-P	97-15-147
220-33-04000D	NEW-E	97-05-041	220-56-19000I	REP-E	97-14-052	220-57-14000R	NEW-E	97-09-068
220-36-021	AMD-P	97-09-097	220-56-19000I	REP-E	97-15-119	220-57-14000R	REP-E	97-14-052
220-36-021	AMD	97-15-148	220-56-19000J	NEW-E	97-15-119	220-57-14000S	NEW-E	97-14-052
220-36-023	AMD-P	97-09-097	220-56-191	AMD-P	97-15-147	220-57-14000S	REP-E	97-14-052
220-36-023	AMD	97-15-148	220-56-19100V	NEW-E	97-09-068	220-57-155	AMD-P	97-15-147
220-40-021	AMD-P	97-09-097	220-56-19100V	REP-E	97-14-052	220-57-15500B	NEW-E	97-09-068
220-40-021	AMD	97-15-148	220-56-19100W	NEW-E	97-14-052	220-57-15500B	REP-E	97-14-052
220-40-027	AMD-P	97-09-097	220-56-19100W	REP-E	97-14-052	220-57-15500D	NEW-E	97-14-052
220-40-027	AMD	97-15-148	220-56-195	AMD-P	97-15-147	220-57-15500D	REP-E	97-14-052
220-44-05000E	REP-E	97-10-021	220-56-19500B	NEW-E	97-09-068	220-57-160	AMD	97-07-078
220-44-05000F	NEW-E	97-10-021	220-56-19500B	REP-E	97-14-052	220-57-160	AMD-P	97-15-147
220-44-05000F	REP-E	97-14-054	220-56-19500C	NEW-E	97-14-052	220-57-16000H	NEW-E	97-06-036
220-44-05000G	NEW-E	97-14-054	220-56-19500C	REP-E	97-14-052	220-57-16000I	NEW-E	97-09-008
220-44-05000G	REP-E	97-14-054	220-56-205	AMD	97-07-078	220-57-16000J	NEW-E	97-14-052
220-47-301	AMD-P	97-09-104	220-56-205	AMD-P	97-15-147	220-57-16000J	REP-E	97-14-052
220-47-302	AMD-P	97-09-104	220-56-20500B	NEW-E	97-14-052	220-57-16500A	NEW-E	97-14-052
220-47-304	AMD-P	97-09-104	220-56-20500B	REP-E	97-14-052	220-57-16500A	REP-E	97-14-052
220-47-307	AMD-P	97-09-104	220-56-225	AMD-C	97-07-052	220-57-175	AMD-P	97-15-147
220-47-311	AMD-P	97-09-104	220-56-225	AMD	97-09-066	220-57-17500G	NEW-E	97-06-036
220-47-319	AMD-P	97-09-104	220-56-235	AMD	97-07-078	220-57-17500H	NEW-E	97-14-052
220-47-325	NEW-P	97-09-096	220-56-240	AMD	97-08-017	220-57-17500H	REP-E	97-14-052
220-47-326	NEW-P	97-09-096	220-56-240	AMD	97-14-079	220-57-18700A	NEW-E	97-14-052
220-47-401	AMD-P	97-09-104	220-56-24000A	AMD-W	97-15-108	220-57-18700A	REP-E	97-14-052
220-47-410	NEW-P	97-09-104	220-56-24000F	NEW-E	97-03-001	220-57-190	AMD-P	97-15-147
220-47-411	AMD-P	97-09-104	220-56-24000G	NEW-E	97-03-001	220-57-19000A	NEW-E	97-14-052
220-47-427	AMD-P	97-09-104	220-56-255	AMD	97-07-078	220-57-19000A	REP-E	97-14-052
220-47-428	AMD-P	97-09-104	220-56-25500E	NEW-E	97-11-031	220-57-20000L	AMD-P	97-15-147
220-47-800	NEW-E	97-15-006	220-56-25500E	REP-E	97-11-061	220-57-20000L	NEW-E	97-14-052
220-47-801	NEW-E	97-15-006	220-56-25500F	NEW-E	97-11-061	220-57-20000L	REP-E	97-14-052
220-47-801	REP-E	97-15-026	220-56-27000A	NEW-E	97-06-035	220-57-230	AMD-P	97-15-147
220-47-802	NEW-E	97-15-095	220-56-28500I	NEW-E	97-06-036	220-57-23000H	NEW-E	97-14-052
220-48-015	AMD	97-07-053	220-56-28500I	REP-E	97-06-036	220-57-23000H	REP-E	97-14-052
220-48-06100A	NEW-E	97-15-108	220-56-28500J	NEW-E	97-09-001	220-57-235	AMD-P	97-15-147
220-49-02000J	NEW-E	97-14-086	220-56-28500K	NEW-E	97-10-063	220-57-23500I	NEW-E	97-14-052
220-49-02000J	REP-E	97-14-086	220-56-28500L	NEW-E	97-14-053	220-57-23500I	REP-E	97-14-052
220-52-03000K	NEW-E	97-07-050	220-56-305	AMD	97-08-018	220-57-240	AMD-P	97-15-147
220-52-03000K	REP-E	97-07-050	220-56-305	AMD-W	97-10-075	220-57-250	AMD-P	97-15-147
220-52-040	AMD	97-08-052	220-56-310	AMD	97-07-078	220-57-25000A	NEW-E	97-12-035

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-57-25000A	REP-E	97-14-052	220-57-49300A	REP-E	97-14-052	220-95-032	AMD-W	97-03-075
220-57-25000C	NEW-E	97-14-052	220-57-495	AMD-P	97-15-147	220-110-010	AMD-P	97-07-077
220-57-25000C	REP-E	97-14-052	220-57-49500C	NEW-E	97-14-052	220-110-010	AMD	97-13-001
220-57-255	AMD-P	97-15-147	220-57-49500C	REP-E	97-14-052	220-110-020	AMD-P	97-07-077
220-57-25500B	NEW-E	97-14-052	220-57-50500Z	NEW-E	97-08-048	220-110-020	AMD	97-13-001
220-57-25500B	REP-E	97-14-052	220-57-51500M	NEW-E	97-08-048	220-110-031	NEW-P	97-07-077
220-57-270	AMD-P	97-15-147	220-57-525	AMD-P	97-15-147	220-110-031	NEW	97-13-001
220-57-27000C	NEW-E	97-09-068	220-57-52500L	NEW-E	97-14-052	220-110-035	AMD-P	97-07-077
220-57-27000C	REP-E	97-14-052	220-57-52500L	REP-E	97-14-052	220-110-035	AMD	97-13-001
220-57-27000D	NEW-E	97-14-052	220-57A-145	AMD-P	97-15-147	220-110-331	NEW-P	97-07-077
220-57-27000D	REP-E	97-14-052	220-57A-175	AMD-P	97-15-147	220-110-331	NEW	97-13-001
220-57-280	AMD-P	97-15-147	220-69-240	AMD	97-08-052	220-110-332	NEW-P	97-07-077
220-57-28000L	NEW-E	97-14-052	220-69-24000F	NEW-E	97-14-028	220-110-332	NEW	97-13-001
220-57-28000L	REP-E	97-14-052	220-72-002	AMD	97-08-078	220-110-333	NEW-P	97-07-077
220-57-285	AMD-P	97-15-147	220-72-011	NEW	97-08-078	220-110-333	NEW	97-13-001
220-57-28500Q	NEW-E	97-14-052	220-72-013	REP	97-08-078	220-110-334	NEW-P	97-07-077
220-57-28500Q	REP-E	97-14-052	220-72-015	NEW	97-08-078	220-110-334	NEW	97-13-001
220-57-29000U	NEW-E	97-09-008	220-72-016	REP	97-08-078	220-110-335	NEW-P	97-07-077
220-57-300	AMD-P	97-15-147	220-72-019	REP	97-08-078	220-110-335	NEW	97-13-001
220-57-30000A	NEW-E	97-14-052	220-72-022	REP	97-08-078	220-110-336	NEW-P	97-07-077
220-57-30000A	REP-E	97-14-052	220-72-025	REP	97-08-078	220-110-336	NEW	97-13-001
220-57-310	AMD-P	97-15-147	220-72-028	REP	97-08-078	220-110-337	NEW-P	97-07-077
220-57-31000U	NEW-E	97-06-036	220-72-031	REP	97-08-078	220-110-337	NEW	97-13-001
220-57-31000V	NEW-E	97-14-052	220-72-034	REP	97-08-078	220-110-338	NEW-P	97-07-077
220-57-31000V	REP-E	97-14-052	220-72-037	REP	97-08-078	220-110-338	NEW	97-13-001
220-57-31500C	NEW-E	97-08-048	220-72-040	REP	97-08-078	220-130-020	AMD-W	97-09-040
220-57-31500C	REP-E	97-09-001	220-72-043	REP	97-08-078	220-130-070	AMD-W	97-09-040
220-57-31500D	NEW-E	97-09-001	220-72-046	REP	97-08-078	220-140-010	AMD-W	97-09-040
220-57-319	AMD-P	97-15-147	220-72-049	REP	97-08-078	220-140-010	AMD-W	97-14-078
220-57-31900M	NEW-E	97-09-008	220-72-052	REP	97-08-078	220-140-040	NEW-W	97-09-040
220-57-31900M	REP-E	97-12-035	220-72-055	REP	97-08-078	220-140-040	NEW-W	97-14-078
220-57-31900N	NEW-E	97-12-035	220-72-058	REP	97-08-078	222-10-042	NEW-S	97-08-077
220-57-31900N	REP-E	97-14-052	220-72-061	REP	97-08-078	222-10-042	NEW-S	97-11-074
220-57-31900P	NEW-E	97-14-052	220-72-064	REP	97-08-078	222-10-042	NEW	97-15-105
220-57-31000P	REP-E	97-14-052	220-72-067	REP	97-08-078	222-12-090	AMD-E	97-07-054
220-57-32100B	NEW-E	97-08-048	220-72-070	AMD	97-08-078	222-12-090	AMD-S	97-08-077
220-57-370	AMD-P	97-15-147	220-72-073	AMD	97-08-078	222-12-090	AMD-S	97-11-074
220-57-37000G	NEW-E	97-14-052	220-72-076	AMD	97-08-078	222-12-090	AMD-P	97-15-042
220-57-37000G	REP-E	97-14-052	220-72-082	REP	97-08-078	222-12-090	AMD-E	97-15-070
220-57-37700A	NEW-E	97-09-068	220-72-085	AMD	97-08-078	222-12-090	AMD	97-15-105
220-57-37700A	REP-E	97-14-052	220-72-088	REP	97-08-078	222-16-010	AMD-S	97-08-077
220-57-385	AMD-P	97-15-147	220-72-091	REP	97-08-078	222-16-010	AMD-E	97-10-005
220-57-38500A	NEW-E	97-14-052	220-72-094	REP	97-08-078	222-16-010	AMD-S	97-11-074
220-57-38500A	REP-E	97-14-052	220-77-020	AMD	97-08-078	222-16-010	AMD	97-15-105
220-57-38500Z	NEW-E	97-09-068	220-77-040	AMD	97-08-078	222-16-030	PREP	97-05-033
220-57-38500Z	REP-E	97-14-052	220-77-065	NEW	97-08-078	222-16-030	AMD-E	97-07-054
220-57-415	AMD-P	97-15-147	220-88A-070	AMD	97-08-052	222-16-030	AMD-P	97-15-042
220-57-41500A	NEW-E	97-14-052	220-88A-07000J	NEW-E	97-09-044	222-16-030	AMD-E	97-15-070
220-57-41500A	REP-E	97-14-052	220-88A-07000J	REP-E	97-09-067	222-16-080	AMD-S	97-08-077
220-57-425	AMD-P	97-15-147	220-88A-07000K	NEW-E	97-09-067	222-16-080	AMD-E	97-10-005
220-57-42500C	NEW-E	97-14-052	220-88A-07000K	REP-E	97-10-044	222-16-080	AMD-S	97-11-074
220-57-42500C	REP-E	97-14-052	220-88A-07000L	NEW-E	97-10-044	222-16-080	AMD	97-15-105
220-57-430	AMD-P	97-15-147	220-88A-07000L	REP-E	97-10-081	222-16-080	NEW-W	97-09-041
220-57-43000H	NEW-E	97-14-052	220-88A-07000M	NEW-E	97-10-081	222-16-087	NEW-S	97-08-077
220-57-43000H	REP-E	97-14-052	220-88A-07000M	REP-E	97-11-030	222-16-087	NEW-S	97-11-074
220-57-435	AMD-P	97-15-147	220-88A-07000N	NEW-E	97-11-030	222-16-087	NEW	97-15-105
220-57-43500K	NEW-E	97-14-052	220-88A-07000N	REP-E	97-11-046	222-16-100	AMD-S	97-11-074
220-57-43500K	REP-E	97-14-052	220-88A-07000P	NEW-E	97-11-046	222-16-100	AMD	97-15-105
220-57-460	AMD-P	97-15-147	220-88A-07000P	REP-E	97-13-056	222-16-105	AMD-S	97-11-074
220-57-46000D	NEW-E	97-09-068	220-88A-07000Q	NEW-E	97-13-056	222-16-105	NEW	97-15-105
220-57-46000D	REP-E	97-14-052	220-88A-080	AMD	97-08-052	222-16-105	NEW	97-15-105
220-57-46000E	NEW-E	97-14-052	220-88A-08000J	NEW-E	97-09-044	222-24-030	AMD-S	97-08-077
220-57-46000E	REP-E	97-14-052	220-88A-08000J	REP-E	97-11-046	222-24-030	AMD-S	97-11-074
220-57-465	AMD-P	97-15-147	220-88A-08000K	NEW-E	97-11-046	222-24-030	AMD	97-15-105
220-57-46500H	NEW-E	97-14-052	220-88A-08000K	REP-E	97-15-024	222-30-020	AMD-S	97-11-074
220-57-46500H	REP-E	97-14-052	220-88A-08000L	NEW-E	97-15-024	222-30-020	AMD	97-15-105
220-57-480	AMD-P	97-15-147	220-88A-08000L	REP-E	97-15-054	222-30-050	AMD-S	97-08-077
220-57-48000A	NEW-E	97-12-035	220-88A-08000M	NEW-E	97-15-054	222-30-050	AMD-S	97-11-074
220-57-48000A	REP-E	97-14-052	220-88A-08000M	REP-E	97-15-081	222-30-050	AMD	97-15-105
220-57-48000B	NEW-E	97-14-052	220-88A-08000N	NEW-E	97-15-081	222-30-060	AMD-S	97-08-077
220-57-48000B	REP-E	97-14-052	220-95-013	AMD-W	97-03-075	222-30-060	AMD-S	97-11-074
220-57-493	NEW-P	97-15-147	220-95-018	AMD-W	97-03-075	222-30-060	AMD	97-15-105
220-57-49300A	NEW-E	97-14-052	220-95-022	AMD-W	97-03-075	222-30-065	AMD-S	97-08-077
						222-30-065	AMD-S	97-11-074

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
222-30-065	AMD	97-15-105	230-30-030	AMD	97-14-012	232-28-02201	AMD	97-06-050
222-30-070	AMD-S	97-08-077	230-30-040	AMD-P	97-09-077	232-28-02202	AMD	97-06-049
222-30-070	AMD-S	97-11-074	230-30-040	AMD	97-14-012	232-28-02203	AMD	97-06-048
222-30-070	AMD	97-15-105	230-30-045	NEW-P	97-15-092	232-28-02204	AMD	97-06-044
222-30-100	AMD-S	97-08-077	230-30-050	AMD-P	97-09-077	232-28-02205	AMD	97-06-043
222-30-100	AMD-S	97-11-074	230-30-050	AMD	97-14-012	232-28-02206	AMD	97-06-041
222-30-100	AMD	97-15-105	230-30-055	AMD-P	97-09-077	232-28-02210	AMD	97-06-042
230-02-020	AMD	97-03-094	230-30-055	AMD	97-14-012	232-28-02220	AMD	97-06-059
230-02-126	AMD-W	97-08-071	230-30-060	REP-P	97-09-075	232-28-02230	AMD	97-06-061
230-02-520	AMD-P	97-03-093	230-30-060	REP	97-14-015	232-28-02240	AMD	97-06-060
230-02-520	AMD	97-09-073	230-30-065	REP-P	97-09-075	232-28-02250	AMD	97-06-058
230-04-125	AMD-P	97-11-017	230-30-065	REP	97-14-015	232-28-02260	AMD	97-06-057
230-04-138	AMD-P	97-03-093	230-30-070	AMD-P	97-09-077	232-28-02270	AMD	97-06-056
230-04-138	AMD	97-09-073	230-30-070	AMD	97-14-012	232-28-02280	AMD-W	97-06-084
230-04-190	AMD-P	97-09-076	230-30-072	AMD-P	97-09-077	232-28-02290	AMD	97-06-055
230-04-190	AMD	97-14-013	230-30-072	AMD	97-14-012	232-28-02290	AMD-P	97-06-127
230-04-202	AMD-P	97-09-077	230-30-075	REP-P	97-09-075	232-28-02290	AMD	97-12-060
230-04-202	AMD	97-14-012	230-30-075	REP	97-14-015	232-28-240	AMD	97-06-047
230-04-203	AMD-P	97-09-077	230-30-080	AMD-P	97-09-077	232-28-240	AMD-P	97-06-116
230-04-203	AMD	97-14-012	230-30-080	AMD	97-14-012	232-28-240	AMD	97-12-049
230-04-260	AMD-P	97-09-076	230-30-100	REP-P	97-09-075	232-28-241	REP-P	97-14-096
230-04-260	AMD	97-14-013	230-30-100	REP	97-14-015	232-28-242	AMD	97-06-053
230-08-017	AMD-P	97-09-077	230-30-102	AMD-P	97-09-077	232-28-242	AMD-P	97-06-117
230-08-017	AMD	97-14-012	230-30-102	AMD	97-14-012	232-28-242	AMD	97-12-050
230-08-040	AMD-P	97-09-077	230-30-103	AMD-P	97-09-077	232-28-246	REP-P	97-14-096
230-08-040	AMD	97-14-012	230-30-103	AMD	97-14-012	232-28-248	AMD	97-06-052
230-08-060	AMD-P	97-03-093	230-30-104	AMD-P	97-09-077	232-28-249	AMD	97-06-051
230-08-060	AMD	97-09-073	230-30-104	AMD	97-14-012	232-28-250	REP-P	97-14-096
230-08-270	NEW-P	97-09-077	230-30-105	REP-P	97-09-075	232-28-251	REP-P	97-14-096
230-08-270	NEW	97-14-012	230-30-105	REP	97-14-015	232-28-252	AMD-P	97-06-118
230-12-200	REP-P	97-11-018	230-30-106	AMD-P	97-09-077	232-28-252	AMD	97-12-051
230-12-215	AMD-W	97-08-071	230-30-106	AMD	97-14-012	232-28-253	AMD-P	97-06-119
230-12-230	AMD-P	97-03-093	230-30-106	AMD-P	97-14-014	232-28-253	AMD	97-12-052
230-12-230	AMD	97-09-073	230-30-110	REP-P	97-09-075	232-28-254	AMD-P	97-06-120
230-12-230	AMD-P	97-09-074	230-30-110	REP	97-14-015	232-28-254	AMD	97-12-053
230-12-315	NEW-P	97-09-077	230-30-130	REP-P	97-09-075	232-28-260	AMD	97-06-038
230-12-315	NEW	97-14-012	230-30-130	REP	97-14-015	232-28-260	AMD-P	97-06-121
230-12-320	NEW-P	97-11-017	230-30-200	REP-P	97-11-018	232-28-260	AMD	97-12-054
230-12-330	NEW-P	97-11-017	230-30-210	AMD-P	97-09-077	232-28-262	AMD	97-06-039
230-12-340	NEW-P	97-11-017	230-30-210	AMD	97-14-012	232-28-263	AMD	97-06-037
230-12-350	NEW-P	97-11-017	230-30-215	REP-P	97-09-075	232-28-264	NEW	97-06-045
230-20-060	AMD-P	97-09-076	230-30-215	REP	97-14-015	232-28-264	AMD-P	97-14-095
230-20-060	AMD	97-14-013	230-30-300	AMD-P	97-09-077	232-28-265	NEW	97-06-046
230-20-062	AMD-P	97-09-076	230-30-300	AMD	97-14-012	232-28-265	AMD-P	97-06-122
230-20-062	AMD	97-14-013	230-50-005	NEW	97-03-095	232-28-265	AMD	97-12-055
230-20-070	AMD-P	97-05-060	230-50-010	AMD-P	97-09-076	232-28-266	NEW	97-05-074
230-20-070	AMD	97-11-020	230-50-010	AMD	97-14-013	232-28-267	NEW-P	97-06-123
230-20-115	AMD-P	97-03-092	230-50-012	AMD-P	97-09-076	232-28-267	NEW	97-12-056
230-20-115	AMD	97-09-072	230-50-012	AMD	97-14-013	232-28-268	NEW-P	97-06-124
230-20-192	AMD-P	97-15-093	232-12	AMD-C	97-05-075	232-28-268	NEW	97-12-057
230-20-240	AMD	97-05-056	232-12-001	AMD	97-07-076	232-28-268	AMD-P	97-14-098
230-20-240	AMD-P	97-15-093	232-12-001	AMD-P	97-15-147	232-28-269	NEW-P	97-06-125
230-20-242	AMD-P	97-09-076	232-12-00100A	NEW-E	97-14-052	232-28-269	NEW	97-12-058
230-20-242	AMD	97-14-013	232-12-00100A	REP-E	97-14-052	232-28-270	NEW-P	97-06-126
230-20-247	AMD	97-05-061	232-12-011	AMD-P	97-06-115	232-28-270	NEW	97-12-059
230-20-325	AMD-W	97-13-059	232-12-011	AMD	97-12-048	232-28-420	REP-P	97-14-096
230-20-600	AMD-P	97-03-093	232-12-011	AMD-P	97-14-090	232-28-421	NEW-P	97-14-097
230-20-600	AMD	97-09-073	232-12-014	AMD-P	97-14-090	232-28-514	REP-P	97-14-096
230-20-630	AMD-P	97-03-093	232-12-018	AMD	97-07-076	232-28-515	NEW-P	97-14-099
230-20-630	AMD	97-09-073	232-12-019	AMD-W	97-10-074	232-28-619	AMD	97-07-076
230-20-685	AMD-P	97-03-093	232-12-024	AMD-W	97-06-084	232-28-619	AMD-P	97-15-147
230-20-685	AMD	97-11-021	232-12-061	AMD-P	97-14-091	232-28-61900A	REP-E	97-04-001
230-20-700	AMD-P	97-03-093	232-12-068	AMD-P	97-14-093	232-28-61900B	NEW-E	97-03-039
230-30-015	REP-P	97-09-075	232-12-141	AMD-P	97-14-092	232-28-61900C	NEW-E	97-03-099
230-30-015	REP	97-14-015	232-12-147	AMD-W	97-10-074	232-28-61900C	REP-E	97-03-099
230-30-016	REP-P	97-09-075	232-12-619	AMD	97-07-076	232-28-61900D	NEW-E	97-03-100
230-30-016	REP	97-14-015	232-12-619	AMD-P	97-15-147	232-28-61900D	REP-E	97-03-100
230-30-018	REP-P	97-09-075	232-16-730	NEW-P	97-14-094	232-28-61900E	NEW-E	97-04-001
230-30-018	REP	97-14-015	232-16-740	AMD-P	97-14-089	232-28-61900F	NEW-E	97-06-034
230-30-025	AMD-P	97-05-057	232-16-780	NEW-P	97-14-094	232-28-61900F	REP-E	97-06-034
230-30-025	AMD-E	97-05-062	232-16-790	NEW-P	97-14-094	232-28-61900F	REP-E	97-12-035
230-30-025	AMD	97-11-019	232-16-800	NEW-P	97-14-094	232-28-61900G	NEW-E	97-07-056
230-30-030	AMD-P	97-09-077	232-28	AMD-C	97-05-075	232-28-61900G	REP-E	97-07-056

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232-28-61900H	NEW-E	97-08-047	246-10-403	AMD	97-12-089	246-224-080	PREP-X	97-14-056
232-28-61900H	REP-E	97-08-047	246-10-605	AMD-P	97-08-092	246-225-99910	PREP-X	97-14-056
232-28-61900I	NEW-E	97-09-068	246-10-605	AMD	97-12-089	246-227-010	PREP-X	97-14-056
232-28-61900I	REP-E	97-14-052	246-10-608	AMD-P	97-08-092	246-227-170	PREP-X	97-14-056
232-28-61900J	NEW-E	97-10-043	246-10-608	AMD	97-12-089	246-229-010	PREP-X	97-14-056
232-28-61900K	NEW-E	97-12-035	246-10-701	AMD-P	97-08-092	246-229-040	PREP-X	97-14-056
232-28-61900K	REP-E	97-14-052	246-10-701	AMD	97-12-089	246-232-060	AMD-P	97-03-126
232-28-61900L	NEW-E	97-14-052	246-10-704	AMD-P	97-08-092	246-232-060	AMD	97-08-095
232-28-61900L	REP-E	97-14-052	246-10-704	AMD	97-12-089	246-235-075	AMD-P	97-03-126
236-48-198	AMD	97-04-025	246-10-707	AMD-P	97-08-092	246-235-075	AMD	97-08-095
242-02-010	AMD	97-04-008	246-10-707	AMD	97-12-089	246-252-010	AMD	97-13-055
242-02-030	AMD	97-04-008	246-11-010	AMD-P	97-08-092	246-252-030	AMD	97-13-055
242-02-040	AMD	97-04-008	246-11-010	AMD	97-13-015	246-271-070	PREP-X	97-14-057
242-02-060	AMD	97-04-008	246-11-070	AMD-P	97-08-092	246-271-080	PREP-X	97-14-057
242-02-070	AMD	97-04-008	246-11-070	AMD	97-13-015	246-271-110	PREP-X	97-14-057
242-02-074	AMD	97-04-008	246-11-080	AMD-P	97-08-092	246-280-040	PREP-X	97-14-057
242-02-110	AMD	97-04-008	246-11-080	AMD	97-13-015	246-280-050	PREP-X	97-14-057
242-02-130	AMD	97-04-008	246-11-200	AMD-P	97-08-092	246-280-080	PREP-X	97-14-057
242-02-210	AMD	97-04-008	246-11-200	AMD	97-13-015	246-282-990	AMD-P	97-08-025
242-02-220	AMD	97-04-008	246-11-210	AMD-P	97-08-092	246-282-990	AMD	97-12-031
242-02-240	AMD-W	97-04-009	246-11-210	AMD	97-13-015	246-290-500	PREP-X	97-14-057
242-02-250	AMD	97-04-008	246-11-270	AMD-P	97-08-092	246-290-680	PREP-X	97-14-057
242-02-260	AMD	97-04-008	246-11-270	AMD	97-13-015	246-290-990	AMD-P	97-07-073
242-02-270	AMD	97-04-008	246-11-290	AMD-P	97-08-092	246-290-990	AMD	97-12-032
242-02-310	AMD	97-04-008	246-11-290	AMD	97-13-015	246-291-370	PREP-X	97-14-057
242-02-510	AMD	97-04-008	246-11-380	AMD-P	97-08-092	246-293-310	PREP-X	97-14-056
242-02-520	AMD	97-04-008	246-11-380	AMD	97-13-015	246-310-040	PREP-X	97-14-056
242-02-52001	NEW	97-04-008	246-11-510	AMD-P	97-08-092	246-310-041	PREP-X	97-14-056
242-02-52002	NEW	97-04-008	246-11-510	AMD	97-13-015	246-310-042	PREP-X	97-14-056
242-02-521	AMD	97-04-008	246-11-540	AMD-P	97-08-092	246-310-060	PREP-X	97-14-056
242-02-522	AMD	97-04-008	246-11-540	AMD	97-13-015	246-310-135	PREP-X	97-14-056
242-02-532	AMD	97-04-008	246-11-550	AMD-P	97-08-092	246-310-630	PREP-X	97-14-056
242-02-533	AMD	97-04-008	246-11-550	AMD	97-13-015	246-312-010	NEW-E	97-15-127
242-02-550	AMD	97-04-008	246-11-580	AMD-P	97-08-092	246-312-020	NEW-E	97-15-127
242-02-554	REP	97-04-008	246-11-580	AMD	97-13-015	246-316-001	PREP-X	97-14-056
242-02-560	AMD	97-04-008	246-11-610	AMD-P	97-08-092	246-316-990	PREP	97-13-097
242-02-570	AMD	97-04-008	246-11-610	AMD	97-13-015	246-318-018	PREP-X	97-14-056
242-02-634	AMD-W	97-04-009	246-100-011	AMD-P	97-06-110	246-318-050	PREP-X	97-14-056
242-02-650	AMD	97-04-008	246-100-011	AMD	97-15-099	246-318-060	PREP-X	97-14-056
242-02-660	AMD	97-04-008	246-100-036	AMD-P	97-06-110	246-318-070	PREP-X	97-14-056
242-02-670	AMD	97-04-008	246-100-036	AMD	97-15-099	246-318-080	PREP-X	97-14-056
242-02-710	AMD	97-04-008	246-100-072	AMD-P	97-06-110	246-318-090	PREP-X	97-14-056
242-02-820	REP	97-04-008	246-100-072	AMD	97-15-099	246-318-100	PREP-X	97-14-056
242-02-830	AMD	97-04-008	246-100-206	AMD-P	97-06-110	246-318-110	PREP-X	97-14-056
242-02-832	NEW	97-04-008	246-100-206	AMD	97-15-099	246-318-120	PREP-X	97-14-056
242-02-834	NEW	97-04-008	246-100-207	AMD	97-04-041	246-318-130	PREP-X	97-14-056
242-02-840	REP	97-04-008	246-100-209	AMD-P	97-06-110	246-318-135	PREP-X	97-14-056
242-02-850	REP	97-04-008	246-100-209	AMD	97-15-099	246-318-140	PREP-X	97-14-056
242-02-860	REP	97-04-008	246-171-010	PREP-X	97-14-056	246-318-340	PREP-X	97-14-056
242-02-870	REP	97-04-008	246-171-020	PREP-X	97-14-056	246-318-360	PREP-X	97-14-056
242-02-880	AMD	97-04-008	246-171-030	PREP-X	97-14-056	246-318-410	PREP-X	97-14-056
242-02-890	AMD-W	97-04-009	246-171-040	PREP-X	97-14-056	246-318-430	PREP-X	97-14-056
242-02-892	AMD	97-04-008	246-171-050	PREP-X	97-14-056	246-318-435	PREP-X	97-14-056
242-04-050	AMD	97-04-008	246-171-060	PREP-X	97-14-056	246-318-501	PREP-X	97-14-056
246-08-400	AMD-P	97-09-092	246-171-070	PREP-X	97-14-056	246-321-001	REP	97-03-080
246-08-400	AMD	97-12-087	246-171-080	PREP-X	97-14-056	246-321-010	REP	97-03-080
246-10-102	AMD-P	97-08-092	246-171-090	PREP-X	97-14-056	246-321-012	REP	97-03-080
246-10-102	AMD	97-12-089	246-171-100	PREP-X	97-14-056	246-321-014	REP	97-03-080
246-10-108	AMD-P	97-08-092	246-171-110	PREP-X	97-14-056	246-321-015	REP	97-03-080
246-10-108	AMD	97-12-089	246-171-120	PREP-X	97-14-056	246-321-017	REP	97-03-080
246-10-109	AMD-P	97-08-092	246-171-130	PREP-X	97-14-056	246-321-018	REP	97-03-080
246-10-109	AMD	97-12-089	246-171-140	PREP-X	97-14-056	246-321-020	REP	97-03-080
246-10-121	AMD-P	97-08-092	246-203-080	PREP-X	97-14-057	246-321-025	REP	97-03-080
246-10-121	AMD	97-12-089	246-203-090	PREP-X	97-14-057	246-321-030	REP	97-03-080
246-10-122	AMD-P	97-08-092	246-203-100	PREP-X	97-14-057	246-321-035	REP	97-03-080
246-10-122	AMD	97-12-089	246-203-110	PREP-X	97-14-057	246-321-040	REP	97-03-080
246-10-203	AMD-P	97-08-092	246-203-140	PREP-X	97-14-057	246-321-045	REP	97-03-080
246-10-203	AMD	97-12-089	246-203-150	PREP-X	97-14-057	246-321-050	REP	97-03-080
246-10-205	AMD-P	97-08-092	246-203-160	PREP-X	97-14-057	246-321-055	REP	97-03-080
246-10-205	AMD	97-12-089	246-203-170	PREP-X	97-14-057	246-321-990	REP	97-03-080
246-10-401	AMD-P	97-08-092	246-203-180	PREP-X	97-14-057	246-322-001	PREP-X	97-14-056
246-10-401	AMD	97-12-089	246-220-130	PREP-X	97-14-056	246-324-001	PREP-X	97-14-056
246-10-403	AMD-P	97-08-092	246-224-040	PREP-X	97-14-056	246-325-001	PREP-X	97-14-056

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-326-001	PREP-X	97-14-056	246-810-010	AMD-P	97-13-099	246-810-734	NEW-P	97-13-099
246-327-001	PREP-X	97-14-056	246-810-020	AMD-P	97-13-099	246-810-740	AMD-P	97-13-099
246-327-990	AMD-P	97-11-087	246-810-022	NEW-P	97-13-099	246-810-741	REP-P	97-13-099
246-327-990	AMD	97-15-096	246-810-030	AMD-P	97-13-099	246-810-745	NEW-P	97-13-099
246-328-150	PREP-X	97-14-056	246-810-031	AMD-P	97-13-099	246-810-748	NEW-P	97-13-099
246-329-001	PREP-X	97-14-056	246-810-032	AMD-P	97-13-099	246-810-750	REP-P	97-13-099
246-331-001	PREP-X	97-14-056	246-810-035	NEW-P	97-13-099	246-810-760	REP-P	97-13-099
246-331-990	AMD-P	97-11-087	246-810-040	AMD-P	97-13-099	246-810-761	REP-P	97-13-099
246-331-990	AMD	97-15-096	246-810-045	NEW-P	97-13-099	246-810-762	REP-P	97-13-099
246-336-001	PREP-X	97-14-056	246-810-049	NEW-P	97-13-099	246-810-763	REP-P	97-13-099
246-336-990	AMD-P	97-11-087	246-810-050	REP-P	97-13-099	246-810-764	REP-P	97-13-099
246-336-990	AMD	97-15-096	246-810-060	AMD-P	97-13-099	246-810-765	REP-P	97-13-099
246-338-020	AMD-P	97-11-039	246-810-061	AMD-P	97-13-099	246-810-766	REP-P	97-13-099
246-338-020	AMD	97-14-113	246-810-062	AMD-P	97-13-099	246-810-770	REP-P	97-13-099
246-338-030	AMD-P	97-11-039	246-810-063	AMD-P	97-13-099	246-810-780	REP-P	97-13-099
246-338-030	AMD	97-14-113	246-810-064	AMD-P	97-13-099	246-810-990	AMD-P	97-13-099
246-338-060	AMD-P	97-11-039	246-810-065	AMD-P	97-13-099	246-822-100	PREP-X	97-14-056
246-338-060	AMD	97-14-113	246-810-066	AMD-P	97-13-099	246-822-140	PREP-X	97-14-056
246-338-070	AMD-P	97-11-039	246-810-070	AMD-P	97-13-099	246-828-015	NEW	97-04-042
246-338-070	AMD	97-14-113	246-810-080	AMD-P	97-13-099	246-828-055	AMD-P	97-12-086
246-338-090	AMD-P	97-11-039	246-810-110	NEW-P	97-13-099	246-828-055	AMD	97-15-128
246-338-090	AMD	97-14-113	246-810-120	NEW-P	97-13-099	246-828-060	PREP-X	97-14-059
246-338-100	AMD-P	97-11-039	246-810-130	NEW-P	97-13-099	246-828-065	PREP-X	97-14-059
246-338-100	AMD	97-14-113	246-810-140	NEW-P	97-13-099	246-828-070	AMD-P	97-12-086
246-358-095	AMD	97-14-008	246-810-150	NEW-P	97-13-099	246-828-070	AMD	97-15-128
246-360-060	PREP-X	97-14-057	246-810-152	NEW-P	97-13-099	246-828-400	PREP-X	97-14-060
246-360-170	PREP-X	97-14-057	246-810-310	AMD-P	97-13-099	246-828-410	PREP-X	97-14-060
246-360-210	PREP-X	97-14-057	246-810-320	AMD-P	97-13-099	246-828-420	PREP-X	97-14-060
246-374-050	PREP-X	97-14-057	246-810-321	AMD-P	97-13-099	246-828-430	PREP-X	97-14-060
246-374-060	PREP-X	97-14-057	246-810-330	REP-P	97-13-099	246-828-510	REP	97-15-097
246-374-080	PREP-X	97-14-057	246-810-331	REP-P	97-13-099	246-828-990	AMD	97-04-043
246-374-100	PREP-X	97-14-057	246-810-332	AMD-P	97-13-099	246-830-220	PREP-X	97-14-056
246-374-130	PREP-X	97-14-057	246-810-334	NEW-P	97-13-099	246-830-230	PREP-X	97-14-056
246-376-050	PREP-X	97-14-057	246-810-340	AMD-P	97-13-099	246-830-240	PREP-X	97-14-056
246-376-080	PREP-X	97-14-057	246-810-345	NEW-P	97-13-099	246-830-250	PREP-X	97-14-056
246-376-100	PREP-X	97-14-057	246-810-348	NEW-P	97-13-099	246-830-255	PREP-X	97-14-056
246-376-110	PREP-X	97-14-057	246-810-350	REP-P	97-13-099	246-830-260	PREP-X	97-14-056
246-510-001	PREP-X	97-14-056	246-810-360	REP-P	97-13-099	246-830-270	PREP-X	97-14-056
246-510-010	PREP-X	97-14-056	246-810-361	REP-P	97-13-099	246-830-280	PREP-X	97-14-056
246-510-100	PREP-X	97-14-056	246-810-362	REP-P	97-13-099	246-830-690	PREP-X	97-14-056
246-510-130	PREP-X	97-14-056	246-810-363	REP-P	97-13-099	246-834-350	PREP-X	97-14-056
246-510-160	PREP-X	97-14-056	246-810-364	REP-P	97-13-099	246-836-070	PREP-X	97-14-056
246-510-200	PREP-X	97-14-056	246-810-365	REP-P	97-13-099	246-836-080	PREP-X	97-14-056
246-510-300	PREP-X	97-14-056	246-810-366	REP-P	97-13-099	246-836-090	PREP-X	97-14-056
246-510-320	PREP-X	97-14-056	246-810-370	REP-P	97-13-099	246-836-190	PREP-X	97-14-056
246-510-400	PREP-X	97-14-056	246-810-380	REP-P	97-13-099	246-836-400	PREP-X	97-14-056
246-560-015	PREP-X	97-14-056	246-810-510	AMD-P	97-13-099	246-838	PREP-W	97-03-066
246-560-020	PREP-X	97-14-056	246-810-520	AMD-P	97-13-099	246-838	PREP-W	97-03-067
246-560-030	PREP-X	97-14-056	246-810-521	AMD-P	97-13-099	246-838-010	REP-P	97-07-074
246-560-080	PREP-X	97-14-056	246-810-530	REP-P	97-13-099	246-838-010	REP	97-13-100
246-560-090	PREP-X	97-14-056	246-810-532	NEW-P	97-13-099	246-838-020	REP-P	97-07-074
246-560-100	PREP-X	97-14-056	246-810-534	NEW-P	97-13-099	246-838-020	REP	97-13-100
246-560-105	PREP-X	97-14-056	246-810-540	AMD-P	97-13-099	246-838-026	REP-P	97-07-074
246-560-110	PREP-X	97-14-056	246-810-541	REP-P	97-13-099	246-838-026	REP	97-13-100
246-560-120	PREP-X	97-14-056	246-810-542	REP-P	97-13-099	246-838-030	REP-P	97-07-074
246-710-040	PREP-X	97-14-057	246-810-545	NEW-P	97-13-099	246-838-030	REP	97-13-100
246-762-060	PREP-X	97-14-057	246-810-548	NEW-P	97-13-099	246-838-040	REP-P	97-07-074
246-762-070	PREP-X	97-14-057	246-810-550	REP-P	97-13-099	246-838-050	REP-P	97-07-074
246-790-010	AMD-P	97-13-098	246-810-560	REP-P	97-13-099	246-838-050	REP	97-13-100
246-790-050	AMD-P	97-13-098	246-810-561	REP-P	97-13-099	246-838-060	REP-P	97-07-074
246-790-060	AMD-P	97-13-098	246-810-562	REP-P	97-13-099	246-838-060	REP	97-13-100
246-790-070	AMD-P	97-13-098	246-810-563	REP-P	97-13-099	246-838-070	REP-P	97-07-074
246-790-080	AMD-P	97-13-098	246-810-564	REP-P	97-13-099	246-838-070	REP	97-13-100
246-790-085	NEW-P	97-13-098	246-810-565	REP-P	97-13-099	246-838-080	REP-P	97-07-074
246-790-090	AMD-P	97-13-098	246-810-566	REP-P	97-13-099	246-838-080	REP	97-13-100
246-790-100	AMD-P	97-13-098	246-810-570	REP-P	97-13-099	246-838-090	REP-P	97-07-074
246-790-110	REP-P	97-13-098	246-810-580	REP-P	97-13-099	246-838-090	REP	97-13-100
246-790-120	AMD-P	97-13-098	246-810-710	NEW-P	97-13-099	246-838-100	REP-P	97-07-074
246-790-130	AMD-P	97-13-098	246-810-720	AMD-P	97-13-099	246-838-100	REP	97-13-100
246-808-410	PREP-X	97-14-058	246-810-721	NEW-P	97-13-099	246-838-110	REP-P	97-07-074
246-808-525	PREP-X	97-14-058	246-810-730	REP-P	97-13-099	246-838-110	REP	97-13-100
246-808-530	PREP-X	97-14-058	246-810-731	REP-P	97-13-099	246-838-120	REP-P	97-07-074
246-808-710	PREP-X	97-14-058	246-810-732	NEW-P	97-13-099	246-838-120	REP	97-13-100

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-840-730	NEW	97-13-100	246-851-240	AMD	97-12-088	251-12-270	REP-P	97-10-089
246-840-745	NEW-P	97-07-074	246-861-030	PREP-X	97-14-062	251-12-270	REP	97-13-045
246-840-745	NEW	97-13-100	246-865	PREP	97-11-038	251-12-600	AMD-P	97-08-090
246-840-747	NEW-P	97-07-074	246-869-260	PREP-X	97-14-069	251-12-600	AMD-W	97-10-088
246-840-747	NEW	97-13-100	246-877-030	PREP-X	97-14-064	251-12-600	AMD-P	97-10-089
246-840-750	NEW-P	97-07-074	246-893	PREP-X	97-14-065	251-12-600	AMD	97-13-045
246-840-750	NEW	97-13-100	246-897-030	PREP-X	97-14-066	251-14-060	AMD	97-06-012
246-840-760	NEW-P	97-07-074	246-897-040	PREP-X	97-14-066	251-14-120	AMD	97-06-012
246-840-760	NEW	97-13-100	246-897-050	PREP-X	97-14-066	251-20-020	AMD-P	97-08-090
246-840-770	NEW-P	97-07-074	246-897-120	PREP-X	97-14-066	251-20-020	AMD-W	97-10-088
246-840-770	NEW	97-13-100	246-897-130	PREP-X	97-14-066	251-20-020	AMD-P	97-10-089
246-840-780	NEW-P	97-07-074	246-897-140	PREP-X	97-14-066	251-20-020	AMD	97-13-045
246-840-780	NEW	97-13-100	246-897-150	PREP-X	97-14-066	260-24-010	REP-P	97-04-060
246-840-800	NEW-P	97-07-074	246-897-160	PREP-X	97-14-066	260-24-020	REP-P	97-04-060
246-840-800	NEW	97-13-100	246-897-170	PREP-X	97-14-066	260-24-030	REP-P	97-04-060
246-840-810	NEW-P	97-07-074	246-897-180	PREP-X	97-14-066	260-24-040	REP-P	97-04-060
246-840-810	NEW	97-13-100	246-897-190	PREP-X	97-14-066	260-24-050	REP-P	97-04-060
246-840-820	NEW-P	97-07-074	246-907-020	AMD	97-06-019	260-24-060	REP-P	97-04-060
246-840-820	NEW	97-13-100	246-907-030	AMD	97-06-019	260-24-070	REP-P	97-04-060
246-840-830	NEW-P	97-07-074	246-915-080	PREP-X	97-14-067	260-24-080	REP-P	97-04-060
246-840-830	NEW	97-13-100	246-915-090	PREP-X	97-14-067	260-24-090	REP-P	97-04-060
246-840-840	NEW-P	97-07-074	246-919-520	NEW-P	97-15-126	260-24-100	REP-P	97-04-060
246-840-840	NEW	97-13-100	246-919-990	AMD-P	97-12-085	260-24-110	REP-P	97-04-060
246-840-850	NEW-P	97-07-074	246-919-990	AMD	97-15-100	260-24-120	REP-P	97-04-060
246-840-850	NEW	97-13-100	246-933-170	PREP-X	97-14-056	260-24-130	REP-P	97-04-060
246-840-860	NEW-P	97-07-074	246-933-980	PREP-X	97-14-056	260-24-140	REP-P	97-04-060
246-840-860	NEW-S	97-12-030	246-935-125	PREP-X	97-14-056	260-24-150	REP-P	97-04-060
246-840-870	NEW-P	97-07-074	246-937-100	PREP-X	97-14-056	260-24-160	REP-P	97-04-060
246-840-870	NEW	97-13-100	246-976-090	PREP-X	97-14-056	260-24-170	REP-P	97-04-060
246-840-880	NEW-P	97-07-074	246-976-115	PREP-X	97-14-056	260-24-180	REP-P	97-04-060
246-840-880	NEW	97-13-100	249A-02-010	NEW-W	97-09-043	260-24-190	REP-P	97-04-060
246-840-890	NEW-P	97-07-074	249A-02-020	NEW-W	97-09-043	260-24-200	REP-P	97-04-060
246-840-890	NEW	97-13-100	249A-02-030	NEW-W	97-09-043	260-24-210	REP-P	97-04-060
246-840-900	NEW-P	97-07-074	249A-02-040	NEW-W	97-09-043	260-24-220	REP-P	97-04-060
246-840-900	NEW	97-13-100	249A-02-050	NEW-W	97-09-043	260-24-230	REP-P	97-04-060
246-840-930	AMD-P	97-07-074	249A-02-060	NEW-W	97-09-043	260-24-240	REP-P	97-04-060
246-840-930	AMD	97-13-100	249A-02-080	NEW-W	97-09-043	260-24-250	REP-P	97-04-060
246-840-940	AMD-P	97-07-074	249A-02-100	NEW-W	97-09-043	260-24-260	REP-P	97-04-060
246-840-940	AMD	97-13-100	249A-02-200	NEW-W	97-09-043	260-24-270	REP-P	97-04-060
246-841-710	PREP-X	97-14-061	249A-02-210	NEW-W	97-09-043	260-24-280	REP-P	97-04-060
246-841-730	PREP-X	97-14-061	249A-02-220	NEW-W	97-09-043	260-24-290	REP-P	97-04-060
246-841-740	PREP-X	97-14-061	249A-02-250	NEW-W	97-09-043	260-24-300	REP-P	97-04-060
246-841-750	PREP-X	97-14-061	249A-02-300	NEW-W	97-09-043	260-24-310	REP-P	97-04-060
246-843-158	PREP-X	97-14-056	249A-02-350	NEW-W	97-09-043	260-24-320	REP-P	97-04-060
246-851-090	AMD-P	97-08-094	249A-02-360	NEW-W	97-09-043	260-24-330	REP-P	97-04-060
246-851-090	AMD	97-12-088	249A-02-410	NEW-W	97-09-043	260-24-340	REP-P	97-04-060
246-851-100	AMD-P	97-08-094	249A-02-420	NEW-W	97-09-043	260-24-350	REP-P	97-04-060
246-851-100	AMD	97-12-088	249A-02-430	NEW-W	97-09-043	260-24-360	REP-P	97-04-060
246-851-110	AMD-P	97-08-094	249A-02-440	NEW-W	97-09-043	260-24-370	REP-P	97-04-060
246-851-110	AMD	97-12-088	249A-02-450	NEW-W	97-09-043	260-24-380	REP-P	97-04-060
246-851-120	AMD-P	97-08-094	249A-02-460	NEW-W	97-09-043	260-24-390	REP-P	97-04-060
246-851-120	AMD	97-12-088	249A-02-470	NEW-W	97-09-043	260-24-400	REP-P	97-04-060
246-851-140	AMD-P	97-08-094	249A-02-510	NEW-W	97-09-043	260-24-410	REP-P	97-04-060
246-851-140	AMD	97-12-088	249A-02-520	NEW-W	97-09-043	260-24-420	REP-P	97-04-060
246-851-150	AMD-P	97-08-094	249A-02-540	NEW-W	97-09-043	260-24-430	REP-P	97-04-060
246-851-150	AMD	97-12-088	249A-02-560	NEW-W	97-09-043	260-24-440	REP-P	97-04-060
246-851-160	AMD-P	97-08-094	249A-02-600	NEW-W	97-09-043	260-24-450	REP-P	97-04-060
246-851-160	AMD	97-12-088	249A-02-650	NEW-W	97-09-043	260-24-460	REP-P	97-04-060
246-851-170	AMD-P	97-08-094	249A-02-810	NEW-W	97-09-043	260-24-465	REP-P	97-04-060
246-851-170	AMD	97-12-088	249A-02-830	NEW-W	97-09-043	260-24-470	REP-P	97-04-060
246-851-180	AMD-P	97-08-094	249A-02-860	NEW-W	97-09-043	260-24-480	REP-P	97-04-060
246-851-180	AMD	97-12-088	251-01-045	AMD-P	97-08-090	260-24-500	NEW-P	97-04-060
246-851-190	AMD-P	97-08-094	251-01-045	AMD-W	97-10-088	260-24-510	NEW-P	97-04-060
246-851-190	AMD	97-12-088	251-01-110	AMD-P	97-08-090	260-24-520	NEW-P	97-04-060
246-851-200	AMD-P	97-08-094	251-01-110	AMD-W	97-10-088	260-24-530	NEW-P	97-04-060
246-851-200	AMD	97-12-088	251-04-040	AMD-P	97-08-090	260-24-540	NEW-P	97-04-060
246-851-210	REP-P	97-08-094	251-04-040	AMD-W	97-10-088	260-24-550	NEW-P	97-04-060
246-851-210	REP	97-12-088	251-04-050	AMD-P	97-08-090	260-24-560	NEW-P	97-04-060
246-851-220	AMD-P	97-08-094	251-04-050	AMD-W	97-10-088	260-24-570	NEW-P	97-04-060
246-851-220	AMD	97-12-088	251-10-030	AMD-P	97-08-090	260-24-580	NEW-P	97-04-060
246-851-230	AMD-P	97-08-094	251-10-030	AMD-W	97-10-088	260-24-590	NEW-P	97-04-060
246-851-230	AMD	97-12-088	251-12-270	REP-P	97-08-090	260-24-600	NEW-P	97-04-060
246-851-240	AMD-P	97-08-094	251-12-270	REP-W	97-10-088	260-24-610	NEW-P	97-04-060

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
260-24-620	NEW-P	97-04-060	275-60-200	PREP-X	97-14-071	275-155-070	NEW-P	97-11-044
260-24-630	NEW-P	97-04-060	275-60-300	PREP-X	97-14-071	275-155-080	NEW-P	97-11-044
260-24-640	NEW-P	97-04-060	275-60-400	PREP-X	97-14-071	275-155-090	NEW-P	97-11-044
260-24-650	NEW-P	97-04-060	275-60-500	PREP-X	97-14-071	275-155-100	NEW-P	97-11-044
260-24-660	NEW-P	97-04-060	275-60-510	PREP-X	97-14-071	275-155-110	NEW-P	97-11-044
260-24-670	NEW-P	97-04-060	275-60-520	PREP-X	97-14-071	275-155-120	NEW-P	97-11-044
260-24-680	NEW-P	97-04-060	275-76-005	PREP	97-15-131	275-155-130	NEW-P	97-11-044
260-24-690	NEW-P	97-04-060	275-76-010	PREP	97-15-131	275-155-140	NEW-P	97-11-044
260-24-700	NEW-P	97-04-060	275-76-020	PREP	97-15-131	284-04	NEW-C	97-03-023
260-32	PREP	97-04-059	275-76-030	PREP	97-15-131	284-04	NEW-C	97-03-120
260-48	PREP	97-04-058	275-76-040	PREP	97-15-131	284-04	NEW-C	97-08-091
262-01-030	PREP	97-06-112	275-76-050	PREP	97-15-131	284-04	NEW-W	97-10-072
262-01-030	AMD-P	97-09-091	275-76-060	PREP	97-15-131	284-13-505	NEW	97-05-012
262-01-030	AMD-W	97-10-060	275-76-070	PREP	97-15-131	284-13-515	NEW	97-05-012
262-01-030	AMD-P	97-11-065	275-76-080	PREP	97-15-131	284-13-520	AMD	97-05-012
262-02-020	PREP	97-06-112	275-76-090	PREP	97-15-131	284-13-530	NEW	97-05-012
262-02-020	AMD-P	97-09-090	275-76-100	PREP	97-15-131	284-13-535	NEW	97-05-012
262-02-020	AMD-W	97-10-060	275-76-110	PREP	97-15-131	284-13-540	AMD	97-05-012
262-02-020	AMD-P	97-11-064	275-76-120	PREP	97-15-131	284-13-550	AMD	97-05-012
262-02-030	PREP	97-06-112	275-76-130	PREP	97-15-131	284-13-560	AMD	97-05-012
262-02-030	AMD-P	97-09-090	275-76-140	PREP	97-15-131	284-13-570	AMD	97-05-012
262-02-030	AMD-W	97-10-060	275-76-150	PREP	97-15-131	284-13-590	AMD	97-05-012
262-02-030	AMD-P	97-11-064	275-80-805	PREP	97-15-131	284-13-595	NEW	97-05-012
262-02-030	AMD-P	97-07-068	275-80-810	PREP	97-15-131	284-17-220	AMD-P	97-15-150
262-03	PREP	97-11-063	275-80-815	PREP	97-15-131	284-30-395	NEW-S	97-03-090
262-03-010	NEW-P	97-11-063	275-80-840	PREP	97-15-131	284-30-395	NEW-C	97-08-045
262-03-020	NEW-P	97-11-063	275-80-842	PREP	97-15-131	284-30-395	NEW-C	97-11-010
262-03-030	NEW-P	97-11-063	275-80-844	PREP	97-15-131	284-30-395	NEW	97-13-005
262-03-040	NEW-P	97-11-063	275-80-846	PREP	97-15-131	284-43-110	NEW-W	97-08-044
262-03-050	NEW-P	97-11-063	275-80-848	PREP	97-15-131	284-43-120	NEW-W	97-08-044
262-03-060	NEW-P	97-11-063	275-80-852	PREP	97-15-131	284-43-130	NEW-W	97-08-044
262-03-070	NEW-P	97-11-063	275-80-854	PREP	97-15-131	284-43-200	NEW-W	97-08-044
262-03-080	NEW-P	97-11-063	275-80-860	PREP	97-15-131	284-43-210	NEW-W	97-08-044
262-03-090	NEW-P	97-11-063	275-80-870	PREP	97-15-131	284-43-300	NEW-W	97-08-044
262-04	PREP	97-14-025	275-80-872	PREP	97-15-131	284-43-310	NEW-W	97-08-044
275-27-023	AMD-E	97-03-033	275-80-876	PREP	97-15-131	284-43-320	NEW-W	97-08-044
275-27-023	AMD-P	97-08-007	275-80-878	PREP	97-15-131	284-43-330	NEW-W	97-08-044
275-27-023	AMD-E	97-11-009	275-80-890	PREP	97-15-131	284-43-340	NEW-W	97-08-044
275-27-023	AMD	97-13-051	275-80-895	PREP	97-15-131	284-43-350	NEW-W	97-08-044
275-27-220	AMD-E	97-03-033	275-80-900	PREP	97-15-131	284-43-360	NEW-W	97-08-044
275-27-220	AMD-P	97-08-007	275-80-905	PREP	97-15-131	284-43-400	NEW-W	97-08-044
275-27-220	AMD-E	97-11-009	275-80-910	PREP	97-15-131	284-43-410	NEW-W	97-08-044
275-27-220	AMD	97-13-051	275-80-915	PREP	97-15-131	284-43-420	NEW-W	97-08-044
275-27-221	REP-E	97-03-033	275-80-920	PREP	97-15-131	284-43-500	NEW-W	97-08-044
275-27-221	REP-P	97-08-007	275-80-925	PREP	97-15-131	284-43-510	NEW-W	97-08-044
275-27-221	REP-E	97-11-009	275-80-930	PREP	97-15-131	284-43-520	NEW-W	97-08-044
275-27-221	REP	97-13-051	275-80-935	PREP	97-15-131	284-43-530	NEW-W	97-08-044
275-27-222	NEW-P	97-08-007	275-80-940	PREP	97-15-131	284-43-540	NEW-W	97-08-044
275-27-222	NEW-E	97-11-009	275-80-995	PREP	97-15-131	284-43-550	NEW-W	97-08-044
275-27-222	NEW	97-13-051	275-110-010	PREP	97-15-131	284-43-560	NEW-W	97-08-044
275-27-223	AMD-E	97-03-033	275-110-020	PREP	97-15-131	284-43-600	NEW-W	97-08-044
275-27-223	AMD-P	97-08-007	275-110-030	PREP	97-15-131	284-43-610	NEW-W	97-08-044
275-27-223	AMD-E	97-11-009	275-110-040	PREP	97-15-131	284-43-620	NEW-W	97-08-044
275-27-223	AMD	97-13-051	275-110-050	PREP	97-15-131	284-43-630	NEW-W	97-08-044
275-27-400	AMD-E	97-03-033	275-110-060	PREP	97-15-131	284-43-640	NEW-W	97-08-044
275-27-400	AMD-P	97-08-007	275-110-070	PREP	97-15-131	284-43-650	NEW-W	97-08-044
275-27-400	AMD-E	97-11-009	275-110-080	PREP	97-15-131	284-43-700	NEW-C	97-05-006
275-27-400	AMD	97-13-051	275-110-090	PREP	97-15-131	284-43-700	NEW-C	97-08-046
275-48-010	PREP	97-15-131	275-110-100	PREP	97-15-131	284-43-700	NEW-W	97-11-001
275-48-015	PREP	97-15-131	275-110-110	PREP	97-15-131	284-44-240	REP-W	97-08-044
275-48-020	PREP	97-15-131	275-110-120	PREP	97-15-131	284-44-410	REP-W	97-08-044
275-48-025	PREP	97-15-131	275-150-010	PREP	97-15-131	284-46-575	REP-W	97-08-044
275-48-030	PREP	97-15-131	275-150-020	PREP	97-15-131	284-51-050	PREP	97-04-074
275-48-035	PREP	97-15-131	275-150-030	PREP	97-15-131	284-54-750	NEW-P	97-15-150
275-48-040	PREP	97-15-131	275-150-040	PREP	97-15-131	284-85-085	AMD-P	97-15-150
275-48-045	PREP	97-15-131	275-150-050	PREP	97-15-131	286-13-040	PREP	97-08-079
275-48-050	PREP	97-15-131	275-150-060	PREP	97-15-131	286-13-040	AMD-P	97-12-027
275-60-010	PREP-X	97-14-071	275-150-070	PREP	97-15-131	286-13-045	AMD-P	97-04-006
275-60-020	PREP-X	97-14-071	275-150-080	PREP	97-15-131	286-13-085	AMD	97-08-003
275-60-030	PREP-X	97-14-071	275-150-090	PREP	97-15-131	286-13-085	AMD-P	97-04-006
275-60-040	PREP-X	97-14-071	275-155	AMD-P	97-11-044	286-13-085	AMD	97-08-003
275-60-050	PREP-X	97-14-071	275-155-005	AMD-P	97-11-044	286-13-110	AMD-P	97-04-006
275-60-060	PREP-X	97-14-071	275-155-010	AMD-P	97-11-044	286-13-110	AMD	97-08-003
275-60-070	PREP-X	97-14-071						

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
286-13-110	PREP	97-08-079	296-10-560	PREP-X	97-13-034	296-17-45006	NEW	97-06-007
286-13-110	AMD-P	97-12-027	296-10-570	PREP-X	97-13-034	296-17-45006	AMD-E	97-08-043
286-13-115	PREP	97-08-079	296-10-580	PREP-X	97-13-034	296-17-45006	AMD-P	97-08-051
286-13-115	AMD-P	97-12-027	296-10-590	PREP-X	97-13-034	296-17-45006	AMD	97-12-011
286-26-080	AMD-P	97-04-006	296-11-001	DECOD	97-08-042	296-17-52107	REP	97-06-007
286-26-080	AMD	97-08-003	296-11-003	DECOD	97-08-042	296-17-52112	REP	97-06-007
286-27-040	AMD-P	97-04-006	296-11-010	DECOD	97-08-042	296-17-52114	NEW	97-06-007
286-27-040	AMD	97-08-003	296-11-020	DECOD	97-08-042	296-17-52114	REP-E	97-08-043
286-27-050	REP-P	97-04-006	296-11-030	DECOD	97-08-042	296-17-52114	REP-P	97-08-051
286-27-050	REP	97-08-003	296-11-040	DECOD	97-08-042	296-17-52114	REP	97-12-011
286-35-030	AMD-P	97-04-006	296-11-050	DECOD	97-08-042	296-17-52115	NEW	97-06-007
286-35-030	AMD	97-08-003	296-11-060	DECOD	97-08-042	296-17-52115	REP-E	97-08-043
286-35-040	REP-P	97-04-006	296-11-070	DECOD	97-08-042	296-17-52115	REP-P	97-08-051
286-35-040	REP	97-08-003	296-11-080	DECOD	97-08-042	296-17-52115	REP	97-12-011
286-40-020	AMD-P	97-04-006	296-11-090	DECOD	97-08-042	296-17-52116	NEW	97-06-007
286-40-020	AMD	97-08-003	296-11-100	DECOD	97-08-042	296-17-52117	NEW	97-06-007
292-09-010	AMD-P	97-05-022	296-11-110	DECOD	97-08-042	296-17-52117	REP-E	97-08-043
292-09-010	AMD	97-13-069	296-11-120	DECOD	97-08-042	296-17-52117	REP-P	97-08-051
292-11-010	NEW-S	97-05-023	296-11-130	DECOD	97-08-042	296-17-52117	REP	97-12-011
292-11-010	NEW	97-13-075	296-11-140	DECOD	97-08-042	296-17-52118	NEW-E	97-08-043
292-11-020	NEW-S	97-05-023	296-11-150	DECOD	97-08-042	296-17-52118	NEW-P	97-08-051
292-11-020	NEW	97-13-075	296-11-160	DECOD	97-08-042	296-17-52118	NEW	97-12-011
292-11-030	NEW-W	97-09-057	296-11-170	DECOD	97-08-042	296-17-52119	NEW-E	97-08-043
292-110-010	PREP	97-13-006	296-11-180	DECOD	97-08-042	296-17-52119	NEW-P	97-08-051
292-120-010	NEW-P	97-03-133	296-11-190	DECOD	97-08-042	296-17-52119	NEW	97-12-011
292-120-010	NEW	97-07-058	296-11-200	DECOD	97-08-042	296-17-52120	NEW-E	97-08-043
292-120-020	NEW-P	97-03-133	296-11-210	DECOD	97-08-042	296-17-52120	NEW-P	97-08-051
292-120-020	NEW	97-07-058	296-11-220	DECOD	97-08-042	296-17-52120	NEW	97-12-011
292-120-030	NEW-P	97-03-133	296-11-230	DECOD	97-08-042	296-17-52121	NEW-E	97-08-043
292-120-030	NEW	97-07-058	296-11-240	DECOD	97-08-042	296-17-52121	NEW-P	97-08-051
292-120-040	NEW-P	97-03-133	296-11-250	DECOD	97-08-042	296-17-52121	NEW	97-12-011
292-120-040	NEW	97-07-058	296-11-260	DECOD	97-08-042	296-17-52122	NEW-E	97-08-043
296-10-010	PREP-X	97-13-034	296-11-270	DECOD	97-08-042	296-17-52122	NEW-P	97-08-051
296-10-020	PREP-X	97-13-034	296-11-280	DECOD	97-08-042	296-17-52122	NEW	97-12-011
296-10-030	PREP-X	97-13-034	296-11-290	DECOD	97-08-042	296-17-52123	NEW-E	97-08-043
296-10-040	PREP-X	97-13-034	296-11-300	DECOD	97-08-042	296-17-52123	NEW-P	97-08-051
296-10-050	PREP-X	97-13-034	296-11-310	DECOD	97-08-042	296-17-52123	NEW	97-12-011
296-10-060	PREP-X	97-13-034	296-11-320	DECOD	97-08-042	296-17-52124	NEW-E	97-08-043
296-10-070	PREP-X	97-13-034	296-11-330	DECOD	97-08-042	296-17-52124	NEW-P	97-08-051
296-10-080	PREP-X	97-13-034	296-11-340	DECOD	97-08-042	296-17-52124	NEW	97-12-011
296-10-090	PREP-X	97-13-034	296-11-350	DECOD	97-08-042	296-17-52125	NEW-E	97-08-043
296-10-100	PREP-X	97-13-034	296-11-360	DECOD	97-08-042	296-17-52125	NEW-P	97-08-051
296-10-110	PREP-X	97-13-034	296-11-370	DECOD	97-08-042	296-17-52125	NEW	97-12-011
296-10-120	PREP-X	97-13-034	296-11-380	DECOD	97-08-042	296-17-52126	NEW-E	97-08-043
296-10-130	PREP-X	97-13-034	296-11-390	DECOD	97-08-042	296-17-52126	NEW-P	97-08-051
296-10-140	PREP-X	97-13-034	296-11-400	DECOD	97-08-042	296-17-52126	NEW	97-12-011
296-10-150	PREP-X	97-13-034	296-11-410	DECOD	97-08-042	296-17-89502	NEW	97-06-007
296-10-160	PREP-X	97-13-034	296-11-420	DECOD	97-08-042	296-17-89502	AMD-E	97-08-043
296-10-170	PREP-X	97-13-034	296-11-430	DECOD	97-08-042	296-17-89502	AMD-P	97-08-051
296-10-180	PREP-X	97-13-034	296-11-440	DECOD	97-08-042	296-17-89502	AMD	97-12-011
296-10-190	PREP-X	97-13-034	296-11-450	DECOD	97-08-042	296-20	PREP	97-02-096
296-10-200	PREP-X	97-13-034	296-11-460	DECOD	97-08-042	296-20-125	PREP	97-02-097
296-10-210	PREP-X	97-13-034	296-11-470	DECOD	97-08-042	296-20-135	PREP	97-02-097
296-10-220	PREP-X	97-13-034	296-11-480	DECOD	97-08-042	296-20-135	AMD-P	97-05-076
296-10-370	PREP-X	97-13-034	296-11-490	DECOD	97-08-042	296-20-135	AMD	97-10-017
296-10-380	PREP-X	97-13-034	296-11-500	DECOD	97-08-042	296-20-200	AMD	97-09-036
296-10-390	PREP-X	97-13-034	296-11-510	DECOD	97-08-042	296-20-210	AMD	97-09-036
296-10-400	PREP-X	97-13-034	296-11-520	DECOD	97-08-042	296-20-220	AMD	97-09-036
296-10-410	PREP-X	97-13-034	296-11-530	DECOD	97-08-042	296-23	PREP	97-02-096
296-10-420	PREP-X	97-13-034	296-11-540	DECOD	97-08-042	296-23-220	PREP	97-02-097
296-10-430	PREP-X	97-13-034	296-11-550	DECOD	97-08-042	296-23-220	AMD-P	97-05-076
296-10-440	PREP-X	97-13-034	296-11-560	DECOD	97-08-042	296-23-220	AMD	97-10-017
296-10-450	PREP-X	97-13-034	296-11-570	DECOD	97-08-042	296-23-230	PREP	97-02-097
296-10-460	PREP-X	97-13-034	296-11-580	DECOD	97-08-042	296-23-230	AMD-P	97-05-076
296-10-470	PREP-X	97-13-034	296-11-590	DECOD	97-08-042	296-23-230	AMD	97-10-017
296-10-480	PREP-X	97-13-034	296-17	PREP	97-15-139	296-23-265	AMD	97-09-036
296-10-490	PREP-X	97-13-034	296-17	PREP	97-15-140	296-23-26501	NEW	97-09-036
296-10-500	PREP-X	97-13-034	296-17	PREP	97-15-141	296-23-26502	NEW	97-09-036
296-10-510	PREP-X	97-13-034	296-17	PREP	97-15-142	296-23-26503	NEW	97-09-036
296-10-520	PREP-X	97-13-034	296-17-45003	AMD	97-06-007	296-23-26504	NEW	97-09-036
296-10-530	PREP-X	97-13-034	296-17-45003	AMD-E	97-08-043	296-23-26505	NEW	97-09-036
296-10-540	PREP-X	97-13-034	296-17-45003	AMD-P	97-08-051	296-23-26506	NEW	97-09-036
296-10-550	PREP-X	97-13-034	296-17-45003	AMD	97-12-011	296-23-267	NEW	97-09-036

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-23A	PREP	97-02-097	296-23A-310	REP	97-06-066	296-46-950	AMD-P	97-14-111
296-23A-0100	NEW	97-06-066	296-23A-315	REP	97-06-066	296-46-960	NEW-P	97-14-111
296-23A-0110	NEW	97-06-066	296-23A-320	REP	97-06-066	296-49	PREP	97-03-082
296-23A-0120	NEW	97-06-066	296-23A-400	REP	97-06-066	296-49-005	REP-P	97-09-039
296-23A-0130	NEW	97-06-066	296-23A-430	REP	97-06-066	296-49-010	REP-P	97-09-039
296-23A-0140	NEW	97-06-066	296-24	PREP	97-11-051	296-49-015	REP-P	97-09-039
296-23A-0150	NEW	97-06-066	296-24-07801	AMD-P	97-03-085	296-49-020	REP-P	97-09-039
296-23A-0160	NEW	97-06-066	296-24-07801	AMD	97-11-055	296-49-025	REP-P	97-09-039
296-23A-0170	NEW	97-06-066	296-24-084	AMD-P	97-03-085	296-49-030	REP-P	97-09-039
296-23A-0180	NEW	97-06-066	296-24-084	AMD	97-11-055	296-49-035	REP-P	97-09-039
296-23A-0190	NEW	97-06-066	296-24-088	AMD-P	97-03-085	296-49-040	REP-P	97-09-039
296-23A-0195	NEW	97-06-066	296-24-088	AMD	97-11-055	296-49-045	REP-P	97-09-039
296-23A-0200	NEW	97-06-066	296-24-67501	AMD-P	97-13-062	296-49-050	REP-P	97-09-039
296-23A-0210	NEW	97-06-066	296-24-67505	AMD-P	97-13-062	296-49-055	REP-P	97-09-039
296-23A-0220	NEW	97-06-066	296-24-67507	AMD-P	97-13-062	296-49-060	REP-P	97-09-039
296-23A-0230	NEW	97-06-066	296-24-67509	AMD-P	97-13-062	296-49-065	REP-P	97-09-039
296-23A-0240	NEW	97-06-066	296-24-67511	AMD-P	97-13-062	296-49A-010	NEW-P	97-09-039
296-23A-0250	NEW	97-06-066	296-24-67513	AMD-P	97-13-062	296-49A-020	NEW-P	97-09-039
296-23A-0300	NEW	97-06-066	296-24-67515	AMD-P	97-13-062	296-49A-030	NEW-P	97-09-039
296-23A-0310	NEW	97-06-066	296-24-67517	AMD-P	97-13-062	296-49A-040	NEW-P	97-09-039
296-23A-0350	NEW	97-06-066	296-24-67519	AMD-P	97-13-062	296-49A-050	NEW-P	97-09-039
296-23A-0360	NEW	97-06-066	296-24-67520	NEW-P	97-13-062	296-49A-060	NEW-P	97-09-039
296-23A-0400	NEW	97-06-066	296-24-67521	NEW-P	97-13-062	296-49A-070	NEW-P	97-09-039
296-23A-0410	NEW	97-06-066	296-24-677	REP-P	97-13-062	296-49A-080	NEW-P	97-09-039
296-23A-0420	NEW	97-06-066	296-24-67701	REP-P	97-13-062	296-49A-090	NEW-P	97-09-039
296-23A-0430	NEW	97-06-066	296-27-15503	AMD-P	97-03-085	296-49A-100	NEW-P	97-09-039
296-23A-0440	NEW	97-06-066	296-27-15503	AMD	97-11-054	296-49A-110	NEW-P	97-09-039
296-23A-0450	NEW	97-06-066	296-46	PREP	97-02-095	296-54	PREP	97-10-071
296-23A-0460	NEW	97-06-066	296-46	AMD-C	97-15-143	296-62	PREP	97-05-047
296-23A-0470	NEW	97-06-066	296-46-090	AMD-P	97-03-083	296-62	PREP	97-06-101
296-23A-0480	NEW	97-06-066	296-46-090	AMD	97-12-016	296-62	PREP	97-09-078
296-23A-0490	NEW	97-06-066	296-46-090	AMD-P	97-14-111	296-62-05413	AMD-P	97-03-085
296-23A-0500	NEW	97-06-066	296-46-130	AMD-P	97-03-083	296-62-05413	AMD	97-11-055
296-23A-0520	NEW	97-06-066	296-46-130	AMD	97-12-016	296-62-07113	AMD-P	97-09-079
296-23A-0530	NEW	97-06-066	296-46-140	AMD-P	97-03-083	296-62-07460	NEW-P	97-09-079
296-23A-0540	NEW	97-06-066	296-46-140	AMD	97-12-016	296-62-07470	NEW-P	97-13-063
296-23A-0550	NEW	97-06-066	296-46-150	REP-P	97-03-083	296-62-07473	NEW-P	97-13-063
296-23A-0560	NEW	97-06-066	296-46-150	REP	97-12-016	296-62-07475	NEW-P	97-13-063
296-23A-0570	NEW	97-06-066	296-46-21008	AMD-P	97-03-083	296-62-07477	NEW-P	97-13-063
296-23A-0575	NEW	97-06-066	296-46-21008	AMD	97-12-016	296-62-075	AMD-P	97-09-079
296-23A-0580	NEW	97-06-066	296-46-21052	AMD-P	97-03-083	296-62-07501	AMD-P	97-09-079
296-23A-0600	NEW	97-06-066	296-46-21052	AMD	97-12-016	296-62-07510	AMD-P	97-09-079
296-23A-0610	NEW	97-06-066	296-46-21052	AMD-P	97-14-111	296-62-07515	AMD-P	97-09-079
296-23A-0620	NEW	97-06-066	296-46-225	AMD-P	97-03-083	296-62-07711	AMD-P	97-09-079
296-23A-100	REP	97-06-066	296-46-225	AMD	97-12-016	296-62-07712	AMD-P	97-09-079
296-23A-105	REP	97-06-066	296-46-23028	AMD-P	97-03-083	296-62-07715	AMD-P	97-09-079
296-23A-106	REP	97-06-066	296-46-23028	AMD	97-12-016	296-62-07717	AMD-P	97-09-079
296-23A-110	REP	97-06-066	296-46-23062	AMD-P	97-03-083	296-62-07721	AMD-P	97-09-079
296-23A-115	REP	97-06-066	296-46-23062	AMD	97-12-016	296-62-07725	AMD-P	97-09-079
296-23A-120	REP	97-06-066	296-46-30001	AMD-P	97-03-083	296-62-07728	AMD-P	97-09-079
296-23A-125	REP	97-06-066	296-46-30001	AMD	97-12-016	296-62-07761	REP-P	97-09-079
296-23A-130	REP	97-06-066	296-46-360	AMD-P	97-03-083	296-62-11015	AMD-P	97-13-062
296-23A-135	REP	97-06-066	296-46-360	AMD	97-12-016	296-65-001	AMD-P	97-09-079
296-23A-140	REP	97-06-066	296-46-370	AMD-P	97-03-083	296-65-030	AMD-P	97-09-079
296-23A-145	REP	97-06-066	296-46-370	AMD	97-12-016	296-86-020	AMD-P	97-03-132
296-23A-150	REP	97-06-066	296-46-514	AMD-P	97-03-083	296-86-020	AMD	97-11-053
296-23A-155	REP	97-06-066	296-46-514	AMD	97-12-016	296-86-030	AMD-P	97-03-132
296-23A-160	REP	97-06-066	296-46-553	NEW-P	97-03-083	296-86-030	AMD	97-11-053
296-23A-165	REP	97-06-066	296-46-553	NEW	97-12-016	296-86-050	AMD-P	97-03-132
296-23A-170	REP	97-06-066	296-46-700	AMD-P	97-03-083	296-86-050	AMD	97-11-053
296-23A-175	REP	97-06-066	296-46-700	AMD	97-12-016	296-86-060	AMD-P	97-03-132
296-23A-180	REP	97-06-066	296-46-725	AMD-P	97-03-083	296-86-060	AMD	97-11-053
296-23A-185	REP	97-06-066	296-46-725	AMD	97-12-016	296-86-070	AMD-P	97-03-132
296-23A-190	REP	97-06-066	296-46-910	AMD-P	97-03-083	296-86-070	AMD	97-11-053
296-23A-200	REP	97-06-066	296-46-910	AMD-E	97-10-064	296-86-075	AMD-P	97-03-132
296-23A-205	REP	97-06-066	296-46-910	AMD	97-12-016	296-86-075	AMD	97-11-053
296-23A-210	REP	97-06-066	296-46-910	AMD-P	97-14-111	296-86-080	AMD-P	97-03-132
296-23A-215	REP	97-06-066	296-46-915	AMD-P	97-03-083	296-86-080	AMD	97-11-053
296-23A-220	REP	97-06-066	296-46-915	AMD	97-12-016	296-86-090	NEW-P	97-03-132
296-23A-225	REP	97-06-066	296-46-915	AMD-P	97-14-111	296-86-090	NEW	97-11-053
296-23A-230	REP	97-06-066	296-46-920	AMD-P	97-03-083	296-93-010	REP-P	97-14-110
296-23A-235	REP	97-06-066	296-46-920	AMD	97-12-016	296-93-020	REP-P	97-14-110
296-23A-300	REP	97-06-066	296-46-930	AMD-P	97-14-111	296-93-030	REP-P	97-14-110

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-93-040	REP-P	97-14-110	296-99-085	AMD-P	97-09-079	296-150F-3000	AMD	97-11-053
296-93-050	REP-P	97-14-110	296-99-090	AMD-P	97-09-079	296-150M-0040	AMD-P	97-09-039
296-93-070	REP-P	97-14-110	296-99-093	AMD-P	97-09-079	296-150M-0100	AMD-P	97-09-039
296-93-080	REP-P	97-14-110	296-99-095	AMD-P	97-09-079	296-150M-3000	AMD-P	97-03-132
296-93-090	REP-P	97-14-110	296-104	PREP	97-11-004	296-150M-3000	AMD	97-11-053
296-93-100	REP-P	97-14-110	296-104-107	NEW-P	97-15-138	296-150P-0010	NEW-P	97-09-039
296-93-120	REP-P	97-14-110	296-104-200	AMD-P	97-15-138	296-150P-0020	NEW-P	97-09-039
296-93-140	REP-P	97-14-110	296-104-215	AMD-P	97-15-138	296-150P-0030	NEW-P	97-09-039
296-93-150	REP-P	97-14-110	296-104-265	AMD-P	97-15-138	296-150P-0040	NEW-P	97-09-039
296-93-160	REP-P	97-14-110	296-104-270	AMD-P	97-15-138	296-150P-0060	NEW-P	97-09-039
296-93-170	REP-P	97-14-110	296-104-300	AMD-P	97-15-138	296-150P-0100	NEW-P	97-09-039
296-93-190	REP-P	97-14-110	296-104-305	AMD-P	97-15-138	296-150P-0110	NEW-P	97-09-039
296-93-200	REP-P	97-14-110	296-104-310	AMD-P	97-15-138	296-150P-0120	NEW-P	97-09-039
296-93-210	REP-P	97-14-110	296-104-320	AMD-P	97-15-138	296-150P-0130	NEW-P	97-09-039
296-93-220	REP-P	97-14-110	296-104-325	AMD-P	97-15-138	296-150P-0200	NEW-P	97-09-039
296-93-230	REP-P	97-14-110	296-104-330	AMD-P	97-15-138	296-150P-0210	NEW-P	97-09-039
296-93-240	REP-P	97-14-110	296-104-400	REP-P	97-15-138	296-150P-0220	NEW-P	97-09-039
296-93-250	REP-P	97-14-110	296-104-405	AMD-P	97-15-138	296-150P-0250	NEW-P	97-09-039
296-93-260	REP-P	97-14-110	296-104-410	REP-P	97-15-138	296-150P-0280	NEW-P	97-09-039
296-93-270	REP-P	97-14-110	296-104-415	REP-P	97-15-138	296-150P-0290	NEW-P	97-09-039
296-93-280	REP-P	97-14-110	296-116-010	DECOD	97-08-042	296-150P-0300	NEW-P	97-09-039
296-93-290	REP-P	97-14-110	296-116-020	DECOD	97-08-042	296-150P-0310	NEW-P	97-09-039
296-93-300	AMD-P	97-03-132	296-116-030	DECOD	97-08-042	296-150P-0320	NEW-P	97-09-039
296-93-300	AMD	97-11-053	296-116-050	DECOD	97-08-042	296-150P-0330	NEW-P	97-09-039
296-93-300	REP-P	97-14-110	296-116-060	DECOD	97-08-042	296-150P-0340	NEW-P	97-09-039
296-93-320	REP-P	97-03-132	296-116-070	AMD	97-06-105	296-150P-0350	NEW-P	97-09-039
296-93-320	REP	97-11-053	296-116-070	DECOD	97-08-042	296-150P-0400	NEW-P	97-09-039
296-93-320	REP-P	97-14-110	296-116-075	DECOD	97-08-042	296-150P-0410	NEW-P	97-09-039
296-93-330	AMD-P	97-03-132	296-116-080	DECOD	97-08-042	296-150P-0420	NEW-P	97-09-039
296-93-330	AMD	97-11-053	296-116-081	DECOD	97-08-042	296-150P-0440	NEW-P	97-09-039
296-93-330	REP-P	97-14-110	296-116-082	PREP	97-06-102	296-150P-0450	NEW-P	97-09-039
296-93A-010	NEW-P	97-14-110	296-116-082	AMD-E	97-08-040	296-150P-0600	NEW-P	97-09-039
296-93A-020	NEW-P	97-14-110	296-116-082	DECOD	97-08-042	296-150P-0610	NEW-P	97-09-039
296-93A-030	NEW-P	97-14-110	296-116-083	DECOD	97-08-042	296-150P-0620	NEW-P	97-09-039
296-93A-040	NEW-P	97-14-110	296-116-085	DECOD	97-08-042	296-150P-0630	NEW-P	97-09-039
296-93A-050	NEW-P	97-14-110	296-116-110	DECOD	97-08-042	296-150P-0640	NEW-P	97-09-039
296-93A-070	NEW-P	97-14-110	296-116-115	DECOD	97-08-042	296-150P-0700	NEW-P	97-09-039
296-93A-080	NEW-P	97-14-110	296-116-120	DECOD	97-08-042	296-150P-0710	NEW-P	97-09-039
296-93A-090	NEW-P	97-14-110	296-116-140	DECOD	97-08-042	296-150P-0720	NEW-P	97-09-039
296-93A-100	NEW-P	97-14-110	296-116-150	DECOD	97-08-042	296-150P-1000	NEW-P	97-09-039
296-93A-120	NEW-P	97-14-110	296-116-170	DECOD	97-08-042	296-150P-1010	NEW-P	97-09-039
296-93A-140	NEW-P	97-14-110	296-116-175	DECOD	97-08-042	296-150P-1020	NEW-P	97-09-039
296-93A-150	NEW-P	97-14-110	296-116-185	DECOD	97-08-042	296-150P-2000	NEW-P	97-09-039
296-93A-160	NEW-P	97-14-110	296-116-200	AMD	97-06-106	296-150P-2010	NEW-P	97-09-039
296-93A-170	NEW-P	97-14-110	296-116-200	DECOD	97-08-042	296-150P-2020	NEW-P	97-09-039
296-93A-190	NEW-P	97-14-110	296-116-205	DECOD	97-08-042	296-150P-2030	NEW-P	97-09-039
296-93A-200	NEW-P	97-14-110	296-116-2051	DECOD	97-08-042	296-150P-3000	NEW-P	97-09-039
296-93A-210	NEW-P	97-14-110	296-116-300	AMD-P	97-08-041	296-150R	PREP	97-03-082
296-93A-220	NEW-P	97-14-110	296-116-300	DECOD	97-08-042	296-150R	AMD-P	97-09-039
296-93A-230	NEW-P	97-14-110	296-116-315	DECOD	97-08-042	296-150R-0010	AMD-P	97-09-039
296-93A-240	NEW-P	97-14-110	296-116-35001	DECOD	97-08-042	296-150R-0020	AMD-P	97-09-039
296-93A-250	NEW-P	97-14-110	296-116-360	AMD-P	97-06-103	296-150R-0030	AMD-P	97-09-039
296-93A-260	NEW-P	97-14-110	296-116-360	AMD-E	97-06-104	296-150R-0040	AMD-P	97-09-039
296-93A-270	NEW-P	97-14-110	296-116-360	DECOD	97-08-042	296-150R-0060	AMD-P	97-09-039
296-93A-280	NEW-P	97-14-110	296-116-370	DECOD	97-08-042	296-150R-0100	AMD-P	97-09-039
296-93A-290	NEW-P	97-14-110	296-116-400	DECOD	97-08-042	296-150R-0110	AMD-P	97-09-039
296-93A-300	NEW-P	97-14-110	296-116-410	DECOD	97-08-042	296-150R-0120	AMD-P	97-09-039
296-93A-330	NEW-P	97-14-110	296-116-420	DECOD	97-08-042	296-150R-0130	AMD-P	97-09-039
296-99-010	AMD-P	97-09-079	296-116-500	DECOD	97-08-042	296-150R-0200	AMD-P	97-09-039
296-99-015	AMD-P	97-09-079	296-126-140	PREP-X	97-13-034	296-150R-0250	AMD-P	97-09-039
296-99-020	AMD-P	97-09-079	296-128-013	NEW-W	97-03-073	296-150R-0280	AMD-P	97-09-039
296-99-025	AMD-P	97-09-079	296-129-020	PREP-X	97-13-034	296-150R-0400	AMD-P	97-09-039
296-99-030	AMD-P	97-09-079	296-129-030	PREP-X	97-13-034	296-150R-0640	AMD-P	97-09-039
296-99-035	AMD-P	97-09-079	296-129-040	PREP-X	97-13-034	296-150R-0850	AMD-P	97-09-039
296-99-040	AMD-P	97-09-079	296-150C-0040	AMD-P	97-09-039	296-150R-1000	AMD-P	97-09-039
296-99-045	AMD-P	97-09-079	296-150C-0090	NEW-W	97-04-070	296-150R-2000	AMD-P	97-09-039
296-99-050	AMD-P	97-09-079	296-150C-0100	AMD-P	97-09-039	296-150R-2020	AMD-P	97-09-039
296-99-055	AMD-P	97-09-079	296-150C-1010	NEW-W	97-04-070	296-150R-3000	AMD-P	97-03-132
296-99-060	AMD-P	97-09-079	296-150C-3000	AMD-P	97-03-132	296-150R-3000	AMD-P	97-09-039
296-99-065	AMD-P	97-09-079	296-150C-3000	AMD	97-11-053	296-150R-3000	AMD	97-11-053
296-99-070	AMD-P	97-09-079	296-150F-0040	AMD-P	97-09-039	296-155	PREP	97-10-095
296-99-075	AMD-P	97-09-079	296-150F-0100	AMD-P	97-09-039	296-155-527	AMD-P	97-03-085
296-99-080	AMD-P	97-09-079	296-150F-3000	AMD-P	97-03-132	296-155-527	AMD	97-11-055

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-200	PREP	97-03-081	296-306A-061	DECOD	97-09-013	296-306A-15009	DECOD	97-09-013
296-200-025	AMD-P	97-03-132	296-306A-065	DECOD	97-09-013	296-306A-15012	DECOD	97-09-013
296-200-025	AMD	97-11-053	296-306A-070	DECOD	97-09-013	296-306A-160	DECOD	97-09-013
296-200-050	AMD-P	97-03-132	296-306A-07001	DECOD	97-09-013	296-306A-16001	DECOD	97-09-013
296-200-050	AMD	97-11-053	296-306A-07003	DECOD	97-09-013	296-306A-16003	AMD-P	97-03-131
296-200-900	AMD-P	97-03-132	296-306A-07005	DECOD	97-09-013	296-306A-16003	AMD-E	97-06-040
296-200-900	AMD	97-11-053	296-306A-07007	DECOD	97-09-013	296-306A-16003	AMD	97-08-051A
296-304-010	AMD-P	97-13-062	296-306A-07009	DECOD	97-09-013	296-306A-16003	DECOD	97-09-013
296-304-01001	AMD-P	97-13-062	296-306A-07011	DECOD	97-09-013	296-306A-16005	DECOD	97-09-013
296-304-03001	AMD-P	97-13-062	296-306A-07013	DECOD	97-09-013	296-306A-16007	DECOD	97-09-013
296-304-03003	AMD-P	97-13-062	296-306A-073	DECOD	97-09-013	296-306A-16009	DECOD	97-09-013
296-304-03005	AMD-P	97-13-062	296-306A-076	DECOD	97-09-013	296-306A-16011	DECOD	97-09-013
296-304-03007	AMD-P	97-13-062	296-306A-080	DECOD	97-09-013	296-306A-16013	AMD-P	97-03-131
296-304-05007	AMD-P	97-13-062	296-306A-08003	DECOD	97-09-013	296-306A-16013	AMD-E	97-04-048
296-304-05013	AMD-P	97-13-062	296-306A-08006	DECOD	97-09-013	296-306A-16013	AMD	97-08-051A
296-304-06013	AMD-P	97-13-062	296-306A-08009	DECOD	97-09-013	296-306A-16013	DECOD	97-09-013
296-304-07013	AMD-P	97-13-062	296-306A-08012	DECOD	97-09-013	296-306A-16015	DECOD	97-09-013
296-304-08007	AMD-P	97-13-062	296-306A-08015	DECOD	97-09-013	296-306A-16017	DECOD	97-09-013
296-304-08009	AMD-P	97-13-062	296-306A-08018	AMD-P	97-03-131	296-306A-16019	DECOD	97-09-013
296-304-090	AMD-P	97-13-062	296-306A-08018	AMD	97-08-051A	296-306A-16021	DECOD	97-09-013
296-304-09001	AMD-P	97-13-062	296-306A-08018	DECOD	97-09-013	296-306A-16023	DECOD	97-09-013
296-304-09003	AMD-P	97-13-062	296-306A-08021	DECOD	97-09-013	296-306A-185	DECOD	97-09-013
296-304-09005	AMD-P	97-13-062	296-306A-085	DECOD	97-09-013	296-306A-18503	DECOD	97-09-013
296-304-09007	AMD-P	97-13-062	296-306A-090	DECOD	97-09-013	296-306A-18506	DECOD	97-09-013
296-304-09009	NEW-P	97-13-062	296-306A-095	DECOD	97-09-013	296-306A-18509	DECOD	97-09-013
296-304-09011	NEW-P	97-13-062	296-306A-09503	DECOD	97-09-013	296-306A-18512	DECOD	97-09-013
296-304-09013	NEW-P	97-13-062	296-306A-09506	DECOD	97-09-013	296-306A-18515	DECOD	97-09-013
296-304-09015	NEW-P	97-13-062	296-306A-09509	DECOD	97-09-013	296-306A-190	DECOD	97-09-013
296-304-09017	NEW-P	97-13-062	296-306A-09512	DECOD	97-09-013	296-306A-19003	DECOD	97-09-013
296-304-09019	NEW-P	97-13-062	296-306A-09515	DECOD	97-09-013	296-306A-19006	DECOD	97-09-013
296-304-09021	NEW-P	97-13-062	296-306A-09518	DECOD	97-09-013	296-306A-19009	DECOD	97-09-013
296-304-09023	NEW-P	97-13-062	296-306A-100	DECOD	97-09-013	296-306A-19012	DECOD	97-09-013
296-306-060	REP-P	97-03-131	296-306A-10005	DECOD	97-09-013	296-306A-19015	DECOD	97-09-013
296-306-060	REP-E	97-06-040	296-306A-10010	DECOD	97-09-013	296-306A-19018	DECOD	97-09-013
296-306-060	REP	97-08-051A	296-306A-10015	DECOD	97-09-013	296-306A-195	DECOD	97-09-013
296-306-060	REP-W	97-12-063	296-306A-10020	DECOD	97-09-013	296-306A-200	DECOD	97-09-013
296-306-330	REP-P	97-03-131	296-306A-10025	DECOD	97-09-013	296-306A-20005	DECOD	97-09-013
296-306-330	REP-E	97-06-040	296-306A-107	DECOD	97-09-013	296-306A-20010	DECOD	97-09-013
296-306-330	REP	97-08-051A	296-306A-110	DECOD	97-09-013	296-306A-205	DECOD	97-09-013
296-306-330	REP-W	97-12-063	296-306A-11005	DECOD	97-09-013	296-306A-20505	DECOD	97-09-013
296-306-400	REP-P	97-03-131	296-306A-11010	DECOD	97-09-013	296-306A-20510	DECOD	97-09-013
296-306-400	REP-E	97-06-040	296-306A-11015	DECOD	97-09-013	296-306A-20515	DECOD	97-09-013
296-306-400	REP	97-08-051A	296-306A-120	DECOD	97-09-013	296-306A-220	DECOD	97-09-013
296-306-400	REP-W	97-12-063	296-306A-12005	DECOD	97-09-013	296-306A-22003	DECOD	97-09-013
296-306-40007	REP-P	97-03-131	296-306A-12010	DECOD	97-09-013	296-306A-22006	DECOD	97-09-013
296-306-40007	REP-E	97-06-040	296-306A-12015	DECOD	97-09-013	296-306A-22009	DECOD	97-09-013
296-306-40007	REP	97-08-051A	296-306A-12020	DECOD	97-09-013	296-306A-22012	DECOD	97-09-013
296-306-40007	REP-W	97-12-063	296-306A-12025	DECOD	97-09-013	296-306A-22015	DECOD	97-09-013
296-306-40009	REP-P	97-03-131	296-306A-12030	DECOD	97-09-013	296-306A-225	DECOD	97-09-013
296-306-40009	REP-E	97-06-040	296-306A-12035	DECOD	97-09-013	296-306A-22503	DECOD	97-09-013
296-306-40009	REP	97-08-051A	296-306A-12040	DECOD	97-09-013	296-306A-22506	DECOD	97-09-013
296-306-40009	REP-W	97-12-063	296-306A-12045	DECOD	97-09-013	296-306A-22509	DECOD	97-09-013
296-306A-003	DECOD	97-09-013	296-306A-12050	DECOD	97-09-013	296-306A-230	DECOD	97-09-013
296-306A-006	DECOD	97-09-013	296-306A-12055	DECOD	97-09-013	296-306A-232	DECOD	97-09-013
296-306A-009	DECOD	97-09-013	296-306A-130	DECOD	97-09-013	296-306A-240	DECOD	97-09-013
296-306A-012	DECOD	97-09-013	296-306A-13005	DECOD	97-09-013	296-306A-24001	DECOD	97-09-013
296-306A-015	DECOD	97-09-013	296-306A-13010	DECOD	97-09-013	296-306A-24003	DECOD	97-09-013
296-306A-018	DECOD	97-09-013	296-306A-13015	DECOD	97-09-013	296-306A-24006	DECOD	97-09-013
296-306A-021	DECOD	97-09-013	296-306A-13020	DECOD	97-09-013	296-306A-24009	DECOD	97-09-013
296-306A-024	DECOD	97-09-013	296-306A-13025	DECOD	97-09-013	296-306A-24012	DECOD	97-09-013
296-306A-030	DECOD	97-09-013	296-306A-13030	DECOD	97-09-013	296-306A-24015	DECOD	97-09-013
296-306A-033	DECOD	97-09-013	296-306A-13035	DECOD	97-09-013	296-306A-24018	DECOD	97-09-013
296-306A-036	DECOD	97-09-013	296-306A-13040	DECOD	97-09-013	296-306A-24021	DECOD	97-09-013
296-306A-039	DECOD	97-09-013	296-306A-13045	DECOD	97-09-013	296-306A-24024	DECOD	97-09-013
296-306A-042	DECOD	97-09-013	296-306A-13050	DECOD	97-09-013	296-306A-24027	DECOD	97-09-013
296-306A-045	DECOD	97-09-013	296-306A-13055	DECOD	97-09-013	296-306A-24030	DECOD	97-09-013
296-306A-050	DECOD	97-09-013	296-306A-145	DECOD	97-09-013	296-306A-24033	DECOD	97-09-013
296-306A-055	DECOD	97-09-013	296-306A-14505	DECOD	97-09-013	296-306A-24036	DECOD	97-09-013
296-306A-05501	DECOD	97-09-013	296-306A-14510	DECOD	97-09-013	296-306A-250	DECOD	97-09-013
296-306A-05503	DECOD	97-09-013	296-306A-14520	DECOD	97-09-013	296-306A-25003	DECOD	97-09-013
296-306A-05505	DECOD	97-09-013	296-306A-150	DECOD	97-09-013	296-306A-25006	DECOD	97-09-013
296-306A-05507	DECOD	97-09-013	296-306A-15003	DECOD	97-09-013	296-306A-25009	DECOD	97-09-013
296-306A-060	DECOD	97-09-013	296-306A-15006	DECOD	97-09-013	296-306A-25012	DECOD	97-09-013

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-400-035	REP-P	97-03-084	296-401-165	AMD-P	97-14-111	308-18-140	AMD-P	97-13-081
296-400-035	REP	97-11-052	296-401-170	AMD-P	97-14-111	308-18-150	AMD-P	97-13-081
296-400-045	REP-P	97-03-084	296-401-175	AMD-P	97-03-083	308-18-170	AMD-P	97-13-081
296-400-045	REP	97-11-052	296-401-175	AMD	97-12-016	308-18-180	NEW-P	97-13-081
296-400-050	REP-P	97-03-084	296-401-175	AMD-P	97-14-111	308-18-185	NEW-P	97-13-081
296-400-050	REP	97-11-052	308-10-050	AMD-P	97-14-103	308-18-190	NEW-P	97-13-081
296-400-070	REP-P	97-03-084	308-11-140	NEW-P	97-07-035	308-18-240	AMD-P	97-13-081
296-400-070	REP	97-11-052	308-11-140	NEW	97-10-046	308-18-300	AMD-P	97-13-081
296-400-100	REP-P	97-03-084	308-11-150	NEW-P	97-07-035	308-19-400	NEW-P	97-07-026
296-400-100	REP	97-11-052	308-11-150	NEW	97-10-046	308-19-400	NEW	97-10-047
296-400-110	REP-P	97-03-084	308-11-160	NEW-P	97-07-035	308-19-410	NEW-P	97-07-026
296-400-110	REP	97-11-052	308-11-160	NEW	97-10-046	308-19-410	NEW	97-10-047
296-400-120	REP-P	97-03-084	308-12-025	AMD	97-03-121	308-19-420	NEW-P	97-07-026
296-400-120	REP	97-11-052	308-12-031	AMD	97-03-121	308-19-420	NEW	97-10-047
296-400-130	REP-P	97-03-084	308-12-040	AMD	97-03-121	308-20-160	PREP-X	97-13-026
296-400-130	REP	97-11-052	308-12-050	AMD	97-03-121	308-20-500	PREP-X	97-13-026
296-400-140	REP-P	97-03-084	308-12-140	REP	97-03-121	308-20-710	NEW-P	97-07-032
296-400-140	REP	97-11-052	308-12-145	REP	97-03-121	308-20-710	NEW	97-10-049
296-400-300	REP-P	97-03-084	308-12-210	NEW	97-03-121	308-20-720	NEW-P	97-07-032
296-400-300	REP	97-11-052	308-12-220	NEW	97-03-121	308-20-720	NEW	97-10-049
296-400A-005	NEW-P	97-03-085	308-12-230	NEW	97-03-121	308-20-730	NEW-P	97-07-032
296-400A-005	NEW	97-11-052	308-12-240	NEW-W	97-03-065	308-20-730	NEW	97-10-049
296-400A-020	NEW-P	97-03-085	308-12-240	NEW	97-03-121	308-29-090	NEW-P	97-07-033
296-400A-020	NEW	97-11-052	308-12-250	NEW-W	97-03-065	308-29-090	NEW-W	97-09-022
296-400A-030	NEW-P	97-03-085	308-12-260	NEW-W	97-03-065	308-29-100	NEW-P	97-07-033
296-400A-030	NEW	97-11-052	308-12-320	AMD	97-06-064	308-29-100	NEW-W	97-09-022
296-400A-031	NEW-P	97-03-085	308-12-324	AMD	97-03-121	308-29-110	NEW-P	97-07-033
296-400A-031	NEW	97-11-052	308-12-326	AMD	97-06-064	308-29-110	NEW-W	97-09-022
296-400A-032	NEW-P	97-03-085	308-12-326	AMD-P	97-10-080	308-30-170	NEW-P	97-07-029
296-400A-032	NEW	97-11-052	308-12-326	AMD	97-13-095	308-30-170	NEW	97-10-052
296-400A-033	NEW-P	97-03-085	308-13-045	NEW-P	97-03-022	308-30-180	NEW-P	97-07-029
296-400A-033	NEW	97-11-052	308-13-045	NEW	97-06-065	308-30-180	NEW	97-10-052
296-400A-035	NEW-P	97-03-085	308-13-160	AMD-P	97-03-022	308-30-190	NEW-P	97-07-029
296-400A-035	NEW	97-11-052	308-13-160	AMD	97-06-065	308-30-190	NEW	97-10-052
296-400A-045	NEW-P	97-03-085	308-13-210	NEW	97-10-026	308-32-100	NEW-P	97-07-027
296-400A-045	NEW	97-11-052	308-13-220	NEW	97-10-026	308-32-100	NEW	97-10-050
296-400A-050	NEW-P	97-03-085	308-13-230	NEW	97-10-026	308-32-110	NEW-P	97-07-027
296-400A-050	NEW	97-11-052	308-13-240	NEW	97-10-026	308-32-110	NEW	97-10-050
296-400A-070	NEW-P	97-03-085	308-14-210	NEW-P	97-07-031	308-32-120	NEW-P	97-07-027
296-400A-070	NEW	97-11-052	308-14-210	NEW	97-10-053	308-32-120	NEW	97-10-050
296-400A-100	NEW-P	97-03-085	308-14-220	NEW-P	97-07-031	308-33-110	NEW-P	97-07-030
296-400A-100	NEW	97-11-052	308-14-220	NEW	97-10-053	308-33-110	NEW	97-10-054
296-400A-110	NEW-P	97-03-085	308-14-230	NEW-P	97-07-031	308-33-120	NEW-P	97-07-030
296-400A-110	NEW	97-11-052	308-14-230	NEW	97-10-053	308-33-120	NEW	97-10-054
296-400A-120	NEW-P	97-03-085	308-17	AMD-P	97-13-080	308-33-130	NEW-P	97-07-030
296-400A-120	NEW	97-11-052	308-17-010	AMD-P	97-13-080	308-33-130	NEW	97-10-054
296-400A-121	NEW-P	97-03-085	308-17-020	AMD-P	97-13-080	308-56A	PREP	97-15-037
296-400A-121	NEW	97-11-052	308-17-030	AMD-P	97-13-080	308-56A-060	AMD-P	97-09-002
296-400A-130	NEW-P	97-03-085	308-17-100	AMD-P	97-13-080	308-56A-060	AMD-W	97-13-009
296-400A-130	NEW	97-11-052	308-17-105	AMD-P	97-13-080	308-56A-065	AMD	97-03-076
296-400A-140	NEW-P	97-03-085	308-17-110	AMD-P	97-13-080	308-56A-070	AMD	97-03-076
296-400A-140	NEW	97-11-052	308-17-120	AMD-P	97-13-080	308-56A-075	AMD	97-03-076
296-400A-300	NEW-P	97-03-085	308-17-130	AMD-P	97-13-080	308-56A-095	NEW-P	97-15-091
296-400A-300	NEW	97-11-052	308-17-140	AMD-P	97-13-080	308-56A-150	AMD	97-07-014
296-400A-400	NEW-P	97-03-085	308-17-150	AMD-P	97-13-080	308-56A-160	AMD	97-07-014
296-400A-400	NEW	97-11-052	308-17-160	AMD-P	97-13-080	308-56A-200	AMD-P	97-09-002
296-400A-425	NEW-P	97-03-085	308-17-165	AMD-P	97-13-080	308-56A-200	AMD-W	97-13-009
296-400A-425	NEW	97-11-052	308-17-170	AMD-P	97-13-080	308-56A-205	AMD-P	97-09-002
296-401	PREP	97-02-095	308-17-180	NEW-P	97-13-080	308-56A-205	AMD-W	97-13-009
296-401	AMD-C	97-15-143	308-17-185	NEW-P	97-13-080	308-56A-210	AMD-P	97-09-002
296-401-060	AMD-P	97-14-111	308-17-190	NEW-P	97-13-080	308-56A-210	AMD-W	97-13-009
296-401-080	AMD-P	97-03-083	308-17-205	AMD-P	97-13-080	308-56A-215	AMD-P	97-09-002
296-401-080	AMD	97-12-016	308-17-210	AMD-P	97-13-080	308-56A-215	AMD-W	97-13-009
296-401-090	AMD-P	97-03-083	308-17-230	AMD-P	97-13-080	308-56A-250	AMD-P	97-09-002
296-401-090	AMD	97-12-016	308-17-240	AMD-P	97-13-080	308-56A-250	AMD-W	97-13-009
296-401-100	AMD-P	97-03-083	308-17-300	AMD-P	97-13-080	308-56A-255	REP-P	97-09-002
296-401-100	AMD	97-12-016	308-17-310	AMD-P	97-13-080	308-56A-255	REP-W	97-13-009
296-401-100	AMD-P	97-14-111	308-17-320	AMD-P	97-13-080	308-56A-265	AMD-P	97-09-002
296-401-120	AMD-P	97-03-083	308-18-020	AMD-P	97-13-081	308-56A-265	AMD-W	97-13-009
296-401-120	AMD	97-12-016	308-18-030	AMD-P	97-13-081	308-56A-270	AMD-P	97-09-002
296-401-163	AMD-P	97-14-111	308-18-100	AMD-P	97-13-081	308-56A-270	AMD-W	97-13-009
296-401-165	AMD-P	97-03-083	308-18-110	AMD-P	97-13-081	308-56A-275	AMD-P	97-09-002
296-401-165	AMD	97-12-016	308-18-120	AMD-P	97-13-081	308-56A-275	AMD-W	97-13-009

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-56A-280	AMD-P	97-09-002	308-57-010	AMD	97-12-015	308-96A-057	AMD-P	97-03-028
308-56A-280	AMD-W	97-13-009	308-57-020	AMD-P	97-07-069	308-96A-057	AMD	97-07-013
308-56A-285	AMD-P	97-09-002	308-57-020	AMD	97-12-015	308-96A-072	AMD-P	97-03-028
308-56A-285	AMD-W	97-13-009	308-57-030	AMD-P	97-07-069	308-96A-072	AMD	97-07-013
308-56A-300	AMD-P	97-09-002	308-57-030	AMD	97-12-015	308-96A-073	AMD	97-07-014
308-56A-300	AMD-W	97-13-009	308-57-110	AMD-P	97-07-069	308-96A-074	AMD	97-07-014
308-56A-305	AMD-P	97-09-002	308-57-110	AMD	97-12-015	308-96A-075	REP	97-07-014
308-56A-305	AMD-W	97-13-009	308-57-120	AMD-P	97-07-069	308-96A-136	AMD-P	97-03-028
308-56A-310	AMD-P	97-09-002	308-57-120	AMD	97-12-015	308-96A-136	AMD	97-07-013
308-56A-310	AMD-W	97-13-009	308-57-130	AMD-P	97-07-069	308-96A-161	AMD-P	97-06-027
308-56A-315	AMD-P	97-09-002	308-57-130	AMD	97-12-015	308-96A-161	AMD	97-10-003
308-56A-315	AMD-W	97-13-009	308-57-135	NEW-P	97-07-069	308-96A-162	AMD-P	97-06-027
308-56A-320	AMD-P	97-09-002	308-57-135	NEW	97-12-015	308-96A-162	AMD	97-10-003
308-56A-320	AMD-W	97-13-009	308-57-140	AMD-P	97-07-069	308-125-120	PREP	97-09-082
308-56A-325	AMD-P	97-09-002	308-57-140	AMD	97-12-015	308-125-120	PREP	97-09-083
308-56A-325	AMD-W	97-13-009	308-57-210	AMD-P	97-07-069	308-125-120	PREP	97-11-059
308-56A-330	AMD-P	97-09-002	308-57-210	AMD	97-12-015	308-125-120	AMD-P	97-13-030
308-56A-330	AMD-W	97-13-009	308-57-220	REP-P	97-07-069	308-125-120	AMD-P	97-15-101
308-56A-335	AMD-P	97-09-002	308-57-220	REP	97-12-015	308-127-310	NEW-P	97-07-028
308-56A-335	AMD-W	97-13-009	308-57-230	AMD-P	97-07-069	308-127-310	NEW	97-10-051
308-56A-340	REP-P	97-09-002	308-57-230	AMD	97-12-015	308-127-320	NEW-P	97-07-028
308-56A-340	REP-W	97-13-009	308-57-240	AMD-P	97-07-069	308-127-320	NEW	97-10-051
308-56A-345	REP-P	97-09-002	308-57-240	AMD	97-12-015	308-127-330	NEW-P	97-07-028
308-56A-345	REP-W	97-13-009	308-57-250	REP-P	97-07-069	308-127-330	NEW	97-10-051
308-56A-350	AMD-P	97-09-002	308-57-250	REP	97-12-015	308-300-310	PREP	97-14-088
308-56A-350	AMD-W	97-13-009	308-57-310	REP-P	97-07-069	308-330-121	REP-P	97-07-015
308-56A-355	REP-P	97-09-002	308-57-310	REP	97-12-015	308-330-121	REP	97-10-068
308-56A-355	REP-W	97-13-009	308-57-320	REP-P	97-07-069	308-330-123	REP-P	97-07-015
308-56A-360	AMD-P	97-09-002	308-57-320	REP	97-12-015	308-330-123	REP	97-10-068
308-56A-360	AMD-W	97-13-009	308-57-410	REP-P	97-07-069	308-330-197	AMD-P	97-07-015
308-56A-365	AMD-P	97-09-002	308-57-410	REP	97-12-015	308-330-197	AMD	97-10-068
308-56A-365	AMD-W	97-13-009	308-57-420	REP-P	97-07-069	308-330-200	AMD-P	97-07-015
308-56A-370	NEW-P	97-09-002	308-57-420	REP	97-12-015	308-330-200	AMD	97-10-068
308-56A-370	NEW-W	97-13-009	308-57-430	REP-P	97-07-069	308-330-300	AMD-P	97-07-015
308-56A-400	REP-P	97-09-002	308-57-430	REP	97-12-015	308-330-300	AMD	97-10-068
308-56A-400	REP-W	97-13-009	308-57-440	REP-P	97-07-069	308-330-305	AMD-P	97-07-015
308-56A-405	REP-P	97-09-002	308-57-440	REP	97-12-015	308-330-305	AMD	97-10-068
308-56A-405	REP-W	97-13-009	308-58-010	AMD-P	97-03-096	308-330-307	AMD-P	97-07-015
308-56A-410	REP-P	97-09-002	308-58-010	AMD-S	97-08-005	308-330-307	AMD	97-10-068
308-56A-410	REP-W	97-13-009	308-58-010	AMD	97-11-049	308-330-307	AMD-E	97-12-043
308-56A-415	REP-P	97-09-002	308-58-030	AMD-P	97-03-096	308-330-307	AMD-P	97-12-044
308-56A-415	REP-W	97-13-009	308-58-030	AMD-S	97-08-005	308-330-316	AMD-P	97-07-015
308-56A-470	AMD	97-07-014	308-58-040	AMD	97-11-049	308-330-316	AMD	97-10-068
308-56A-610	AMD-P	97-06-028	308-58-040	AMD-P	97-03-096	308-330-322	AMD-P	97-07-015
308-56A-610	AMD-S	97-09-038	308-58-040	AMD-S	97-08-005	308-330-322	AMD	97-10-068
308-56A-610	AMD	97-14-034	308-58-040	AMD	97-11-049	308-330-329	REP-P	97-07-015
308-56A-620	AMD-P	97-06-028	308-58-050	NEW-P	97-03-096	308-330-329	REP	97-10-068
308-56A-620	AMD-S	97-09-038	308-58-050	NEW-S	97-08-005	308-330-370	AMD-P	97-07-015
308-56A-620	AMD	97-14-034	308-58-050	NEW	97-11-049	308-330-370	AMD	97-10-068
308-56A-630	REP-P	97-06-028	308-72-506	PREP-X	97-13-026	308-330-375	REP-P	97-07-015
308-56A-630	REP-S	97-09-038	308-72-510	PREP-X	97-13-026	308-330-375	REP	97-10-068
308-56A-630	REP	97-14-034	308-72-543	PREP-X	97-13-026	308-330-400	AMD-P	97-07-015
308-56A-640	AMD-P	97-06-028	308-76-005	PREP-X	97-13-026	308-330-400	AMD	97-10-068
308-56A-640	AMD-S	97-09-038	308-76-400	PREP-X	97-13-026	308-330-406	AMD-P	97-07-015
308-56A-640	AMD	97-14-034	308-76-405	PREP-X	97-13-026	308-330-406	AMD	97-10-068
308-56A-650	AMD-P	97-06-028	308-76-410	PREP-X	97-13-026	308-330-408	AMD-P	97-07-015
308-56A-650	AMD-S	97-09-038	308-76-415	PREP-X	97-13-026	308-330-408	AMD	97-10-068
308-56A-650	AMD	97-14-034	308-76-420	PREP-X	97-13-026	308-330-415	AMD-P	97-07-015
308-56A-660	AMD-P	97-06-028	308-76-425	PREP-X	97-13-026	308-330-415	AMD	97-10-068
308-56A-660	AMD-S	97-09-038	308-76-430	PREP-X	97-13-026	308-330-421	AMD-P	97-07-015
308-56A-660	AMD	97-14-034	308-77-030	PREP-X	97-13-026	308-330-421	AMD	97-10-068
308-56A-670	AMD-P	97-06-028	308-77-090	PREP-X	97-13-026	308-330-425	AMD-P	97-07-015
308-56A-670	AMD-S	97-09-038	308-93	PREP	97-12-026	308-330-425	AMD	97-10-068
308-56A-670	AMD	97-14-034	308-95-010	PREP-X	97-13-026	308-330-425	AMD-E	97-12-043
308-56A-680	AMD-P	97-06-028	308-95-020	PREP-X	97-13-026	308-330-425	AMD-P	97-12-044
308-56A-680	AMD-S	97-09-038	308-95-030	PREP-X	97-13-026	308-330-436	AMD-P	97-07-015
308-56A-680	AMD	97-14-034	308-96A	PREP	97-12-067	308-330-436	AMD	97-10-068
308-56A-690	AMD-P	97-06-028	308-96A-005	AMD-P	97-06-027	308-330-462	AMD-P	97-07-015
308-56A-690	AMD-S	97-09-038	308-96A-005	AMD	97-10-003	308-330-462	AMD	97-10-068
308-56A-690	AMD	97-14-034	308-96A-046	AMD-P	97-03-028	308-330-800	AMD-P	97-07-015
308-57-005	AMD-P	97-07-069	308-96A-046	AMD	97-07-013	308-330-800	AMD	97-10-068
308-57-005	AMD	97-12-015	308-96A-056	AMD-P	97-03-028	308-330-825	AMD-P	97-07-015
308-57-010	AMD-P	97-07-069	308-96A-056	AMD	97-07-013	308-330-825	AMD	97-10-068

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-420-250	NEW-P	97-07-034	315-11-770	PREP-X	97-14-016	315-11A-104	PREP-X	97-14-016
308-420-250	NEW	97-10-048	315-11-771	PREP-X	97-14-016	315-11A-105	PREP-X	97-14-016
308-420-260	NEW-P	97-07-034	315-11-772	PREP-X	97-14-016	315-11A-106	PREP-X	97-14-016
308-420-260	NEW	97-10-048	315-11-780	PREP-X	97-14-016	315-11A-107	PREP-X	97-14-016
308-420-270	NEW-P	97-07-034	315-11-781	PREP-X	97-14-016	315-11A-108	PREP-X	97-14-016
308-420-270	NEW	97-10-048	315-11-782	PREP-X	97-14-016	315-11A-109	PREP-X	97-14-016
314-60-040	PREP	97-13-070	315-11-790	PREP-X	97-14-016	315-11A-110	PREP-X	97-14-016
315-06	PREP	97-11-057	315-11-791	PREP-X	97-14-016	315-11A-111	PREP-X	97-14-016
315-06-120	AMD-P	97-15-123	315-11-792	PREP-X	97-14-016	315-11A-112	PREP-X	97-14-016
315-06-123	AMD-P	97-15-123	315-11-800	PREP-X	97-14-016	315-11A-113	PREP-X	97-14-016
315-10-010	AMD	97-04-047	315-11-801	PREP-X	97-14-016	315-11A-114	PREP-X	97-14-016
315-10-020	AMD	97-04-047	315-11-802	PREP-X	97-14-016	315-11A-115	PREP-X	97-14-016
315-10-022	NEW	97-04-047	315-11-810	PREP-X	97-14-016	315-11A-116	PREP-X	97-14-016
315-10-025	NEW	97-04-047	315-11-811	PREP-X	97-14-016	315-11A-117	PREP-X	97-14-016
315-10-030	AMD	97-04-047	315-11-812	PREP-X	97-14-016	315-11A-118	PREP-X	97-14-016
315-10-035	NEW	97-04-047	315-11-820	PREP-X	97-14-016	315-11A-119	PREP-X	97-14-016
315-10-055	NEW	97-04-047	315-11-821	PREP-X	97-14-016	315-11A-120	PREP-X	97-14-016
315-10-060	AMD	97-04-047	315-11-822	PREP-X	97-14-016	315-11A-121	PREP-X	97-14-016
315-10-062	NEW	97-04-047	315-11-830	PREP-X	97-14-016	315-11A-122	PREP-X	97-14-016
315-10-065	NEW	97-04-047	315-11-831	PREP-X	97-14-016	315-11A-123	PREP-X	97-14-016
315-10-070	AMD	97-04-047	315-11-832	PREP-X	97-14-016	315-11A-124	PREP-X	97-14-016
315-10-075	NEW	97-04-047	315-11-840	PREP-X	97-14-016	315-11A-125	PREP-X	97-14-016
315-11-600	PREP-X	97-14-016	315-11-841	PREP-X	97-14-016	315-11A-126	PREP-X	97-14-016
315-11-601	PREP-X	97-14-016	315-11-842	PREP-X	97-14-016	315-11A-127	PREP-X	97-14-016
315-11-602	PREP-X	97-14-016	315-11-850	PREP-X	97-14-016	315-11A-128	PREP-X	97-14-016
315-11-610	PREP-X	97-14-016	315-11-851	PREP-X	97-14-016	315-11A-129	PREP-X	97-14-016
315-11-611	PREP-X	97-14-016	315-11-852	PREP-X	97-14-016	315-11A-130	PREP-X	97-14-016
315-11-612	PREP-X	97-14-016	315-11-860	PREP-X	97-14-016	315-11A-131	PREP-X	97-14-016
315-11-620	PREP-X	97-14-016	315-11-861	PREP-X	97-14-016	315-11A-132	PREP-X	97-14-016
315-11-621	PREP-X	97-14-016	315-11-862	PREP-X	97-14-016	315-11A-133	PREP-X	97-14-016
315-11-622	PREP-X	97-14-016	315-11-870	PREP-X	97-14-016	315-11A-134	PREP-X	97-14-016
315-11-630	PREP-X	97-14-016	315-11-871	PREP-X	97-14-016	315-11A-135	PREP-X	97-14-016
315-11-631	PREP-X	97-14-016	315-11-872	PREP-X	97-14-016	315-11A-136	PREP-X	97-14-016
315-11-632	PREP-X	97-14-016	315-11-880	PREP-X	97-14-016	315-11A-184	AMD-P	97-03-123
315-11-640	PREP-X	97-14-016	315-11-881	PREP-X	97-14-016	315-11A-184	AMD	97-07-063
315-11-641	PREP-X	97-14-016	315-11-882	PREP-X	97-14-016	315-11A-187	NEW-P	97-03-123
315-11-642	PREP-X	97-14-016	315-11-890	PREP-X	97-14-016	315-11A-187	NEW	97-07-063
315-11-650	PREP-X	97-14-016	315-11-891	PREP-X	97-14-016	315-11A-188	NEW-P	97-03-123
315-11-651	PREP-X	97-14-016	315-11-892	PREP-X	97-14-016	315-11A-188	NEW	97-07-063
315-11-652	PREP-X	97-14-016	315-11-900	PREP-X	97-14-016	315-11A-189	NEW-P	97-03-123
315-11-660	PREP-X	97-14-016	315-11-901	PREP-X	97-14-016	315-11A-189	NEW	97-07-063
315-11-661	PREP-X	97-14-016	315-11-902	PREP-X	97-14-016	315-11A-190	NEW-P	97-03-123
315-11-662	PREP-X	97-14-016	315-11-910	PREP-X	97-14-016	315-11A-190	NEW	97-07-063
315-11-670	PREP-X	97-14-016	315-11-911	PREP-X	97-14-016	315-11A-191	NEW-P	97-03-123
315-11-671	PREP-X	97-14-016	315-11-912	PREP-X	97-14-016	315-11A-191	NEW	97-07-063
315-11-672	PREP-X	97-14-016	315-11-920	PREP-X	97-14-016	315-11A-192	NEW-P	97-07-062
315-11-680	PREP-X	97-14-016	315-11-921	PREP-X	97-14-016	315-11A-192	NEW	97-11-003
315-11-681	PREP-X	97-14-016	315-11-922	PREP-X	97-14-016	315-11A-193	NEW-P	97-07-062
315-11-682	PREP-X	97-14-016	315-11-930	PREP-X	97-14-016	315-11A-193	NEW	97-11-003
315-11-690	PREP-X	97-14-016	315-11-931	PREP-X	97-14-016	315-11A-194	NEW-P	97-07-062
315-11-691	PREP-X	97-14-016	315-11-932	PREP-X	97-14-016	315-11A-194	NEW	97-11-003
315-11-692	PREP-X	97-14-016	315-11-940	PREP-X	97-14-016	315-11A-195	NEW-P	97-07-062
315-11-703	PREP-X	97-14-016	315-11-941	PREP-X	97-14-016	315-11A-195	NEW	97-11-003
315-11-704	PREP-X	97-14-016	315-11-942	PREP-X	97-14-016	315-11A-196	NEW-P	97-11-058
315-11-705	PREP-X	97-14-016	315-11-950	PREP-X	97-14-016	315-11A-196	NEW	97-15-122
315-11-710	PREP-X	97-14-016	315-11-951	PREP-X	97-14-016	315-11A-197	NEW-P	97-11-058
315-11-711	PREP-X	97-14-016	315-11-952	PREP-X	97-14-016	315-11A-197	NEW	97-15-122
315-11-712	PREP-X	97-14-016	315-11-960	PREP-X	97-14-016	315-11A-198	NEW-P	97-11-058
315-11-720	PREP-X	97-14-016	315-11-961	PREP-X	97-14-016	315-11A-198	NEW	97-15-122
315-11-721	PREP-X	97-14-016	315-11-962	PREP-X	97-14-016	315-11A-199	NEW-P	97-11-058
315-11-722	PREP-X	97-14-016	315-11-970	PREP-X	97-14-016	315-11A-199	NEW	97-15-122
315-11-730	PREP-X	97-14-016	315-11-971	PREP-X	97-14-016	315-11A-200	NEW-P	97-11-058
315-11-731	PREP-X	97-14-016	315-11-972	PREP-X	97-14-016	315-11A-200	NEW	97-15-122
315-11-732	PREP-X	97-14-016	315-11-980	PREP-X	97-14-016	315-11A-201	NEW-P	97-11-058
315-11-740	PREP-X	97-14-016	315-11-981	PREP-X	97-14-016	315-11A-201	NEW	97-15-122
315-11-741	PREP-X	97-14-016	315-11-982	PREP-X	97-14-016	315-11A-202	NEW-P	97-11-058
315-11-742	PREP-X	97-14-016	315-11-990	PREP-X	97-14-016	315-11A-202	NEW	97-15-122
315-11-753	PREP-X	97-14-016	315-11-991	PREP-X	97-14-016	315-11A-203	NEW-P	97-11-058
315-11-754	PREP-X	97-14-016	315-11-992	PREP-X	97-14-016	315-11A-203	NEW	97-15-122
315-11-755	PREP-X	97-14-016	315-11A-100	PREP-X	97-14-016	315-11A-204	NEW-P	97-15-123
315-11-760	PREP-X	97-14-016	315-11A-101	PREP-X	97-14-016	315-11A-205	NEW-P	97-15-123
315-11-761	PREP-X	97-14-016	315-11A-102	PREP-X	97-14-016	315-11A-206	NEW-P	97-15-123
315-11-762	PREP-X	97-14-016	315-11A-103	PREP-X	97-14-016	315-11A-207	NEW-P	97-15-123

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
315-12-020	AMD-P	97-03-123	317-50-050	NEW	97-10-096	363-11-110	RECOD	97-08-042
315-12-020	AMD	97-07-063	317-50-060	NEW-P	97-07-064	363-11-120	RECOD	97-08-042
315-12-030	PREP	97-07-061	317-50-060	NEW	97-10-096	363-11-130	RECOD	97-08-042
315-12-030	AMD-P	97-11-058	317-50-070	NEW-P	97-07-064	363-11-140	RECOD	97-08-042
315-12-030	AMD	97-15-122	317-50-070	NEW	97-10-096	363-11-150	RECOD	97-08-042
315-12-080	AMD-P	97-03-123	317-50-080	NEW-P	97-07-064	363-11-160	RECOD	97-08-042
315-12-080	AMD	97-07-063	317-50-080	NEW	97-10-096	363-11-170	RECOD	97-08-042
315-12-090	AMD-P	97-03-123	317-50-900	NEW-P	97-07-064	363-11-180	RECOD	97-08-042
315-12-090	AMD	97-07-063	317-50-900	NEW	97-10-096	363-11-190	RECOD	97-08-042
315-32-010	PREP-X	97-14-016	326-02-034	AMD-P	97-09-094	363-11-200	RECOD	97-08-042
315-32-020	PREP-X	97-14-016	326-30-041	PREP	97-09-093	363-11-210	RECOD	97-08-042
315-32-030	PREP-X	97-14-016	326-30-041	AMD-P	97-13-067	363-11-220	RECOD	97-08-042
315-32-040	PREP-X	97-14-016	332-24-221	AMD-P	97-09-065	363-11-230	RECOD	97-08-042
315-32-050	PREP-X	97-14-016	332-24-221	AMD	97-12-033	363-11-240	RECOD	97-08-042
315-32-060	PREP-X	97-14-016	332-24-720	AMD	97-05-066	363-11-250	RECOD	97-08-042
315-33-010	PREP-X	97-14-016	332-24-730	AMD	97-05-066	363-11-260	RECOD	97-08-042
315-33-020	PREP-X	97-14-016	332-26-040	NEW-E	97-14-044	363-11-270	RECOD	97-08-042
315-33-030	PREP-X	97-14-016	332-26-050	NEW-E	97-14-044	363-11-280	RECOD	97-08-042
315-33-040	PREP-X	97-14-016	352-32-010	PREP	97-15-152	363-11-290	RECOD	97-08-042
315-33-050	PREP-X	97-14-016	352-32-210	PREP	97-15-152	363-11-300	RECOD	97-08-042
315-33-060	PREP-X	97-14-016	352-32-235	PREP	97-06-063	363-11-310	RECOD	97-08-042
315-33-070	PREP-X	97-14-016	352-32-235	AMD-P	97-09-081	363-11-320	RECOD	97-08-042
315-33B-010	PREP-X	97-14-016	352-32-235	AMD-W	97-09-113	363-11-330	RECOD	97-08-042
315-33B-020	PREP-X	97-14-016	352-32-235	AMD-P	97-09-114	363-11-340	RECOD	97-08-042
315-33B-030	PREP-X	97-14-016	352-32-235	AMD	97-12-042	363-11-350	RECOD	97-08-042
315-33B-040	PREP-X	97-14-016	352-32-250	PREP	97-15-152	363-11-360	RECOD	97-08-042
315-33B-050	PREP-X	97-14-016	352-32-252	PREP	97-15-152	363-11-370	RECOD	97-08-042
315-33B-060	PREP-X	97-14-016	352-32-270	PREP	97-15-113	363-11-380	RECOD	97-08-042
315-33B-070	PREP-X	97-14-016	356-05-055	AMD-P	97-08-089	363-11-390	RECOD	97-08-042
315-34	PREP	97-11-057	356-05-055	AMD-W	97-10-088	363-11-400	RECOD	97-08-042
315-34-040	AMD-P	97-15-123	356-05-075	AMD-P	97-12-079	363-11-410	RECOD	97-08-042
315-40-010	PREP-X	97-14-016	356-05-422	NEW-P	97-12-079	363-11-420	RECOD	97-08-042
315-40-020	PREP-X	97-14-016	356-06-020	AMD-P	97-08-089	363-11-430	RECOD	97-08-042
315-40-030	PREP-X	97-14-016	356-06-020	AMD-W	97-10-088	363-11-440	RECOD	97-08-042
315-40-040	PREP-X	97-14-016	356-06-060	AMD-P	97-08-089	363-11-450	RECOD	97-08-042
315-40-050	PREP-X	97-14-016	356-06-060	AMD-W	97-10-088	363-11-460	RECOD	97-08-042
315-40-060	PREP-X	97-14-016	356-06-070	REP-P	97-08-089	363-11-470	RECOD	97-08-042
315-40-070	PREP-X	97-14-016	356-06-070	REP-W	97-10-088	363-11-480	RECOD	97-08-042
315-40-080	PREP-X	97-14-016	356-06-080	REP-P	97-08-089	363-11-490	RECOD	97-08-042
315-41-50100	PREP-X	97-14-016	356-06-080	REP-W	97-10-088	363-11-500	RECOD	97-08-042
315-41-50110	PREP-X	97-14-016	356-06-090	REP-P	97-08-089	363-11-510	RECOD	97-08-042
315-41-50120	PREP-X	97-14-016	356-06-090	REP-W	97-10-088	363-11-520	RECOD	97-08-042
315-41-50200	PREP-X	97-14-016	356-10-030	AMD-P	97-08-089	363-11-530	RECOD	97-08-042
315-41-50210	PREP-X	97-14-016	356-10-030	AMD-W	97-10-088	363-11-540	RECOD	97-08-042
315-41-50220	PREP-X	97-14-016	356-14-010	AMD-P	97-12-079	363-11-550	RECOD	97-08-042
315-41-50300	PREP-X	97-14-016	356-14-069	NEW-P	97-12-079	363-11-560	RECOD	97-08-042
315-41-50310	PREP-X	97-14-016	356-14-110	AMD-P	97-12-079	363-11-570	RECOD	97-08-042
315-41-50320	PREP-X	97-14-016	356-14-120	AMD-P	97-12-079	363-11-580	RECOD	97-08-042
315-41-50400	PREP-X	97-14-016	356-14-140	AMD-P	97-12-079	363-11-590	RECOD	97-08-042
315-41-50410	PREP-X	97-14-016	356-14-160	AMD-P	97-12-079	363-116-010	RECOD	97-08-042
315-41-50420	PREP-X	97-14-016	356-30-065	AMD-E	97-09-028	363-116-020	RECOD	97-08-042
315-41-50500	PREP-X	97-14-016	356-30-065	AMD-P	97-10-090	363-116-030	RECOD	97-08-042
315-41-50510	PREP-X	97-14-016	356-30-065	AMD-W	97-13-044	363-116-050	RECOD	97-08-042
315-41-50520	PREP-X	97-14-016	356-30-067	AMD-E	97-09-028	363-116-060	RECOD	97-08-042
315-41-50600	PREP-X	97-14-016	356-30-067	AMD-P	97-10-090	363-116-070	RECOD	97-08-042
315-41-50610	PREP-X	97-14-016	356-30-067	AMD-W	97-13-044	363-116-075	RECOD	97-08-042
315-41-50620	PREP-X	97-14-016	356-30-330	AMD-P	97-12-079	363-116-080	RECOD	97-08-042
317-31-200	AMD-P	97-07-065	356-34-020	AMD-P	97-12-079	363-116-081	RECOD	97-08-042
317-31-200	AMD	97-10-097	356-56-115	AMD-P	97-14-100	363-116-082	RECOD	97-08-042
317-31-220	AMD-P	97-07-065	356-56-205	AMD-P	97-14-100	363-116-082	AMD-P	97-10-084
317-31-220	AMD	97-10-097	356-56-550	AMD-P	97-14-100	363-116-082	AMD	97-14-032
317-31-230	AMD-P	97-07-065	363-11-001	RECOD	97-08-042	363-116-083	RECOD	97-08-042
317-31-230	AMD	97-10-097	363-11-003	RECOD	97-08-042	363-116-085	RECOD	97-08-042
317-40	PREP	97-07-066	363-11-010	RECOD	97-08-042	363-116-110	RECOD	97-08-042
317-50-010	NEW-P	97-07-064	363-11-020	RECOD	97-08-042	363-116-115	RECOD	97-08-042
317-50-010	NEW	97-10-096	363-11-030	RECOD	97-08-042	363-116-120	RECOD	97-08-042
317-50-020	NEW-P	97-07-064	363-11-040	RECOD	97-08-042	363-116-140	RECOD	97-08-042
317-50-020	NEW	97-10-096	363-11-050	RECOD	97-08-042	363-116-150	RECOD	97-08-042
317-50-030	NEW-P	97-07-064	363-11-060	RECOD	97-08-042	363-116-170	RECOD	97-08-042
317-50-030	NEW	97-10-096	363-11-070	RECOD	97-08-042	363-116-175	RECOD	97-08-042
317-50-040	NEW-P	97-07-064	363-11-080	RECOD	97-08-042	363-116-185	RECOD	97-08-042
317-50-040	NEW	97-10-096	363-11-090	RECOD	97-08-042	363-116-185	AMD-P	97-10-062
317-50-050	NEW-P	97-07-064	363-11-100	RECOD	97-08-042	363-116-185	AMD	97-15-120

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
363-116-200	RECOD	97-08-042	388-11-032	PREP	97-09-111	388-15-110	PREP	97-15-131
363-116-205	RECOD	97-08-042	388-11-045	PREP	97-09-111	388-15-120	AMD-P	97-11-083
363-116-2051	RECOD	97-08-042	388-11-048	PREP	97-09-111	388-15-134	AMD-P	97-09-106
363-116-300	RECOD	97-08-042	388-11-285	AMD-P	97-09-019	388-15-134	AMD	97-13-002
363-116-300	AMD	97-12-017	388-11-285	AMD-W	97-10-083	388-15-190	PREP-X	97-14-071
363-116-315	RECOD	97-08-042	388-11-400	AMD-P	97-13-087	388-15-192	PREP-X	97-14-071
363-116-35001	RECOD	97-08-042	388-11-405	REP-P	97-13-087	388-15-196	PREP	97-08-072
363-116-360	RECOD	97-08-042	388-11-410	AMD-P	97-13-087	388-15-196	AMD-P	97-13-090
363-116-360	AMD	97-12-018	388-11-415	AMD-P	97-13-087	388-15-202	PREP	97-14-072
363-116-370	RECOD	97-08-042	388-11-420	AMD-P	97-13-087	388-15-500	PREP	97-15-131
363-116-400	RECOD	97-08-042	388-11-425	AMD-P	97-13-087	388-15-550	PREP	97-15-131
363-116-410	RECOD	97-08-042	388-11-430	AMD-P	97-13-087	388-15-580	PREP	97-15-131
363-116-420	RECOD	97-08-042	388-14-020	AMD-P	97-09-020	388-21-005	PREP	97-15-131
363-116-500	RECOD	97-08-042	388-14-020	AMD	97-13-092	388-46-110	AMD-P	97-05-070
365-40-010	AMD-P	97-15-106	388-14-030	AMD-P	97-09-020	388-46-110	AMD	97-10-038
365-40-020	AMD-P	97-15-106	388-14-030	PREP	97-09-110	388-46-120	NEW-P	97-05-070
365-40-041	AMD-P	97-15-106	388-14-030	AMD-W	97-10-082	388-46-120	NEW	97-10-038
365-40-051	AMD-P	97-15-106	388-14-030	AMD-P	97-15-085	388-49-020	AMD	97-06-096
365-40-071	AMD-P	97-15-106	388-14-035	NEW-P	97-15-085	388-49-020	AMD-P	97-13-089
365-90-010	REP-P	97-15-107	388-14-040	NEW-P	97-15-085	388-49-160	AMD-P	97-06-098
365-90-020	REP-P	97-15-107	388-14-045	NEW-P	97-15-085	388-49-160	AMD	97-09-030
365-90-040	REP-P	97-15-107	388-14-050	NEW-P	97-15-085	388-49-190	AMD-P	97-06-097
365-90-080	REP-P	97-15-107	388-14-260	AMD-P	97-09-020	388-49-190	AMD	97-09-031
365-90-090	REP-P	97-15-107	388-14-260	AMD	97-13-092	388-49-190	AMD-P	97-13-088
365-135-010	AMD	97-02-093	388-14-270	AMD-P	97-09-020	388-49-310	AMD	97-06-074
365-135-020	AMD	97-02-093	388-14-270	AMD	97-13-092	388-49-310	AMD-P	97-09-107
365-135-035	NEW	97-02-093	388-14-271	NEW-P	97-09-020	388-49-310	AMD	97-12-025
365-135-040	AMD	97-02-093	388-14-271	NEW	97-13-092	388-49-355	NEW	97-03-035
365-135-050	AMD	97-02-093	388-14-272	NEW-P	97-09-020	388-49-360	AMD-E	97-05-052
365-135-060	AMD	97-02-093	388-14-272	NEW	97-13-092	388-49-360	AMD-P	97-05-053
365-135-070	AMD	97-02-093	388-14-274	NEW-P	97-09-020	388-49-360	AMD	97-09-012
371-08-310	AMD-E	97-12-003	388-14-274	NEW	97-13-092	388-49-362	NEW-E	97-05-052
371-08-310	AMD-P	97-15-056	388-14-275	PREP	97-15-131	388-49-362	NEW-P	97-05-053
371-08-335	AMD-E	97-12-003	388-14-276	NEW-P	97-09-020	388-49-362	NEW	97-09-012
371-08-335	AMD-P	97-15-056	388-14-276	NEW	97-13-092	388-49-364	NEW-E	97-05-052
371-08-555	AMD-P	97-15-056	388-14-300	NEW-P	97-09-020	388-49-364	NEW-P	97-05-053
374-70-020	AMD-P	97-03-113	388-14-300	AMD	97-13-092	388-49-364	NEW	97-09-012
374-70-020	AMD	97-06-080	388-14-375	NEW-P	97-09-020	388-49-366	NEW-E	97-05-052
374-70-020	AMD-E	97-07-049	388-14-376	NEW	97-13-092	388-49-366	NEW-P	97-05-053
374-70-030	AMD-P	97-03-113	388-14-385	AMD-P	97-09-020	388-49-366	NEW	97-09-012
374-70-030	AMD	97-06-080	388-14-385	AMD	97-13-092	388-49-368	NEW-E	97-05-052
374-70-030	AMD-E	97-07-049	388-14-390	AMD-P	97-09-020	388-49-368	NEW-P	97-05-053
374-70-060	AMD-P	97-03-113	388-14-390	AMD	97-13-092	388-49-368	NEW	97-09-012
374-70-060	AMD	97-06-080	388-14-400	REP-P	97-09-020	388-49-369	NEW-E	97-05-052
374-70-060	AMD-E	97-07-049	388-14-400	REP	97-13-092	388-49-369	NEW-P	97-05-053
374-70-070	AMD-P	97-03-113	388-14-405	REP-P	97-09-020	388-49-369	NEW	97-09-012
374-70-070	AMD	97-06-080	388-14-405	REP	97-13-092	388-49-380	AMD-E	97-05-052
374-70-070	AMD-E	97-07-049	388-14-415	AMD-P	97-09-020	388-49-380	AMD-P	97-05-053
374-70-080	AMD-P	97-03-113	388-14-415	AMD	97-13-092	388-49-380	AMD	97-09-012
374-70-080	AMD	97-06-080	388-14-420	AMD-P	97-09-020	388-49-385	NEW-E	97-05-052
374-70-080	AMD-E	97-07-049	388-14-420	AMD	97-13-092	388-49-385	NEW-P	97-05-053
374-70-090	AMD-P	97-03-113	388-14-425	REP-P	97-09-020	388-49-385	NEW	97-09-012
374-70-090	AMD	97-06-080	388-14-425	REP	97-13-092	388-49-470	AMD	97-05-002
374-70-090	AMD-E	97-07-049	388-14-430	REP-P	97-09-020	388-49-505	AMD-P	97-15-086
374-70-100	AMD-P	97-03-113	388-14-430	REP	97-13-092	388-49-640	AMD	97-04-024
374-70-100	AMD	97-06-080	388-14-435	AMD-P	97-09-020	388-49-670	AMD	97-04-023
374-70-100	AMD-E	97-07-049	388-14-435	AMD	97-13-092	388-52-150	PREP	97-15-131
374-70-110	REP-P	97-03-113	388-14-440	AMD-P	97-09-020	388-52-155	PREP	97-15-131
374-70-110	REP	97-06-080	388-14-440	AMD	97-13-092	388-52-160	PREP	97-15-131
374-70-110	REP-E	97-07-049	388-14-445	AMD-P	97-09-020	388-52-163	PREP	97-15-131
374-70-120	AMD-P	97-03-113	388-14-445	AMD	97-13-092	388-52-166	PREP	97-15-131
374-70-120	AMD	97-06-080	388-14-450	AMD-P	97-09-020	388-52-169	PREP	97-15-131
374-70-120	AMD-E	97-07-049	388-14-450	AMD	97-13-092	388-52-172	PREP	97-15-131
374-70-130	AMD-P	97-03-113	388-14-460	AMD-P	97-09-020	388-76	PREP	97-12-047
374-70-130	AMD	97-06-080	388-14-460	AMD	97-13-092	388-76-9970	NEW-P	97-15-132
374-70-130	AMD-E	97-07-049	388-14-495	NEW-P	97-09-020	388-76-9972	NEW-P	97-15-132
374-80-010	NEW-P	97-15-111	388-14-495	NEW	97-13-092	388-76-9974	NEW-P	97-15-132
374-80-020	NEW-P	97-15-111	388-14-496	NEW-P	97-09-020	388-76-9976	NEW-P	97-15-132
374-80-030	NEW-P	97-15-111	388-14-496	NEW	97-13-092	388-76-9978	NEW-P	97-15-132
374-80-040	NEW-P	97-15-111	388-14-500	NEW-P	97-09-020	388-76-9980	NEW-P	97-15-132
374-80-050	NEW-P	97-15-111	388-14-500	NEW	97-13-092	388-78-005	PREP	97-15-131
374-80-060	NEW-P	97-15-111	388-15-010	PREP	97-15-131	388-78-010	PREP	97-15-131
388-11	PREP	97-09-109	388-15-020	PREP	97-15-131	388-78-015	PREP	97-15-131

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-78-020	PREP	97-15-131	388-155-240	PREP	97-14-073	388-201-480	REP-P	97-15-031
388-78-100	PREP	97-15-131	388-155-250	PREP	97-14-073	388-201-480	REP-E	97-15-043
388-78-120	PREP	97-15-131	388-155-260	PREP	97-14-073	388-201-480	PREP	97-15-131
388-78-205	PREP	97-15-131	388-155-270	PREP	97-14-073	388-215-1000	AMD-E	97-04-050
388-78-210	PREP	97-15-131	388-155-280	PREP	97-14-073	388-215-1000	AMD-P	97-04-051
388-78-215	PREP	97-15-131	388-155-290	PREP	97-14-073	388-215-1000	AMD	97-07-024
388-78-220	PREP	97-15-131	388-155-295	PREP	97-14-073	388-215-1010	NEW-P	97-15-031
388-87-020	AMD	97-04-005	388-155-310	PREP	97-14-073	388-215-1010	NEW-E	97-15-043
388-96-010	PREP	97-06-072	388-155-320	PREP	97-14-073	388-215-1115	NEW-P	97-05-068
388-96-010	AMD-P	97-12-082	388-155-330	PREP	97-14-073	388-215-1115	NEW	97-08-032
388-96-220	PREP	97-06-072	388-155-340	PREP	97-14-073	388-215-1115	NEW	97-10-041
388-96-221	PREP	97-06-072	388-155-350	PREP	97-14-073	388-215-1375	AMD-P	97-09-108
388-96-224	PREP	97-06-072	388-155-360	PREP	97-14-073	388-215-1375	AMD	97-14-082
388-96-224	AMD-P	97-12-082	388-155-370	PREP	97-14-073	388-215-1400	AMD-P	97-05-071
388-96-505	PREP	97-06-072	388-155-380	PREP	97-14-073	388-215-1400	AMD	97-08-033
388-96-505	AMD-P	97-12-082	388-155-390	PREP	97-14-073	388-215-1400	AMD	97-10-042
388-96-534	PREP	97-06-072	388-155-400	PREP	97-14-073	388-215-1550	NEW-E	97-03-049
388-96-534	AMD-P	97-12-082	388-155-410	PREP	97-14-073	388-215-1550	NEW-P	97-03-052
388-96-553	PREP	97-06-072	388-155-420	PREP	97-14-073	388-215-1550	NEW	97-06-077
388-96-553	AMD-P	97-12-082	388-155-430	PREP	97-14-073	388-215-1570	NEW-P	97-05-069
388-96-554	PREP	97-06-072	388-155-440	PREP	97-14-073	388-215-1570	NEW	97-08-034
388-96-554	AMD-P	97-12-082	388-155-450	PREP	97-14-073	388-215-1570	NEW	97-10-040
388-96-559	PREP	97-06-072	388-155-460	PREP	97-14-073	388-215-1570	AMD-P	97-15-032
388-96-559	AMD-P	97-12-082	388-155-470	PREP	97-14-073	388-215-1570	AMD-E	97-15-044
388-96-565	PREP	97-06-072	388-155-480	PREP	97-14-073	388-215-1650	AMD-E	97-03-054
388-96-565	AMD-P	97-12-082	388-155-490	PREP	97-14-073	388-215-1650	AMD-P	97-03-055
388-96-585	PREP	97-06-072	388-155-500	PREP	97-14-073	388-215-1650	AMD	97-06-076
388-96-585	AMD-P	97-12-082	388-155-600	PREP	97-14-073	388-215-1660	NEW-P	97-05-072
388-96-709	PREP	97-06-072	388-155-605	PREP	97-14-073	388-215-1660	NEW-E	97-06-026
388-96-709	AMD-P	97-12-082	388-155-610	PREP	97-14-073	388-215-1660	NEW-S	97-06-073
388-96-719	AMD-P	97-12-082	388-155-620	PREP	97-14-073	388-215-1660	NEW	97-09-029
388-96-735	AMD-P	97-12-082	388-155-630	PREP	97-14-073	388-216-2450	PREP	97-11-077
388-96-745	PREP	97-06-072	388-155-640	PREP	97-14-073	388-216-2450	AMD-P	97-15-089
388-96-745	AMD-P	97-12-082	388-155-650	PREP	97-14-073	388-216-2450	AMD-E	97-15-090
388-96-754	AMD-P	97-12-082	388-155-660	PREP	97-14-073	388-216-2500	AMD-E	97-03-048
388-96-774	AMD-P	97-12-082	388-155-670	PREP	97-14-073	388-216-2500	AMD-P	97-03-050
388-96-776	PREP	97-06-072	388-155-680	PREP	97-14-073	388-216-2500	AMD	97-06-075
388-96-776	AMD-P	97-12-082	388-200-1400	NEW-E	97-03-046	388-216-2500	PREP	97-11-077
388-97-027	PREP	97-06-131	388-200-1400	NEW-P	97-03-053	388-216-2500	AMD-P	97-15-089
388-110-110	PREP	97-11-043	388-200-1400	NEW	97-07-008	388-216-2500	AMD-E	97-15-090
388-110-110	AMD-P	97-15-134	388-201-100	REP-P	97-15-031	388-216-2650	PREP	97-11-077
388-155-005	PREP	97-14-073	388-201-100	REP-E	97-15-043	388-216-2650	AMD-P	97-15-089
388-155-010	PREP	97-14-073	388-201-100	PREP	97-15-131	388-216-2650	AMD-E	97-15-090
388-155-020	PREP	97-14-073	388-201-200	REP-P	97-15-031	388-216-2800	PREP	97-11-077
388-155-040	PREP	97-14-073	388-201-200	REP-E	97-15-043	388-216-2800	AMD-P	97-15-089
388-155-050	PREP	97-14-073	388-201-200	PREP	97-15-131	388-216-2800	AMD-E	97-15-090
388-155-060	PREP	97-14-073	388-201-300	REP-P	97-15-031	388-216-2900	AMD-E	97-03-047
388-155-070	PREP	97-14-073	388-201-300	REP-E	97-15-043	388-216-2900	AMD-P	97-03-051
388-155-080	PREP	97-14-073	388-201-300	PREP	97-15-131	388-216-2900	AMD	97-06-078
388-155-085	PREP	97-14-073	388-201-400	REP-P	97-15-031	388-218-1210	PREP	97-11-079
388-155-090	PREP	97-14-073	388-201-400	REP-E	97-15-043	388-218-1210	AMD-E	97-15-087
388-155-092	PREP	97-14-073	388-201-400	PREP	97-15-131	388-218-1210	AMD-P	97-15-088
388-155-093	PREP	97-14-073	388-201-410	REP-P	97-15-031	388-218-1230	AMD-E	97-15-087
388-155-094	PREP	97-14-073	388-201-410	REP-E	97-15-043	388-218-1230	AMD-P	97-15-088
388-155-095	PREP	97-14-073	388-201-410	PREP	97-15-131	388-218-1300	PREP	97-11-079
388-155-096	PREP	97-14-073	388-201-420	REP-P	97-15-031	388-218-1300	AMD-E	97-15-087
388-155-097	PREP	97-14-073	388-201-420	REP-E	97-15-043	388-218-1300	AMD-P	97-15-088
388-155-098	PREP	97-14-073	388-201-420	PREP	97-15-131	388-218-1350	PREP	97-11-079
388-155-100	PREP	97-14-073	388-201-430	REP-P	97-15-031	388-218-1350	AMD-E	97-15-087
388-155-110	PREP	97-14-073	388-201-430	REP-E	97-15-043	388-218-1350	AMD-P	97-15-088
388-155-120	PREP	97-14-073	388-201-430	PREP	97-15-131	388-218-1410	PREP	97-11-079
388-155-130	PREP	97-14-073	388-201-440	REP-P	97-15-031	388-218-1410	AMD-E	97-15-087
388-155-140	PREP	97-14-073	388-201-440	REP-E	97-15-043	388-218-1410	AMD-P	97-15-088
388-155-150	PREP	97-14-073	388-201-440	PREP	97-15-131	388-218-1420	PREP	97-11-079
388-155-160	PREP	97-14-073	388-201-450	REP-P	97-15-031	388-218-1420	REP-E	97-15-087
388-155-165	PREP	97-14-073	388-201-450	REP-E	97-15-043	388-218-1420	REP-P	97-15-088
388-155-170	PREP	97-14-073	388-201-450	PREP	97-15-131	388-218-1430	PREP	97-11-079
388-155-180	PREP	97-14-073	388-201-460	REP-P	97-15-031	388-218-1430	AMD-E	97-15-087
388-155-190	PREP	97-14-073	388-201-460	REP-E	97-15-043	388-218-1430	AMD-P	97-15-088
388-155-200	PREP	97-14-073	388-201-460	PREP	97-15-131	388-218-1440	PREP	97-11-079
388-155-210	PREP	97-14-073	388-201-470	REP-P	97-15-031	388-218-1440	AMD-E	97-15-087
388-155-220	PREP	97-14-073	388-201-470	REP-E	97-15-043	388-218-1440	AMD-P	97-15-088
388-155-230	PREP	97-14-073	388-201-470	PREP	97-15-131	388-218-1450	PREP	97-11-079

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-218-1450	REP-E	97-15-087	388-503-0310	PREP	97-11-075	388-550-2900	NEW-P	97-11-008
388-218-1450	REP-P	97-15-088	388-505-0510	AMD-P	97-11-082	388-550-3000	NEW-P	97-11-008
388-218-1460	PREP	97-11-079	388-505-0510	AMD	97-15-025	388-550-3100	NEW-P	97-11-008
388-218-1460	REP-E	97-15-087	388-505-0520	AMD-E	97-08-074	388-550-3150	NEW-P	97-11-008
388-218-1460	REP-P	97-15-088	388-505-0520	PREP	97-11-075	388-550-3200	NEW-P	97-11-008
388-218-1470	PREP	97-11-079	388-505-0540	AMD	97-04-005	388-550-3250	NEW-P	97-11-008
388-218-1470	AMD-E	97-15-087	388-506-0630	AMD	97-10-022	388-550-3300	NEW-P	97-11-008
388-218-1470	AMD-P	97-15-088	388-507-0710	AMD-P	97-07-023	388-550-3350	NEW-P	97-11-008
388-218-1480	PREP	97-11-079	388-507-0710	AMD	97-09-112	388-550-3400	NEW-P	97-11-008
388-218-1480	REP-E	97-15-087	388-507-0740	PREP	97-10-034	388-550-3450	NEW-P	97-11-008
388-218-1480	REP-P	97-15-088	388-508-0805	AMD-E	97-08-031	388-550-3500	NEW-P	97-11-008
388-218-1530	AMD-E	97-03-047	388-508-0805	AMD-P	97-13-057	388-550-3600	NEW-P	97-11-008
388-218-1530	AMD-P	97-03-051	388-509-0920	AMD-E	97-08-031	388-550-3700	NEW-P	97-11-008
388-218-1530	AMD	97-06-078	388-509-0920	AMD-P	97-13-057	388-550-3800	NEW-P	97-11-008
388-218-1630	PREP	97-11-079	388-509-0960	AMD-E	97-08-031	388-550-3900	NEW-P	97-11-008
388-218-1630	AMD-E	97-15-087	388-509-0960	AMD-P	97-13-057	388-550-4000	NEW-P	97-11-008
388-218-1630	AMD-P	97-15-088	388-510	PREP	97-11-075	388-550-4100	NEW-P	97-11-008
388-218-1700	REP-E	97-15-137	388-511-1105	AMD	97-03-036	388-550-4200	NEW-P	97-11-008
388-218-1710	PREP	97-11-079	388-511-1130	AMD	97-10-022	388-550-4300	NEW-P	97-11-008
388-218-1710	AMD-E	97-15-087	388-511-1140	AMD	97-10-022	388-550-4400	NEW-P	97-11-008
388-218-1710	AMD-P	97-15-088	388-511-1160	AMD	97-03-034	388-550-4500	NEW-P	97-11-008
388-218-1720	AMD-E	97-15-087	388-511-1160	PREP	97-08-035	388-550-4600	NEW-P	97-11-008
388-218-1720	AMD-P	97-15-088	388-513-1315	PREP	97-12-023	388-550-4700	NEW-P	97-11-008
388-218-1730	PREP	97-11-079	388-513-1320	AMD-P	97-11-082	388-550-4800	NEW-P	97-11-008
388-218-1730	REP-E	97-15-087	388-513-1330	AMD	97-10-022	388-550-4900	NEW-P	97-11-008
388-218-1730	REP-P	97-15-088	388-513-1350	AMD-P	97-07-023	388-550-5000	NEW-P	97-11-008
388-218-1740	PREP	97-11-079	388-513-1350	AMD	97-09-112	388-550-5100	NEW-P	97-11-008
388-218-1740	AMD-E	97-15-087	388-513-1365	AMD	97-05-040	388-550-5150	NEW-P	97-11-008
388-218-1740	AMD-P	97-15-088	388-513-1380	AMD-E	97-08-031	388-550-5200	NEW-P	97-11-008
388-218-1800	AMD-E	97-15-137	388-513-1380	AMD-W	97-12-062	388-550-5250	NEW-P	97-11-008
388-218-1820	AMD-E	97-03-047	388-513-1380	AMD-P	97-13-057	388-550-5300	NEW-P	97-11-008
388-218-1820	AMD-P	97-03-051	388-517-1720	AMD-E	97-08-031	388-550-5350	NEW-P	97-11-008
388-218-1820	AMD	97-06-078	388-517-1720	AMD-P	97-13-057	388-550-5400	NEW-P	97-11-008
388-218-1940	AMD-E	97-15-137	388-517-1740	AMD-E	97-08-031	388-550-5500	NEW-P	97-11-008
388-230	PREP	97-13-085	388-517-1740	AMD-P	97-13-057	388-550-5600	NEW-P	97-11-008
388-230-0010	AMD-E	97-14-107	388-517-1760	AMD-E	97-08-031	388-550-5700	NEW-P	97-11-008
388-230-0040	AMD-E	97-14-107	388-517-1760	AMD-P	97-13-057	388-550-5800	NEW-P	97-11-008
388-230-0060	AMD-E	97-14-107	388-522-2205	AMD-E	97-08-030	388-550-5900	NEW-P	97-11-008
388-230-0090	AMD-E	97-14-107	388-522-2205	AMD-P	97-12-081	388-550-6000	NEW-P	97-11-008
388-230-0110	AMD-E	97-14-107	388-522-2205	AMD	97-15-084	388-550-6100	NEW-P	97-11-008
388-230-0120	AMD-E	97-14-107	388-524-2405	AMD-E	97-08-030	388-550-6150	NEW-P	97-11-008
388-230-0140	AMD-E	97-14-107	388-524-2405	AMD-P	97-12-081	388-550-6200	NEW-P	97-11-008
388-233	PREP	97-13-083	388-524-2405	AMD	97-15-084	388-550-6250	NEW-P	97-11-008
388-235	PREP	97-14-081	388-528-2810	REP	97-03-037	388-550-6300	NEW-P	97-11-008
388-245-1150	AMD-E	97-14-109	388-538-070	PREP	97-11-076	388-550-6350	NEW-P	97-11-008
388-245-1510	AMD-E	97-15-011	388-538-073	NEW-W	97-10-073	388-550-6400	NEW-P	97-11-008
388-250-1700	AMD-P	97-10-035	388-538-074	NEW-W	97-10-073	388-550-6450	NEW-P	97-11-008
388-250-1700	AMD-E	97-10-036	388-538-110	AMD	97-04-004	388-550-6500	NEW-P	97-11-008
388-250-1700	AMD	97-14-011	388-540-005	PREP	97-11-081	388-550-6600	NEW-P	97-11-008
388-265	PREP	97-13-084	388-540-030	PREP	97-11-081	388-550-6700	NEW-P	97-11-008
388-265-1010	AMD-E	97-14-108	388-540-060	PREP	97-11-081	388-555-1000	NEW-E	97-15-058
388-265-1275	AMD-E	97-14-108	388-550-1000	NEW-P	97-11-008	388-555-1050	NEW-E	97-15-058
388-265-1350	REP-P	97-05-071	388-550-1050	NEW-P	97-11-008	388-555-1100	NEW-E	97-15-058
388-265-1350	REP	97-08-033	388-550-1100	NEW-P	97-11-008	388-555-1150	NEW-E	97-15-058
388-265-1350	REP	97-10-042	388-550-1200	NEW-P	97-11-008	388-555-1200	NEW-E	97-15-058
388-265-1750	PREP	97-06-132	388-550-1300	NEW-P	97-11-008	388-555-1250	NEW-E	97-15-058
388-265-1750	AMD-E	97-06-133	388-550-1400	NEW-P	97-11-008	388-555-1300	NEW-E	97-15-058
388-265-1750	AMD-P	97-10-039	388-550-1500	NEW-P	97-11-008	388-555-1350	NEW-E	97-15-058
388-265-1750	AMD	97-13-091	388-550-1600	NEW-P	97-11-008	388-555-1400	NEW-E	97-15-058
388-290	PREP	97-14-047	388-550-1700	NEW-P	97-11-008	388-555-1450	NEW-E	97-15-058
388-300	PREP	97-14-046	388-550-1750	NEW-P	97-11-008	390-16-041	AMD-P	97-03-117
388-320-225	AMD-E	97-03-046	388-550-1800	NEW-P	97-11-008	390-16-041	AMD	97-06-085
388-320-225	AMD-P	97-03-053	388-550-1900	NEW-P	97-11-008	390-16-313	AMD-P	97-06-086
388-320-225	AMD	97-07-008	388-550-2000	NEW-P	97-11-008	390-16-313	AMD	97-10-055
388-320-400	PREP	97-15-131	388-550-2100	NEW-P	97-11-008	392-120-025	AMD-P	97-15-072
388-320-410	PREP	97-15-131	388-550-2200	NEW-P	97-11-008	392-120-027	NEW-P	97-15-072
388-320-470	PREP	97-15-131	388-550-2300	NEW-P	97-11-008	392-120-028	NEW-P	97-15-072
388-320-500	PREP	97-15-131	388-550-2400	NEW-P	97-11-008	392-120-030	AMD-P	97-15-072
388-330-035	AMD-P	97-09-106	388-550-2500	NEW-P	97-11-008	392-120-055	AMD-P	97-15-072
388-330-035	AMD	97-13-002	388-550-2600	NEW-P	97-11-008	392-120-065	AMD-P	97-15-072
388-500-0005	PREP	97-11-075	388-550-2700	NEW-P	97-11-008	392-121	PREP	97-09-010
388-501-0135	AMD	97-03-038	388-550-2750	NEW-P	97-11-008	392-121-107	AMD-P	97-15-073
388-503-0310	AMD	97-03-036	388-550-2800	NEW-P	97-11-008	392-121-108	AMD-P	97-15-073

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
392-121-119	NEW-P	97-15-073	415-112-489	NEW	97-03-016	434-28-012	AMD-P	97-14-106
392-121-122	AMD-P	97-15-073	415-112-490	NEW	97-03-016	434-28-012	DECOD-P	97-14-106
392-121-133	AMD-P	97-15-073	415-112-491	NEW	97-03-016	434-28-020	DECOD-P	97-14-106
392-121-136	AMD-P	97-15-073	415-200-030	NEW-E	97-08-053	434-28-050	DECOD-P	97-14-106
392-121-137	AMD-P	97-15-073	415-200-030	NEW-P	97-13-058	434-28-060	DECOD-P	97-14-106
392-121-182	AMD-P	97-15-073	415-200-040	NEW-E	97-08-053	434-30-010	AMD-P	97-14-106
392-123-047	PREP	97-04-035	415-200-040	NEW-P	97-13-058	434-30-010	DECOD-P	97-14-106
392-132-010	AMD	97-03-044	415-512-090	AMD	97-05-009	434-30-020	DECOD-P	97-14-106
392-132-030	AMD	97-03-044	434-09-010	DECOD-P	97-14-106	434-30-030	AMD-P	97-14-106
392-132-040	AMD	97-03-044	434-09-020	AMD-P	97-14-106	434-30-030	DECOD-P	97-14-106
392-134	PREP	97-09-010	434-09-020	DECOD-P	97-14-106	434-30-040	DECOD-P	97-14-106
392-134-005	AMD-P	97-15-074	434-09-030	AMD-P	97-14-106	434-30-050	DECOD-P	97-14-106
392-134-010	AMD-P	97-15-074	434-09-030	DECOD-P	97-14-106	434-30-060	DECOD-P	97-14-106
392-134-020	AMD-P	97-15-074	434-09-040	AMD-P	97-14-106	434-30-070	DECOD-P	97-14-106
392-134-025	AMD-P	97-15-074	434-09-040	DECOD-P	97-14-106	434-30-080	DECOD-P	97-14-106
392-137	PREP	97-09-010	434-09-050	AMD-P	97-14-106	434-30-090	DECOD-P	97-14-106
392-137-160	AMD-P	97-15-075	434-09-050	DECOD-P	97-14-106	434-30-100	REP-P	97-14-106
392-137-195	AMD-P	97-15-075	434-09-060	AMD-P	97-14-106	434-30-110	REP-P	97-14-106
392-137-220	REP-P	97-15-075	434-09-060	DECOD-P	97-14-106	434-30-120	REP-P	97-14-106
392-140	PREP	97-15-116	434-09-070	AMD-P	97-14-106	434-30-130	REP-P	97-14-106
392-142	PREP	97-12-041	434-09-070	DECOD-P	97-14-106	434-30-140	REP-P	97-14-106
392-142-155	AMD-P	97-14-055	434-09-080	AMD-P	97-14-106	434-30-150	REP-P	97-14-106
392-160-004	AMD-C	97-14-077	434-09-080	DECOD-P	97-14-106	434-30-160	AMD-P	97-14-106
392-160-005	AMD-C	97-14-077	434-09-090	AMD-P	97-14-106	434-30-160	DECOD-P	97-14-106
392-160-010	AMD-C	97-14-077	434-09-090	DECOD-P	97-14-106	434-30-170	AMD-P	97-14-106
392-160-015	AMD-C	97-14-077	434-20-010	REP-P	97-14-106	434-30-170	DECOD-P	97-14-106
392-160-016	NEW-C	97-14-077	434-20-020	REP-P	97-14-106	434-30-180	AMD-P	97-14-106
392-160-020	AMD-C	97-14-077	434-20-030	REP-P	97-14-106	434-30-180	DECOD-P	97-14-106
392-160-029	AMD-C	97-14-077	434-20-040	REP-P	97-14-106	434-30-190	DECOD-P	97-14-106
392-160-035	AMD-C	97-14-077	434-20-050	REP-P	97-14-106	434-30-200	DECOD-P	97-14-106
392-160-036	NEW-C	97-14-077	434-24-010	AMD-P	97-14-106	434-30-210	AMD-P	97-14-106
392-160-037	NEW-C	97-14-077	434-24-010	DECOD-P	97-14-106	434-30-210	DECOD-P	97-14-106
392-160-040	AMD-C	97-14-077	434-24-015	AMD-P	97-14-106	434-30-220	REP-P	97-14-106
392-160-045	REP-C	97-14-077	434-24-015	DECOD-P	97-14-106	434-34-010	DECOD-P	97-14-106
392-160-050	NEW-C	97-14-077	434-24-020	AMD-P	97-14-106	434-34-015	DECOD-P	97-14-106
392-160-060	NEW-C	97-14-077	434-24-020	DECOD-P	97-14-106	434-34-020	DECOD-P	97-14-106
392-160-070	NEW-C	97-14-077	434-24-025	DECOD-P	97-14-106	434-34-025	DECOD-P	97-14-106
392-160-080	NEW-C	97-14-077	434-24-030	DECOD-P	97-14-106	434-34-030	DECOD-P	97-14-106
392-160-090	NEW-C	97-14-077	434-24-035	AMD-P	97-14-106	434-34-035	DECOD-P	97-14-106
392-160-091	NEW-C	97-14-077	434-24-035	DECOD-P	97-14-106	434-34-040	DECOD-P	97-14-106
392-320	PREP	97-04-022	434-24-040	REP-P	97-14-106	434-34-045	DECOD-P	97-14-106
399-30-032	NEW-E	97-12-077	434-24-050	AMD-P	97-14-106	434-34-050	DECOD-P	97-14-106
399-30-033	NEW-E	97-12-077	434-24-050	DECOD-P	97-14-106	434-34-055	DECOD-P	97-14-106
399-30-034	NEW-E	97-12-077	434-24-055	REP-P	97-14-106	434-34-060	DECOD-P	97-14-106
415-112-0160	NEW	97-03-016	434-24-060	AMD-P	97-14-106	434-34-065	DECOD-P	97-14-106
415-112-330	AMD-S	97-05-010	434-24-060	DECOD-P	97-14-106	434-34-070	DECOD-P	97-14-106
415-112-330	AMD	97-09-037	434-24-065	NEW-P	97-09-099	434-34-075	DECOD-P	97-14-106
415-112-335	NEW-S	97-05-010	434-24-065	NEW-E	97-12-039	434-34-080	DECOD-P	97-14-106
415-112-335	NEW	97-09-037	434-24-070	REP-P	97-14-106	434-34-085	DECOD-P	97-14-106
415-112-410	REP	97-03-016	434-24-080	REP-P	97-14-106	434-34-090	AMD-P	97-14-106
415-112-411	REP	97-03-016	434-24-085	AMD-P	97-14-106	434-34-090	DECOD-P	97-14-106
415-112-414	REP	97-03-016	434-24-085	DECOD-P	97-14-106	434-34-095	DECOD-P	97-14-106
415-112-444	NEW	97-03-016	434-24-090	REP-P	97-14-106	434-34-100	DECOD-P	97-14-106
415-112-445	NEW	97-03-016	434-24-095	AMD-P	97-14-106	434-34-105	DECOD-P	97-14-106
415-112-450	NEW	97-03-016	434-24-095	DECOD-P	97-14-106	434-34-110	AMD-P	97-14-106
415-112-460	NEW	97-03-016	434-24-100	REP-P	97-14-106	434-34-110	DECOD-P	97-14-106
415-112-4601	NEW	97-03-016	434-24-105	AMD-P	97-14-106	434-34-115	DECOD-P	97-14-106
415-112-4603	NEW	97-03-016	434-24-105	DECOD-P	97-14-106	434-36-010	DECOD-P	97-14-106
415-112-4604	NEW	97-03-016	434-24-110	AMD-P	97-14-106	434-36-020	AMD-P	97-14-106
415-112-4605	NEW	97-03-016	434-24-110	DECOD-P	97-14-106	434-36-020	DECOD-P	97-14-106
415-112-4607	NEW	97-03-016	434-24-115	AMD-P	97-14-106	434-36-030	AMD-P	97-14-106
415-112-4608	NEW	97-03-016	434-24-115	DECOD-P	97-14-106	434-36-030	DECOD-P	97-14-106
415-112-4609	NEW	97-03-016	434-24-120	AMD-P	97-14-106	434-36-040	AMD-P	97-14-106
415-112-470	NEW	97-03-016	434-24-120	DECOD-P	97-14-106	434-36-040	DECOD-P	97-14-106
415-112-471	NEW	97-03-016	434-24-130	AMD-P	97-14-106	434-36-050	AMD-P	97-14-106
415-112-473	NEW	97-03-016	434-24-130	DECOD-P	97-14-106	434-36-050	DECOD-P	97-14-106
415-112-475	NEW	97-03-016	434-24-140	AMD-P	97-14-106	434-36-060	AMD-P	97-14-106
415-112-477	NEW	97-03-016	434-24-140	DECOD-P	97-14-106	434-36-060	DECOD-P	97-14-106
415-112-480	NEW	97-03-016	434-24-150	REP-P	97-14-106	434-36-070	AMD-P	97-14-106
415-112-482	NEW	97-03-016	434-24-155	REP-P	97-14-106	434-36-070	DECOD-P	97-14-106
415-112-483	NEW	97-03-016	434-24-160	AMD-P	97-14-106	434-36-080	AMD-P	97-14-106
415-112-485	NEW	97-03-016	434-24-160	DECOD-P	97-14-106	434-36-080	DECOD-P	97-14-106
415-112-487	NEW	97-03-016	434-24-170	REP-P	97-14-106	434-36-090	AMD-P	97-14-106

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
434-36-090	DECOD-P	97-14-106	434-53-010	DECOD-P	97-14-106	434-62-090	DECOD-P	97-14-106
434-36-100	AMD-P	97-14-106	434-53-020	AMD-P	97-14-106	434-62-100	DECOD-P	97-14-106
434-36-100	DECOD-P	97-14-106	434-53-020	DECOD-P	97-14-106	434-62-110	DECOD-P	97-14-106
434-36-110	AMD-P	97-14-106	434-53-030	AMD-P	97-14-106	434-62-120	DECOD-P	97-14-106
434-36-110	DECOD-P	97-14-106	434-53-030	DECOD-P	97-14-106	434-62-130	DECOD-P	97-14-106
434-36-120	AMD-E	97-13-003	434-53-040	AMD-P	97-14-106	434-62-140	DECOD-P	97-14-106
434-36-120	AMD-P	97-14-106	434-53-040	DECOD-P	97-14-106	434-62-150	DECOD-P	97-14-106
434-36-120	DECOD-P	97-14-106	434-53-050	AMD-P	97-14-106	434-62-160	DECOD-P	97-14-106
434-36-130	REP-P	97-14-106	434-53-050	DECOD-P	97-14-106	434-62-170	DECOD-P	97-14-106
434-36-140	AMD-P	97-14-106	434-53-060	DECOD-P	97-14-106	434-62-180	DECOD-P	97-14-106
434-36-140	DECOD-P	97-14-106	434-53-070	DECOD-P	97-14-106	434-62-190	DECOD-P	97-14-106
434-36-150	REP-P	97-14-106	434-53-080	DECOD-P	97-14-106	434-62-200	DECOD-P	97-14-106
434-36-160	DECOD-P	97-14-106	434-53-090	AMD-P	97-14-106	434-79-010	AMD-P	97-13-094
434-36-170	AMD-P	97-14-106	434-53-090	DECOD-P	97-14-106	434-79-010	DECOD-P	97-14-106
434-36-170	DECOD-P	97-14-106	434-53-100	AMD-P	97-14-106	434-120-025	AMD-P	97-13-093
434-36-180	AMD-E	97-13-003	434-53-100	DECOD-P	97-14-106	434-120-040	NEW-P	97-08-076
434-36-180	AMD-P	97-14-106	434-53-110	AMD-P	97-14-106	434-120-105	AMD-P	97-08-076
434-36-180	DECOD-P	97-14-106	434-53-110	DECOD-P	97-14-106	434-120-130	AMD-P	97-08-076
434-36-190	REP-P	97-14-106	434-53-120	AMD-P	97-14-106	434-120-210	AMD-P	97-13-093
434-36-200	AMD-P	97-14-106	434-53-120	DECOD-P	97-14-106	434-120-212	NEW-P	97-13-093
434-36-200	DECOD-P	97-14-106	434-53-130	DECOD-P	97-14-106	434-120-215	AMD-P	97-08-076
434-36-210	AMD-P	97-14-106	434-53-140	DECOD-P	97-14-106	434-120-250	AMD-P	97-13-093
434-36-210	DECOD-P	97-14-106	434-53-150	AMD-P	97-14-106	434-120-255	AMD-P	97-08-076
434-40-005	DECOD-P	97-14-106	434-53-150	DECOD-P	97-14-106	434-209-010	RECOD-P	97-14-106
434-40-010	AMD-P	97-14-106	434-53-160	AMD-P	97-14-106	434-209-020	RECOD-P	97-14-106
434-40-010	DECOD-P	97-14-106	434-53-160	DECOD-P	97-14-106	434-209-030	RECOD-P	97-14-106
434-40-020	DECOD-P	97-14-106	434-53-170	AMD-P	97-14-106	434-209-040	RECOD-P	97-14-106
434-20-025	DECOD-P	97-14-106	434-53-170	DECOD-P	97-14-106	434-209-050	RECOD-P	97-14-106
434-40-030	AMD-P	97-14-106	434-53-180	DECOD-P	97-14-106	434-209-060	RECOD-P	97-14-106
434-40-030	DECOD-P	97-14-106	434-53-190	AMD-P	97-14-106	434-209-070	RECOD-P	97-14-106
434-40-040	DECOD-P	97-14-106	434-53-190	DECOD-P	97-14-106	434-209-080	RECOD-P	97-14-106
434-40-050	AMD-P	97-14-106	434-53-200	AMD-P	97-14-106	434-209-090	RECOD-P	97-14-106
434-40-050	DECOD-P	97-14-106	434-53-200	DECOD-P	97-14-106	434-228-005	NEW-P	97-14-106
434-40-060	AMD-P	97-14-106	434-53-210	AMD-P	97-14-106	434-228-012	RECOD-P	97-14-106
434-40-060	DECOD-P	97-14-106	434-53-210	DECOD-P	97-14-106	434-228-020	RECOD-P	97-14-106
434-40-070	REP-P	97-14-106	434-53-220	AMD-P	97-14-106	434-228-050	RECOD-P	97-14-106
434-40-080	REP-P	97-14-106	434-53-220	DECOD-P	97-14-106	434-228-060	RECOD-P	97-14-106
434-40-090	DECOD-P	97-14-106	434-53-230	AMD-P	97-14-106	434-230-010	RECOD-P	97-14-106
434-40-100	DECOD-P	97-14-106	434-53-230	DECOD-P	97-14-106	434-230-020	RECOD-P	97-14-106
434-40-110	DECOD-P	97-14-106	434-53-240	DECOD-P	97-14-106	434-230-030	RECOD-P	97-14-106
434-40-120	DECOD-P	97-14-106	434-53-250	DECOD-P	97-14-106	434-230-040	RECOD-P	97-14-106
434-40-130	AMD-P	97-14-106	434-53-260	DECOD-P	97-14-106	434-230-050	RECOD-P	97-14-106
434-40-130	DECOD-P	97-14-106	434-53-270	AMD-P	97-14-106	434-230-060	RECOD-P	97-14-106
434-40-140	REP-P	97-14-106	434-53-270	DECOD-P	97-14-106	434-230-070	RECOD-P	97-14-106
434-40-150	DECOD-P	97-14-106	434-53-280	AMD-P	97-14-106	434-230-080	RECOD-P	97-14-106
434-40-160	AMD-P	97-14-106	434-53-280	DECOD-P	97-14-106	434-230-090	RECOD-P	97-14-106
434-40-160	DECOD-P	97-14-106	434-53-290	AMD-P	97-14-106	434-230-160	RECOD-P	97-14-106
434-40-170	REP-P	97-14-106	434-53-290	DECOD-P	97-14-106	434-230-170	RECOD-P	97-14-106
434-40-180	DECOD-P	97-14-106	434-53-300	AMD-P	97-14-106	434-230-180	RECOD-P	97-14-106
434-40-190	AMD-P	97-14-106	434-53-300	DECOD-P	97-14-106	434-230-190	RECOD-P	97-14-106
434-40-190	DECOD-P	97-14-106	434-53-310	DECOD-P	97-14-106	434-230-200	RECOD-P	97-14-106
434-40-200	AMD-P	97-14-106	434-53-320	DECOD-P	97-14-106	434-230-210	RECOD-P	97-14-106
434-40-200	DECOD-P	97-14-106	434-61-010	AMD-P	97-14-106	434-236-010	RECOD-P	97-14-106
434-40-210	REP-P	97-14-106	434-61-010	DECOD-P	97-14-106	434-236-020	RECOD-P	97-14-106
434-40-220	REP-P	97-14-106	434-61-020	AMD-P	97-14-106	434-236-030	RECOD-P	97-14-106
434-40-225	NEW-E	97-13-003	434-61-020	DECOD-P	97-14-106	434-236-040	RECOD-P	97-14-106
434-40-230	AMD-E	97-13-003	434-61-030	DECOD-P	97-14-106	434-236-050	RECOD-P	97-14-106
434-40-230	AMD-P	97-14-106	434-61-040	AMD-P	97-14-106	434-236-060	RECOD-P	97-14-106
434-40-230	DECOD-P	97-14-106	434-61-040	DECOD-P	97-14-106	434-236-070	RECOD-P	97-14-106
434-40-235	NEW-E	97-13-003	434-61-050	REP-P	97-14-106	434-236-080	RECOD-P	97-14-106
434-40-240	AMD-P	97-14-106	434-61-060	DECOD-P	97-14-106	434-236-090	RECOD-P	97-14-106
434-40-240	DECOD-P	97-14-106	434-62-005	DECOD-P	97-14-106	434-236-100	RECOD-P	97-14-106
434-40-250	AMD-P	97-14-106	434-62-010	DECOD-P	97-14-106	434-236-110	RECOD-P	97-14-106
434-40-250	DECOD-P	97-14-106	434-62-020	AMD-P	97-14-106	434-236-120	RECOD-P	97-14-106
434-40-260	DECOD-P	97-14-106	434-62-020	DECOD-P	97-14-106	434-236-140	RECOD-P	97-14-106
434-40-270	AMD-P	97-14-106	434-62-030	AMD-P	97-14-106	434-236-160	RECOD-P	97-14-106
434-40-270	DECOD-P	97-14-106	434-62-030	DECOD-P	97-14-106	434-236-170	RECOD-P	97-14-106
434-40-280	REP-P	97-14-106	434-62-040	AMD-P	97-14-106	434-236-180	RECOD-P	97-14-106
434-40-290	AMD-P	97-14-106	434-62-040	DECOD-P	97-14-106	434-236-200	RECOD-P	97-14-106
434-40-290	DECOD-P	97-14-106	434-62-050	DECOD-P	97-14-106	434-236-210	RECOD-P	97-14-106
434-40-300	DECOD-P	97-14-106	434-62-060	DECOD-P	97-14-106	434-240-005	RECOD-P	97-14-106
434-40-310	REP-E	97-13-003	434-62-070	DECOD-P	97-14-106	434-240-010	RECOD-P	97-14-106
434-40-310	REP-P	97-14-106	434-62-080	DECOD-P	97-14-106	434-240-020	RECOD-P	97-14-106

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
434-240-025	RECOD-P	97-14-106	434-262-030	RECOD-P	97-14-106	440-22-225	AMD	97-13-050
434-240-030	RECOD-P	97-14-106	434-262-035	NEW-P	97-14-106	440-22-230	AMD-S	97-08-073
434-240-040	RECOD-P	97-14-106	434-262-040	RECOD-P	97-14-106	440-22-230	AMD	97-13-050
434-240-050	RECOD-P	97-14-106	434-262-045	NEW-P	97-14-106	440-22-240	AMD-S	97-08-073
434-240-060	RECOD-P	97-14-106	434-262-050	RECOD-P	97-14-106	440-22-240	AMD	97-13-050
434-240-090	RECOD-P	97-14-106	434-262-060	RECOD-P	97-14-106	440-22-250	AMD-S	97-08-073
434-240-100	RECOD-P	97-14-106	434-262-070	RECOD-P	97-14-106	440-22-250	AMD	97-13-050
434-240-110	RECOD-P	97-14-106	434-262-080	RECOD-P	97-14-106	440-22-253	NEW-S	97-08-073
434-240-120	RECOD-P	97-14-106	434-262-090	RECOD-P	97-14-106	440-22-253	NEW	97-13-050
434-240-130	RECOD-P	97-14-106	434-262-100	RECOD-P	97-14-106	440-22-255	NEW-S	97-08-073
434-240-150	RECOD-P	97-14-106	434-262-110	RECOD-P	97-14-106	440-22-255	NEW	97-13-050
434-240-160	RECOD-P	97-14-106	434-262-120	RECOD-P	97-14-106	440-22-257	NEW-S	97-08-073
434-240-180	RECOD-P	97-14-106	434-262-130	RECOD-P	97-14-106	440-22-257	NEW	97-13-050
434-240-190	RECOD-P	97-14-106	434-262-140	RECOD-P	97-14-106	440-22-260	AMD-S	97-08-073
434-240-200	RECOD-P	97-14-106	434-262-150	RECOD-P	97-14-106	440-22-260	AMD	97-13-050
434-240-205	NEW-P	97-14-106	434-262-160	RECOD-P	97-14-106	440-22-280	AMD-S	97-08-073
434-240-225	NEW-P	97-14-106	434-262-170	RECOD-P	97-14-106	440-22-280	AMD	97-13-050
434-240-230	RECOD-P	97-14-106	434-262-180	RECOD-P	97-14-106	440-22-300	AMD-S	97-08-073
434-240-235	NEW-P	97-14-106	434-262-190	RECOD-P	97-14-106	440-22-300	AMD	97-13-050
434-240-240	RECOD-P	97-14-106	434-262-200	RECOD-P	97-14-106	440-22-310	AMD-S	97-08-073
434-240-250	RECOD-P	97-14-106	434-324-010	RECOD-P	97-14-106	440-22-320	AMD-S	97-08-073
434-240-260	RECOD-P	97-14-106	434-324-015	RECOD-P	97-14-106	440-22-320	AMD	97-13-050
434-240-270	RECOD-P	97-14-106	434-324-020	RECOD-P	97-14-106	440-22-325	AMD-S	97-08-073
434-240-290	RECOD-P	97-14-106	434-324-025	RECOD-P	97-14-106	440-22-325	AMD	97-13-050
434-240-300	RECOD-P	97-14-106	434-324-030	RECOD-P	97-14-106	440-22-335	AMD-S	97-08-073
434-240-320	NEW-P	97-14-106	434-324-035	RECOD-P	97-14-106	440-22-335	AMD	97-13-050
434-253-010	RECOD-P	97-14-106	434-324-050	RECOD-P	97-14-106	440-22-406	NEW	97-03-062
434-253-020	RECOD-P	97-14-106	434-324-060	RECOD-P	97-14-106	446-16-010	AMD	97-05-048
434-253-030	RECOD-P	97-14-106	434-324-085	RECOD-P	97-14-106	446-16-025	AMD	97-05-048
434-253-040	RECOD-P	97-14-106	434-324-095	RECOD-P	97-14-106	446-16-030	AMD	97-05-048
434-253-050	RECOD-P	97-14-106	434-324-105	RECOD-P	97-14-106	446-16-040	REP	97-05-048
434-253-060	RECOD-P	97-14-106	434-324-110	RECOD-P	97-14-106	446-16-050	REP	97-05-048
434-253-070	RECOD-P	97-14-106	434-324-115	RECOD-P	97-14-106	446-16-070	AMD	97-05-048
434-253-080	RECOD-P	97-14-106	434-324-120	RECOD-P	97-14-106	446-16-080	AMD	97-05-048
434-253-090	RECOD-P	97-14-106	434-324-130	RECOD-P	97-14-106	446-16-100	AMD	97-05-048
434-253-100	RECOD-P	97-14-106	434-324-140	RECOD-P	97-14-106	446-16-110	AMD	97-05-048
434-253-110	RECOD-P	97-14-106	434-324-160	RECOD-P	97-14-106	446-16-120	AMD	97-05-048
434-253-120	RECOD-P	97-14-106	434-334-010	RECOD-P	97-14-106	446-20-050	AMD	97-05-048
434-253-130	RECOD-P	97-14-106	434-334-015	RECOD-P	97-14-106	446-20-090	AMD	97-05-048
434-253-140	RECOD-P	97-14-106	434-334-020	RECOD-P	97-14-106	446-20-100	AMD	97-05-048
434-253-150	RECOD-P	97-14-106	434-334-025	RECOD-P	97-14-106	446-20-110	REP	97-05-048
434-253-160	RECOD-P	97-14-106	434-334-030	RECOD-P	97-14-106	446-20-170	AMD	97-05-048
434-253-170	RECOD-P	97-14-106	434-334-035	RECOD-P	97-14-106	446-20-280	AMD	97-05-048
434-253-180	RECOD-P	97-14-106	434-334-040	RECOD-P	97-14-106	446-20-285	AMD	97-05-048
434-253-190	RECOD-P	97-14-106	434-334-045	RECOD-P	97-14-106	446-20-500	AMD	97-05-048
434-253-200	RECOD-P	97-14-106	434-334-050	RECOD-P	97-14-106	446-20-510	AMD	97-05-048
434-253-210	RECOD-P	97-14-106	434-334-055	RECOD-P	97-14-106	446-20-520	AMD	97-05-048
434-253-220	RECOD-P	97-14-106	434-334-060	RECOD-P	97-14-106	446-20-530	AMD	97-05-048
434-253-230	RECOD-P	97-14-106	434-334-065	RECOD-P	97-14-106	458-10-010	NEW	97-08-068
434-253-240	RECOD-P	97-14-106	434-334-070	RECOD-P	97-14-106	458-10-020	NEW	97-08-068
434-253-250	RECOD-P	97-14-106	434-334-075	RECOD-P	97-14-106	458-10-030	NEW	97-08-068
434-253-260	RECOD-P	97-14-106	434-334-080	RECOD-P	97-14-106	458-10-040	NEW	97-08-068
434-253-270	RECOD-P	97-14-106	434-334-085	RECOD-P	97-14-106	458-10-050	NEW	97-08-068
434-253-280	RECOD-P	97-14-106	434-334-090	RECOD-P	97-14-106	458-10-060	NEW	97-08-068
434-253-290	RECOD-P	97-14-106	434-334-095	RECOD-P	97-14-106	458-10-070	NEW	97-08-068
434-253-300	RECOD-P	97-14-106	434-334-100	RECOD-P	97-14-106	458-12-130	PREP-X	97-14-043
434-253-310	RECOD-P	97-14-106	434-334-105	RECOD-P	97-14-106	458-12-185	PREP-X	97-14-043
434-253-320	RECOD-P	97-14-106	434-334-110	RECOD-P	97-14-106	458-12-340	PREP-X	97-14-043
434-261-005	NEW-P	97-14-106	434-334-115	RECOD-P	97-14-106	458-12-341	PREP-X	97-14-043
434-261-010	RECOD-P	97-14-106	434-379-010	RECOD-P	97-14-106	458-12-345	PREP-X	97-14-043
434-261-020	RECOD-P	97-14-106	434-840-350	AMD-P	97-14-106	458-12-355	PREP-X	97-14-043
434-261-030	RECOD-P	97-14-106	440-22-005	AMD	97-03-062	458-12-365	PREP-X	97-14-043
434-261-040	RECOD-P	97-14-106	440-22-005	AMD-S	97-08-073	458-12-370	PREP-X	97-14-043
434-261-060	RECOD-P	97-14-106	440-22-005	AMD	97-13-050	458-12-375	PREP-X	97-14-043
434-261-070	NEW-P	97-14-106	440-22-180	AMD-S	97-08-073	458-12-385	PREP-X	97-14-043
434-261-080	NEW-P	97-14-106	440-22-180	AMD	97-13-050	458-20-101	AMD	97-08-050
434-261-090	NEW-P	97-14-106	440-22-200	AMD-S	97-08-073	458-20-104	AMD	97-08-050
434-261-100	NEW-P	97-14-106	440-22-200	AMD	97-13-050	458-20-14601	NEW	97-11-033
434-262-005	RECOD-P	97-14-106	440-22-220	AMD-S	97-08-073	458-20-174	AMD-P	97-07-079
434-262-010	RECOD-P	97-14-106	440-22-220	AMD	97-13-050	458-20-174	AMD	97-11-022
434-262-015	NEW-P	97-14-106	440-22-220	AMD-E	97-15-033	458-20-17401	AMD-P	97-07-079
434-262-020	RECOD-P	97-14-106	440-22-220	AMD-P	97-15-133	458-20-17401	AMD	97-11-022
434-262-025	NEW-P	97-14-106	440-22-225	AMD-S	97-08-073	458-20-184	PREP-X	97-14-042

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
458-20-263	NEW	97-03-027	466-08-020	REP-P	97-12-074	468-86-160	NEW	97-09-046
458-40-540	AMD	97-07-041	466-08-020	REP	97-15-110	468-105	PREP	97-08-016
458-40-540	AMD-W	97-11-060	466-08-030	REP-P	97-12-074	468-105-020	AMD-P	97-11-040
458-40-660	PREP	97-06-111	466-08-030	REP	97-15-110	468-105-020	AMD	97-14-037
458-40-660	AMD-P	97-10-027	466-08-040	REP-P	97-12-074	468-105-040	AMD-P	97-11-040
458-40-660	AMD	97-14-068	466-08-040	REP	97-15-110	468-105-040	AMD	97-14-037
460-21B-050	AMD	97-03-122	466-08-050	REP-P	97-12-074	468-105-050	AMD-P	97-11-040
460-21B-080	REP	97-03-122	466-08-050	REP	97-15-110	468-105-050	AMD	97-14-037
460-22B-070	REP	97-03-122	466-08-060	REP-P	97-12-074	468-105-060	AMD-P	97-11-040
460-22B-080	REP	97-03-122	466-08-060	REP	97-15-110	468-105-060	AMD	97-14-037
460-22B-090	AMD-P	97-13-076	466-08-070	REP-P	97-12-074	468-105-070	AMD-P	97-11-040
460-24A	PREP	97-08-059	466-08-070	REP	97-15-110	468-105-070	AMD	97-14-037
460-24A-040	AMD-P	97-13-076	466-08-080	REP-P	97-12-074	468-105-080	AMD-P	97-11-040
460-24A-045	AMD-P	97-13-076	466-08-080	REP	97-15-110	468-105-080	AMD	97-14-037
460-24A-046	REP	97-03-122	466-08-090	REP-P	97-12-074	468-200-080	AMD	97-03-064
460-24A-050	AMD-P	97-13-076	466-08-090	REP	97-15-110	468-200-160	AMD	97-03-064
460-24A-170	AMD-P	97-13-076	468-16-030	AMD-P	97-05-007	468-200-350	AMD	97-03-064
460-42A-082	NEW-P	97-13-077	468-16-030	AMD	97-09-045	468-300-210	PREP	97-03-118
460-44A-300	NEW-P	97-08-061	468-16-080	AMD-P	97-05-007	468-300-210	REP-P	97-12-074
460-44A-506	PREP	97-08-057	468-16-080	AMD	97-09-045	468-300-210	REP-E	97-15-109
461-08-310	AMD-E	97-12-004	468-16-090	AMD-P	97-05-007	468-300-210	REP	97-15-110
461-08-310	AMD-P	97-15-057	468-16-090	AMD	97-09-045	468-300-220	NEW-P	97-12-074
461-08-560	AMD-P	97-15-057	468-16-100	AMD-P	97-05-007	468-300-220	NEW-E	97-15-109
461-08-570	AMD-P	97-15-057	468-16-100	AMD	97-09-045	468-300-220	NEW	97-15-110
466-02-010	REP-P	97-12-074	468-16-120	AMD-P	97-05-007	468-500-001	NEW	97-06-002
466-02-010	REP	97-15-110	468-16-120	AMD	97-09-045	478-04-020	AMD-P	97-08-062
466-03-010	REP-P	97-12-074	468-16-130	AMD-P	97-05-007	478-04-020	AMD	97-14-004
466-03-010	REP	97-15-110	468-16-130	AMD	97-09-045	478-108-020	AMD-P	97-08-062
466-03-020	REP-P	97-12-074	468-16-140	AMD-P	97-05-007	478-108-020	AMD	97-14-004
466-03-020	REP	97-15-110	468-16-140	AMD	97-09-045	478-116-010	AMD-P	97-09-071
466-03-030	REP-P	97-12-074	468-16-150	AMD-P	97-05-007	478-116-010	AMD	97-14-005
466-03-030	REP	97-15-110	468-16-150	AMD	97-09-045	478-116-020	AMD-P	97-09-071
466-03-040	REP-P	97-12-074	468-16-160	AMD-P	97-05-007	478-116-020	AMD	97-14-005
466-03-040	REP	97-15-110	468-16-160	AMD	97-09-045	478-116-030	AMD-P	97-09-071
466-03-050	REP-P	97-12-074	468-16-170	AMD-P	97-05-007	478-116-030	AMD	97-14-005
466-03-050	REP	97-15-110	468-16-170	AMD	97-09-045	478-116-044	NEW-P	97-09-071
466-03-060	REP-P	97-12-074	468-16-180	AMD-P	97-05-007	478-116-044	NEW	97-14-005
466-03-060	REP	97-15-110	468-16-180	AMD	97-09-045	478-116-046	NEW-P	97-09-071
466-03-070	REP-P	97-12-074	468-66	PREP	97-09-070	478-116-046	NEW	97-14-005
466-03-070	REP	97-15-110	468-66-010	AMD-P	97-13-028	478-116-050	REP-P	97-09-071
466-03-080	REP-P	97-12-074	468-66-030	AMD-P	97-13-028	478-116-050	REP	97-14-005
466-03-080	REP	97-15-110	468-66-150	AMD-P	97-13-028	478-116-051	NEW-P	97-09-071
466-03-090	REP-P	97-12-074	468-86-010	NEW-P	97-06-005	478-116-051	NEW	97-14-005
466-03-090	REP	97-15-110	468-86-010	NEW	97-09-046	478-116-055	REP-P	97-09-071
466-03-100	REP-P	97-12-074	468-86-020	NEW-P	97-06-005	478-116-055	REP	97-14-005
466-03-100	REP	97-15-110	468-86-020	NEW	97-09-046	478-116-060	REP-P	97-09-071
466-03-110	REP-P	97-12-074	468-86-030	NEW-P	97-06-005	478-116-060	REP	97-14-005
466-03-110	REP	97-15-110	468-86-030	NEW	97-09-046	478-116-061	NEW-P	97-09-071
466-03-120	REP-P	97-12-074	468-86-040	NEW-P	97-06-005	478-116-061	NEW	97-14-005
466-03-120	REP	97-15-110	468-86-040	NEW	97-09-046	478-116-061	NEW	97-14-005
466-03-130	REP-P	97-12-074	468-86-050	NEW-P	97-06-005	478-116-070	REP-P	97-09-071
466-03-130	REP	97-15-110	468-86-050	NEW	97-09-046	478-116-070	REP	97-14-005
466-03-900	REP-P	97-12-074	468-86-050	NEW	97-09-046	478-116-071	NEW-P	97-09-071
466-03-900	REP	97-15-110	468-86-060	NEW-P	97-06-005	478-116-071	NEW	97-14-005
466-04-010	REP-P	97-12-074	468-86-060	NEW	97-09-046	478-116-080	REP-P	97-09-071
466-04-010	REP	97-15-110	468-86-070	NEW-P	97-06-005	478-116-080	REP	97-14-005
466-04-020	REP-P	97-12-074	468-86-070	NEW	97-09-046	478-116-088	REP-P	97-09-071
466-04-020	REP	97-15-110	468-86-080	NEW-P	97-06-005	478-116-088	REP	97-14-005
466-04-030	REP-P	97-12-074	468-86-080	NEW	97-09-046	478-116-088	REP	97-14-005
466-04-030	REP	97-15-110	468-86-090	NEW-P	97-06-005	478-116-090	REP-P	97-09-071
466-04-040	REP-P	97-12-074	468-86-090	NEW	97-09-046	478-116-090	REP	97-14-005
466-04-040	REP	97-15-110	468-86-100	NEW-P	97-06-005	478-116-095	REP-P	97-09-071
466-04-050	REP-P	97-12-074	468-86-100	NEW	97-09-046	478-116-095	REP	97-14-005
466-04-050	REP	97-15-110	468-86-110	NEW-P	97-06-005	478-116-100	REP-P	97-09-071
466-04-060	REP-P	97-12-074	468-86-110	NEW	97-09-046	478-116-100	REP	97-14-005
466-04-060	REP	97-15-110	468-86-120	NEW-P	97-06-005	478-116-101	NEW-P	97-09-071
466-04-070	REP-P	97-12-074	468-86-120	NEW	97-09-046	478-116-101	NEW	97-14-005
466-04-070	REP	97-15-110	468-86-130	NEW-P	97-06-005	478-116-110	REP-P	97-09-071
466-07-010	REP-P	97-12-074	468-86-130	NEW	97-09-046	478-116-110	REP	97-14-005
466-07-010	REP-E	97-15-109	468-86-140	NEW-P	97-06-005	478-116-111	NEW-P	97-09-071
466-07-010	REP	97-15-110	468-86-140	NEW	97-09-046	478-116-111	NEW	97-14-005
466-08-010	REP-P	97-12-074	468-86-150	NEW-P	97-06-005	478-116-114	NEW-P	97-09-071
466-08-010	REP	97-15-110	468-86-150	NEW	97-09-046	478-116-116	NEW-P	97-09-071
			468-86-160	NEW-P	97-06-005	478-116-116	NEW	97-14-005

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
478-116-120	REP-P	97-09-071	478-116-245	NEW	97-14-005	478-116-531	NEW-P	97-09-071
478-116-120	REP	97-14-005	478-116-250	REP-P	97-09-071	478-116-531	NEW	97-14-005
478-116-121	NEW-P	97-09-071	478-116-250	REP	97-14-005	478-116-540	REP-P	97-09-071
478-116-121	NEW	97-14-005	478-116-251	NEW-P	97-09-071	478-116-540	REP	97-14-005
478-116-125	NEW-P	97-09-071	478-116-251	NEW	97-14-005	478-116-541	NEW-P	97-09-071
478-116-125	NEW	97-14-005	478-116-253	NEW-P	97-09-071	478-116-541	NEW	97-14-005
478-116-130	REP-P	97-09-071	478-116-253	NEW	97-14-005	478-116-550	REP-P	97-09-071
478-116-130	REP	97-14-005	478-116-255	NEW-P	97-09-071	478-116-550	REP	97-14-005
478-116-131	NEW-P	97-09-071	478-116-255	NEW	97-14-005	478-116-551	NEW-P	97-09-071
478-116-131	NEW	97-14-005	478-116-260	REP-P	97-09-071	478-116-551	NEW	97-14-005
478-116-140	REP-P	97-09-071	478-116-260	REP	97-14-005	478-116-561	NEW-P	97-09-071
478-116-140	REP	97-14-005	478-116-261	NEW-P	97-09-071	478-116-561	NEW	97-14-005
478-116-141	NEW-P	97-09-071	478-116-261	NEW	97-14-005	478-116-570	REP-P	97-09-071
478-116-141	NEW	97-14-005	478-116-270	REP-P	97-09-071	478-116-570	REP	97-14-005
478-116-145	NEW-P	97-09-071	478-116-270	REP	97-14-005	478-116-580	REP-P	97-09-071
478-116-145	NEW	97-14-005	478-116-271	NEW-P	97-09-071	478-116-580	REP	97-14-005
478-116-147	NEW-P	97-09-071	478-116-271	NEW	97-14-005	478-116-582	REP-P	97-09-071
478-116-147	NEW	97-14-005	478-116-280	REP-P	97-09-071	478-116-582	REP	97-14-005
478-116-151	NEW-P	97-09-071	478-116-280	REP	97-14-005	478-116-584	REP-P	97-09-071
478-116-151	NEW	97-14-005	478-116-281	NEW-P	97-09-071	478-116-584	REP	97-14-005
478-116-160	REP-P	97-09-071	478-116-281	NEW	97-14-005	478-116-586	REP-P	97-09-071
478-116-160	REP	97-14-005	478-116-290	REP-P	97-09-071	478-116-586	REP	97-14-005
478-116-161	NEW-P	97-09-071	478-116-290	REP	97-14-005	478-116-588	REP-P	97-09-071
478-116-161	NEW	97-14-005	478-116-291	NEW-P	97-09-071	478-116-588	REP	97-14-005
478-116-163	NEW-P	97-09-071	478-116-291	NEW	97-14-005	478-116-589	REP-P	97-09-071
478-116-163	NEW	97-14-005	478-116-300	REP-P	97-09-071	478-116-589	REP	97-14-005
478-116-165	NEW-P	97-09-071	478-116-300	REP	97-14-005	478-116-590	REP-P	97-09-071
478-116-165	NEW	97-14-005	478-116-301	NEW-P	97-09-071	478-116-590	REP	97-14-005
478-116-167	NEW-P	97-09-071	478-116-301	NEW	97-14-005	478-116-601	REP-P	97-09-071
478-116-167	NEW	97-14-005	478-116-310	REP-P	97-09-071	478-116-601	REP	97-14-005
478-116-170	REP-P	97-09-071	478-116-310	REP	97-14-005	478-116-605	NEW-P	97-09-071
478-116-170	REP	97-14-005	478-116-311	NEW-P	97-09-071	478-116-605	NEW	97-14-005
478-116-171	NEW-P	97-09-071	478-116-311	NEW	97-14-005	478-116-610	REP-P	97-09-071
478-116-171	NEW	97-14-005	478-116-320	REP-P	97-09-071	478-116-610	REP	97-14-005
478-116-180	REP-P	97-09-071	478-116-320	REP	97-14-005	478-116-611	NEW-P	97-09-071
478-116-180	REP	97-14-005	478-116-330	REP-P	97-09-071	478-116-611	NEW	97-14-005
478-116-181	NEW-P	97-09-071	478-116-330	REP	97-14-005	478-116-620	NEW-P	97-09-071
478-116-181	NEW	97-14-005	478-116-340	REP-P	97-09-071	478-116-620	NEW	97-14-005
478-116-184	NEW-P	97-09-071	478-116-340	REP	97-14-005	478-116-630	NEW-P	97-09-071
478-116-184	NEW	97-14-005	478-116-345	REP-P	97-09-071	478-116-630	NEW	97-14-005
478-116-186	NEW-P	97-09-071	478-116-345	REP	97-14-005	478-116-640	NEW-P	97-09-071
478-116-186	NEW	97-14-005	478-116-350	REP-P	97-09-071	478-116-640	NEW	97-14-005
478-116-190	REP-P	97-09-071	478-116-350	REP	97-14-005	478-116-650	NEW-P	97-09-071
478-116-190	REP	97-14-005	478-116-355	REP-P	97-09-071	478-116-650	NEW	97-14-005
478-116-191	NEW-P	97-09-071	478-116-355	REP	97-14-005	478-116-660	NEW-P	97-09-071
478-116-191	NEW	97-14-005	478-116-360	REP-P	97-09-071	478-116-660	NEW	97-14-005
478-116-200	REP-P	97-09-071	478-116-360	REP	97-14-005	478-116-670	NEW-P	97-09-071
478-116-200	REP	97-14-005	478-116-370	REP-P	97-09-071	478-116-670	NEW	97-14-005
478-116-201	NEW-P	97-09-071	478-116-370	REP	97-14-005	478-136	PREP	97-10-077
478-116-201	NEW	97-14-005	478-116-380	REP-P	97-09-071	478-160-035	AMD-P	97-08-062
478-116-210	REP-P	97-09-071	478-116-380	REP	97-14-005	478-160-035	AMD	97-14-004
478-116-210	REP	97-14-005	478-116-390	REP-P	97-09-071	478-160-040	AMD-P	97-08-062
478-116-211	NEW-P	97-09-071	478-116-390	REP	97-14-005	478-160-040	AMD	97-14-004
478-116-211	NEW	97-14-005	478-116-400	REP-P	97-09-071	478-160-050	AMD-P	97-08-062
478-116-220	REP-P	97-09-071	478-116-400	REP	97-14-005	478-160-050	AMD	97-14-004
478-116-220	REP	97-14-005	478-116-401	NEW-P	97-09-071	478-160-060	AMD-P	97-08-062
478-116-221	NEW-P	97-09-071	478-116-401	NEW	97-14-005	478-160-060	AMD	97-14-004
478-116-221	NEW	97-14-005	478-116-411	NEW-P	97-09-071	478-160-065	AMD-P	97-08-062
478-116-223	NEW-P	97-09-071	478-116-411	NEW	97-14-005	478-160-065	AMD	97-14-004
478-116-223	NEW	97-14-005	478-116-421	NEW-P	97-09-071	478-160-085	AMD-P	97-08-062
478-116-225	NEW-P	97-09-071	478-116-421	NEW	97-14-005	478-160-085	AMD	97-14-004
478-116-225	NEW	97-14-005	478-116-431	NEW-P	97-09-071	478-160-105	AMD-P	97-08-062
478-116-227	NEW-P	97-09-071	478-116-431	NEW	97-14-005	478-160-105	AMD	97-14-004
478-116-227	NEW	97-14-005	478-116-440	REP-P	97-09-071	478-160-110	AMD-P	97-08-062
478-116-230	REP-P	97-09-071	478-116-440	REP	97-14-005	478-160-110	AMD	97-14-004
478-116-230	REP	97-14-005	478-116-450	REP-P	97-09-071	478-160-120	AMD-P	97-08-062
478-116-231	NEW-P	97-09-071	478-116-450	REP	97-14-005	478-160-120	AMD	97-14-004
478-116-231	NEW	97-14-005	478-116-460	REP-P	97-09-071	478-160-125	AMD-P	97-08-062
478-116-240	REP-P	97-09-071	478-116-460	REP	97-14-005	478-160-125	AMD	97-14-004
478-116-240	REP	97-14-005	478-116-501	NEW-P	97-09-071	478-160-130	AMD-P	97-08-062
478-116-241	NEW-P	97-09-071	478-116-501	NEW	97-14-005	478-160-130	AMD	97-14-004
478-116-241	NEW	97-14-005	478-116-520	AMD-P	97-09-071	478-160-140	AMD-P	97-08-062
478-116-245	NEW-P	97-09-071	478-116-520	AMD	97-14-005	478-160-140	AMD	97-14-004

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
478-160-160	AMD-P	97-08-062	495A-141-011	NEW-P	97-07-002			
478-160-160	AMD	97-14-004	495A-141-011	NEW	97-12-038			
478-160-162	AMD-P	97-08-062	495A-141-012	NEW-P	97-07-002			
478-160-162	AMD	97-14-004	495A-141-012	NEW	97-12-038			
478-160-175	AMD-P	97-08-062	495A-141-013	NEW-P	97-07-002			
478-160-175	AMD	97-14-004	495A-141-013	NEW	97-12-038			
478-160-210	AMD-P	97-08-062	495A-141-014	NEW-P	97-07-002			
478-160-210	AMD	97-14-004	495A-141-014	NEW	97-12-038			
478-160-230	AMD-P	97-08-062	495A-141-030	NEW-P	97-07-002			
478-160-230	AMD	97-14-004	495A-141-030	NEW	97-12-038			
478-160-246	AMD-P	97-08-062	495A-141-035	NEW-P	97-07-002			
478-160-246	AMD	97-14-004	495A-141-035	NEW	97-12-038			
478-160-290	AMD-P	97-08-062	495A-141-040	NEW-P	97-07-002			
478-160-290	AMD	97-14-004	495A-141-040	NEW	97-12-038			
478-160-295	AMD-P	97-08-062	495A-141-045	NEW-P	97-07-002			
478-160-295	AMD	97-14-004	495A-141-045	NEW	97-12-038			
478-160-310	AMD-P	97-08-062	495A-141-050	NEW-P	97-07-002			
478-160-310	AMD	97-14-004	495A-141-050	NEW	97-12-038			
478-160-320	AMD-P	97-08-062	495A-141-055	NEW-P	97-07-002			
478-160-320	AMD	97-14-004	495A-141-055	NEW	97-12-038			
478-250-050	AMD-P	97-08-062	495A-141-060	NEW-P	97-07-002			
478-250-050	AMD	97-14-004	495A-141-060	NEW	97-12-038			
478-250-060	AMD-P	97-08-062	495A-141-065	NEW-P	97-07-002			
478-250-060	AMD	97-14-004	495A-141-065	NEW	97-12-038			
478-276-030	REP-P	97-08-062	495A-141-070	NEW-P	97-07-002			
478-276-030	REP	97-14-004	495A-141-070	NEW	97-12-038			
478-276-040	REP-P	97-08-062	495A-141-080	NEW-P	97-07-002			
478-276-040	REP	97-14-004	495A-141-080	NEW	97-12-038			
478-276-060	AMD-P	97-08-062	495A-141-090	NEW-P	97-07-002			
478-276-060	AMD	97-14-004	495A-141-090	NEW	97-12-038			
478-276-070	AMD-P	97-08-062	495A-141-100	NEW-P	97-07-002			
478-276-070	AMD	97-14-004	495A-141-100	NEW	97-12-038			
478-276-080	AMD-P	97-08-062	495A-141-110	NEW-P	97-07-002			
478-276-080	AMD	97-14-004	495A-141-110	NEW	97-12-038			
478-276-100	AMD-P	97-08-062	495A-141-120	NEW-P	97-07-002			
478-276-100	AMD	97-14-004	495A-141-120	NEW	97-12-038			
478-276-105	NEW-P	97-08-062	495A-141-130	NEW-P	97-07-002			
478-276-105	NEW	97-14-004	495A-141-130	NEW	97-12-038			
478-276-140	AMD-P	97-08-062	495A-141-140	NEW-P	97-07-002			
478-276-140	AMD	97-14-004	495A-141-140	NEW	97-12-038			
480-31-010	NEW	97-08-037	495A-141-150	NEW-P	97-07-002			
480-31-020	NEW	97-08-037	495A-141-150	NEW	97-12-038			
480-31-030	NEW	97-08-037	495A-141-160	NEW-P	97-07-002			
480-31-040	NEW	97-08-037	495A-141-160	NEW	97-12-038			
480-31-050	NEW	97-08-037	495A-141-165	NEW-P	97-07-002			
480-31-060	NEW	97-08-037	495A-141-165	NEW	97-12-038			
480-31-070	NEW	97-08-037	495A-141-170	NEW-P	97-07-002			
480-31-080	NEW	97-08-037	495A-141-170	NEW	97-12-038			
480-31-090	NEW	97-08-037	495A-141-180	NEW-P	97-07-002			
480-31-100	NEW	97-08-037	495A-141-180	NEW	97-12-038			
480-31-110	NEW	97-08-037	495B-120-035	NEW-P	97-03-071			
480-31-120	NEW	97-08-037	495B-120-035	NEW	97-11-014			
480-31-130	NEW	97-08-037	504-12-010	PREP-X	97-14-038			
480-31-140	NEW	97-08-037	504-12-020	PREP-X	97-14-038			
480-75-002	NEW	97-07-042	504-12-030	PREP-X	97-14-038			
480-75-005	NEW	97-07-042	504-12-040	PREP-X	97-14-038			
480-75-230	NEW	97-07-042	504-12-050	PREP-X	97-14-038			
480-120-042	AMD-P	97-11-072	504-36-030	AMD-P	97-10-086			
480-120-106	PREP	97-11-071	516-12	PREP	97-06-014			
480-120-137	PREP	97-08-036	516-12-400	AMD-P	97-11-025			
480-120-138	PREP	97-08-036	516-12-420	AMD-P	97-11-025			
480-120-139	NEW-P	97-11-072	516-12-430	AMD-P	97-11-025			
480-120-141	PREP	97-08-036	516-12-450	AMD-P	97-11-025			
480-120-142	PREP	97-08-036	516-12-460	AMD-P	97-11-025			
484-20-103	AMD	97-06-013	516-12-470	AMD-P	97-11-025			
484-20-120	AMD	97-06-013	516-12-480	AMD-P	97-11-025			
490-500	PREP	97-13-086						
491-10-010	PREP-X	97-13-046						
495A-120-041	NEW-P	97-07-003						
495A-120-042	NEW-P	97-07-003						
495A-120-043	NEW-P	97-07-003						
495A-141-010	NEW-P	97-07-002						
495A-141-010	NEW	97-12-038						



Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

AGRICULTURE, DEPARTMENT OF

Adjudicative proceedings	PROP 97-08-086	Milk and milk products	PERM 97-12-024
	PERM 97-14-050	raw milk	PREP 97-06-011
Animal health			PROP 97-15-115
brucellosis vaccine	PERM 97-01-067	Noxious weed control board	
Animals		meetings	MISC 97-01-045
dead animals, offal, and meat scraps,		noxious weed list	PROP 97-01-044
transportation and disposal	EXRE 97-14-048		PERM 97-06-108
import permits for animals		schedule of penalties	PREP 97-12-019
banned as pets	PERM 97-01-068		PROP 97-01-044
mink importation	EXRE 97-14-048		PERM 97-06-108
semen	EXRE 97-14-048		PREP 97-12-019
Apiaries		Organic food	
fees	PREP 97-15-124	dairy products	
penalties	PREP 97-15-124	standards	PREP 97-04-065
Apples		handler certification	PREP 97-15-029
apple maggot quarantine	PROP 97-04-089	meat products	
	PERM 97-09-098	standards	PREP 97-04-065
	EMER 97-03-063	processor certification	PREP 97-15-028
controlled atmosphere storage, resealing		producer certification	PERM 97-02-008
Asparagus		Pesticide registration, commission on	
standards	PERM 97-01-081	meetings	MISC 97-01-060
	PROP 97-02-098		MISC 97-06-004
	PERM 97-05-054		
Asparagus commission		Pesticides	
meetings	MISC 97-01-050	application permits	PROP 97-02-094
	MISC 97-03-111		PROP 97-06-003
Barley commission		Potatoes	
meetings	MISC 97-01-120	seed potato certification	PREP 97-01-125
	MISC 97-15-104		PROP 97-07-075
Beef commission			PERM 97-11-028
meetings	MISC 97-03-072	Quarantine	
	MISC 97-09-005	apple maggot	PROP 97-04-089
Canola and rapeseed commission			PERM 97-09-098
establishment	PROP 97-11-084	lentil seed	PROP 97-04-090
Cattle			PROP 97-05-058
brucellosis vaccine	PERM 97-01-067	plum curculio	PROP 97-05-059
Dry peas			PERM 97-11-015
assessments	PREP 97-08-083		PROP 97-04-089
	PROP 97-11-085		PERM 97-09-098
	PROP 97-15-151	Red raspberry commission	
Fairs		meetings	MISC 97-02-018
state fair fund allocation	PROP 97-01-080	Seeds	
	PROP 97-04-077	certification fees and standards	PROP 97-11-050
	PERM 97-04-078	lentil seed quarantine	PROP 97-04-090
	PROP 97-09-025		PROP 97-05-058
	PERM 97-12-028		PROP 97-05-059
Farmed salmon commission			PERM 97-11-015
assessments	PREP 97-10-098	Weights and measures	
	PROP 97-14-102	calibration services, fee schedule	PREP 97-05-037
membership	PREP 97-10-098		PROP 97-09-103
	PROP 97-14-102		PERM 97-12-024
Food products		equipment, compliance with national	
bacon packaging	EXRE 97-14-074	standards	PROP 97-09-102
quality standards, adoption of		standards update	PERM 97-12-076
federal regulations	PERM 97-02-036		PREP 97-05-038
violations, penalty assessments	PREP 97-13-066		PROP 97-09-080
Ginseng management program	EMER 97-04-020		PERM 97-12-075
Hop commission			EXRE 97-14-049
assessments	PREP 97-05-067	ARTS COMMISSION	
	PROP 97-09-095	Meetings	MISC 97-03-040
meetings	MISC 97-01-051		
	MISC 97-04-017	ATTORNEY GENERAL'S OFFICE	
new varieties	PREP 97-05-067	Notice of request for attorney	
spectrophotometric analysis of		general's opinion	MISC 97-02-061
hops, fees	PERM 97-05-003		MISC 97-05-063
Lentil seed quarantine	PROP 97-04-090		MISC 97-06-099
	PROP 97-05-058		MISC 97-07-047
	PROP 97-05-059		MISC 97-10-056
Lentils			MISC 97-14-009
assessments	PREP 97-08-083	Opinions	MISC 97-14-039
	PROP 97-11-085	city elective offices, residency	
	PROP 97-15-151	requirements (1997, No. 3)	MISC 97-12-007
Livestock identification program	PREP 97-08-088		
Metrology lab service fee	PREP 97-05-037		
	PROP 97-09-103		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

criminal history record, effect of completion of sentence conditions (1997, No. 1)	MISC	97-03-089	Parking and traffic Services withheld for outstanding debts	PREP	97-15-077
health, department of diet information records (1997, No. 2)	MISC	97-07-060		PREP	97-15-076
state convention and trade center, bidding procedures (1996, No. 18)	MISC	97-01-052	CLOVER PARK TECHNICAL COLLEGE		
water system interties, water right permit modification (1996, No. 19)	MISC	97-01-119	Rules coordinator	MISC	97-01-038
BATES TECHNICAL COLLEGE			CODE REVISER'S OFFICE		
Parking and traffic regulation	PREP	97-01-084	Quarterly reports		
	PROP	97-07-002	96-19 through 96-24 - See Issue 97-02 correction - see Issue 97-03		
	PERM	97-12-038	97-01 through 97-06 - See Issue 97-08		
Student conduct code	PREP	97-01-083	97-07 through 97-12 - See Issue 97-14		
	PROP	97-07-003	Rule-making requirements	PROP	97-12-068
				PERM	97-15-035
BELLEVUE COMMUNITY COLLEGE			COLUMBIA BASIN COLLEGE		
Meetings	MISC	97-01-121	Meetings	MISC	97-02-020
BELLINGHAM TECHNICAL COLLEGE			COLUMBIA RIVER GORGE COMMISSION		
Hazing policy	PROP	97-03-071	Election signs	PROP	97-15-019
	PERM	97-11-014	Open space, review uses	PROP	97-15-019
Meetings	MISC	97-01-006			
	MISC	97-03-012	COMMUNITY AND TECHNICAL COLLEGES, BOARD FOR		
	MISC	97-03-019	Adult education advisory council meetings	MISC	97-11-029
	MISC	97-05-005	Medical expense plans	PREP	97-14-024
	MISC	97-06-017		EMER	97-14-070
	MISC	97-09-006	TIAA/CREF retirement plan	EMER	97-01-007
	MISC	97-10-058		PREP	97-01-048
	MISC	97-12-013		PROP	97-01-077
	MISC	97-13-014		EMER	97-07-006
				EMER	97-07-007
BENTON COUNTY CLEAN AIR AUTHORITY				PERM	97-10-069
Meetings	MISC	97-03-104	COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF		
BIG BEND COMMUNITY COLLEGE			Affordable housing advisory board public hearings	MISC	97-05-077
Meetings	MISC	97-03-056		MISC	97-14-027
BUILDING CODE COUNCIL			Bond cap allocation	PERM	97-02-093
Ammonia refrigerant discharge	EMER	97-01-042	Border area funding allocation	PREP	97-12-073
	PERM	97-01-135		PROP	97-15-107
	PROP	97-09-042	Community economic revitalization board meetings	MISC	97-04-027
Building code				MISC	97-09-052
1997 edition	PREP	97-05-065		MISC	97-11-007
Energy code			Head Start funding	PREP	97-12-072
personal wireless service facilities, insulation	PERM	97-03-017		PROP	97-15-106
Fire code	PREP	97-05-065	Land use study commission public records, accessibility	PERM	97-02-002
review and update	PREP	97-05-064	Low-income home energy assistance program hearing	MISC	97-10-001
Mechanical code			Public works board financial assistance, standards	EMER	97-12-077
1997 edition	PREP	97-05-065	meetings	PREP	97-13-004
Plumbing				MISC	97-01-026
uniform plumbing code and plumbing code standards	PREP	97-06-107	Washington heritage council	MISC	97-11-005
1997 edition	PREP	97-14-112		EXRE	97-14-010
Policies and procedures	PREP	97-14-112	CONSERVATION COMMISSION		
Public records	PREP	97-03-086	Meetings	MISC	97-10-002
Refrigeration	PREP	97-05-064	CONVENTION AND TRADE CENTER		
Ventilation and indoor air quality	PREP		Meetings	MISC	97-01-040
CASCADIA COMMUNITY COLLEGE				MISC	97-03-057
Meetings	MISC	97-01-053		MISC	97-05-034
CENTRAL WASHINGTON UNIVERSITY				MISC	97-06-089
Meetings	MISC	97-15-005		MISC	97-07-038
CENTRALIA COLLEGE				MISC	97-08-049
Meetings	MISC	97-01-071		MISC	97-09-034
CLARK COLLEGE				MISC	97-11-026
Adjudicative proceedings	PROP	97-15-078		MISC	97-13-008
Code of student conduct	PREP	97-06-008			
	PROP	97-10-018			
Meetings	MISC	97-02-042			

Subject/Agency Index

(Citation in bold type refer to material in this issue)

	MISC	97-13-012	Resource damage assessment committee meetings	MISC	97-01-133
	MISC	97-13-033			
	MISC	97-14-021	Shorelands and wetlands associated with shorelines, designation	PROP	97-03-129
	MISC	97-15-039		PERM	97-04-076
CORRECTIONS, DEPARTMENT OF					
Adult institutions			State Environmental Policy Act (SEPA) categorical exemptions	PREP	97-03-130
contraband	MISC	97-03-041	comment period extended	MISC	97-09-048
earned early release time	MISC	97-03-041	rules revised	PROP	97-08-085
infractions, penalties	MISC	97-03-041		PROP	97-15-129
personal hygiene items, acquisition	MISC	97-03-041	Total petroleum hydrocarbons policy statement	MISC	97-05-031
tobacco products	MISC	97-03-041	Waste reduction and recycling grants program	EXRE	97-13-037
				EXRE	97-13-038
				EXRE	97-13-042
COUNTY ROAD ADMINISTRATION BOARD			Water		
Meetings	MISC	97-01-055	clean water funds, uses and limitations	EMER	97-12-022
	MISC	97-06-015		EXRE	97-13-043
	MISC	97-11-048			
	MISC	97-12-002			
Project prioritization in southeast region	PERM	97-06-006	Columbia River instream resources protection program	PREP	97-12-092
			ground water management areas		
CRIMINAL JUSTICE TRAINING COMMISSION			Grant and Franklin counties	MISC	97-14-085
Meetings	MISC	97-03-060	surface water pollution control		
	MISC	97-07-012	comments accepted for lists	MISC	97-09-055
			water quality standards	PROP	97-12-034
				MISC	97-15-001
				EXRE	97-14-076
			wastewater discharge permit fee	PREP	97-14-084
EASTERN WASHINGTON UNIVERSITY					
Meetings	MISC	97-01-008	Water rights		
	MISC	97-03-107	application processing	EMER	97-10-091
	MISC	97-06-009		PREP	97-10-094
	MISC	97-09-003		PREP	97-12-090
	MISC	97-11-047		PREP	97-12-091
	MISC	97-14-007		EMER	97-14-017
	MISC	97-15-103			
Student conduct code	EMER	97-01-041	Watersheds		
	PROP	97-01-078	planning grants	PREP	97-13-074
	PERM	97-06-095	Wells		
			construction and maintenance standards	PREP	97-10-093
			contractor and operator licensing	PREP	97-10-093
ECOLOGY, DEPARTMENT OF					
Agricultural burning	PROP	97-01-132			
Air quality			ECONOMIC DEVELOPMENT FINANCE AUTHORITY		
emission units and insignificant activities	EXRE	97-14-075	Meetings	MISC	97-03-103
environmental protection agency					
request to agency withdrawn	MISC	97-08-022			
gasoline vapor recovery	PERM	97-04-012	EDMONDS COMMUNITY COLLEGE		
	PREP	97-09-018	Meetings	MISC	97-01-005
grass field burning limitation	PERM	97-03-021		MISC	97-01-074
new source review program for equipment changes	MISC	97-06-088		MISC	97-03-005
	PROP	97-15-071		MISC	97-03-059
	MISC	97-11-067		MISC	97-05-018
Thurston County maintenance plan				MISC	97-05-019
Dangerous waste				MISC	97-07-004
designating dangerous waste				MISC	97-07-021
chemical test methods	MISC	97-05-032		MISC	97-07-022
regulations update	PREP	97-04-062		MISC	97-07-045
Dangerous waste management facilities				MISC	97-09-014
policy statement	MISC	97-01-134		MISC	97-09-026
Environmental performance partnership agreement	MISC	97-12-083		MISC	97-11-012
Flood control				MISC	97-12-045
assistance account program				MISC	97-15-021
hearings for grant awards	MISC	97-04-007			
Forest practices to protect water quality	EMER	97-05-039	EDUCATION, STATE BOARD OF		
	PREP	97-08-038	Definitions		
	EMER	97-13-036	impact on student learning	PREP	97-10-006
	PROP	97-15-130	Early childhood education		
			subject area endorsement	PREP	97-04-069
Model Toxics Control Act			Educational staff associates		
hazardous waste site cleanup	PREP	97-10-092	assignment	PREP	97-10-008
local toxics control account	EXRE	97-13-039	certification standards	PREP	97-10-015
	EXRE	97-13-041	Funding of schools		
regulations update	PREP	97-04-062	accounting practices	PREP	97-09-115
Moderate risk waste grants	EXRE	97-13-040	certificated staff requirements	PROP	97-01-103
Permits				PERM	97-04-083
operating permit regulations, appeals	PROP	97-04-061	state support	PREP	97-10-014
	PERM	97-08-084			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

High school credit	PREP 97-01-010 PROP 97-04-066 PERM 97-08-020	EVERETT COMMUNITY COLLEGE Disclosure of student information	PREP 97-08-080 PROP 97-11-068 MISC 97-01-072
Literacy subject area endorsement	PREP 97-04-068	Meetings Offices	
Principal preparation programs internships	PREP 97-14-104 MISC 97-15-048	address and title clarification	PREP 97-08-081 PROP 97-11-069
Rules coordinator	PROP 97-01-082	EVERGREEN STATE COLLEGE, THE Environmental Policy Act	PREP 97-05-044 PROP 97-09-084 PERM 97-13-047
School activities' driver's authorization	PREP 97-10-007	Faculty	
School psychologists internship	PREP 97-05-027 PROP 97-13-017	mid-contract termination, procedures	PREP 97-05-044 PROP 97-09-084 PERM 97-13-047
Schools for the twenty-first century	PROP 97-09-032 PROP 97-13-096 PROP 97-14-023	Meetings Organization	MISC 97-07-025
Small school plants designation procedures	PREP 97-01-046 PROP 97-04-067 PERM 97-08-019 PERM 97-01-047	revision	PREP 97-05-044 PROP 97-09-084 PERM 97-13-047
Students due process rights	PREP 97-01-046 PROP 97-04-067 PERM 97-08-019 PERM 97-01-047	Parking	PREP 97-05-044 PROP 97-09-084 PERM 97-13-047
suspensions		Public records	PREP 97-05-044 PROP 97-09-084 PERM 97-13-047
Teachers certification	PROP 97-01-105 PERM 97-04-082	Tuition and fees	PREP 97-05-044 PROP 97-09-084 PERM 97-13-047
administrative policies and procedures	PREP 97-10-025 PREP 97-10-009 PROP 97-01-104 PERM 97-04-086 PREP 97-10-011 PREP 97-10-010		
lapsed certificates	PROP 97-01-011 PERM 97-05-008 PROP 97-05-043	EXECUTIVE ETHICS BOARD Administrative procedures	PREP 97-15-041
limited certificates		Ethical standards	
continuing education	PROP 97-01-100 PROP 97-01-102 PERM 97-04-084 PERM 97-04-088 PROP 97-01-106 PERM 97-04-081 PREP 97-10-013	civil penalties for violations	PROP 97-03-133 PERM 97-07-058 MISC 97-07-057 MISC 97-09-100 PREP 97-13-006
excellence in teacher preparation award		Meetings	
misconduct, investigation and discipline orders		Personal use of state computers	
performance-based preparation programs, certification		EXPEDITED REPEAL Agriculture, department of	
preparation programs		animals	
professional standards, advisory councils		dead animals, offal, and meat scraps, transportation and disposal	EXRE 97-14-048
standards		mink importation	EXRE 97-14-048
student teaching pilot projects		semen	EXRE 97-14-048
vocational certification		bacon packaging	EXRE 97-14-074
vocational-technical certification		weights and measures standards	EXRE 97-14-049
Vocational-technical institutes modernization financing		Community, trade, and economic development, department of	
		Washington heritage council	EXRE 97-14-010
		Ecology, department of	
		air quality	
		emission units and insignificant activities	EXRE 97-14-075
		Model Toxics Control Act	
		local toxics control account	EXRE 97-13-039 EXRE 97-13-041 EXRE 97-13-040 EXRE 97-13-042
		moderate risk waste grants	
		solid waste management planning	
		waste reduction and recycling grants program	EXRE 97-13-037 EXRE 97-13-038 EXRE 97-14-076
		wastewater discharge permit fee water	
		clean water funds, uses and limitations	EXRE 97-13-043
		Health, department of	
		chiropractic quality assurance commission	EXRE 97-14-058 EXRE 97-14-056 EXRE 97-14-057 EXRE 97-14-059 EXRE 97-14-060
		health and sanitation	
		hearing and speech program	
EMPLOYMENT SECURITY DEPARTMENT Unemployment benefits	EMER 97-15-022 PREP 97-11-086		
dislocated forest products and fishing workers			
pregnant claimants			
ENGINEERS AND LAND SURVEYORS (See DEPARTMENT OF LICENSING)			
ENVIRONMENTAL HEARINGS OFFICE Appeals	EMER 97-12-003 EMER 97-12-004 PROP 97-15-056 PROP 97-15-057		
computation of appeal period time			

Subject/Agency Index

(Citation in bold type refer to material in this issue)

pharmacy, board of	EXRE 97-14-062		PERM 97-13-064
	EXRE 97-14-064		
	EXRE 97-14-065		
	EXRE 97-14-066		
	EXRE 97-14-069		
physical therapy, board of	EXRE 97-14-067		
Uniform Disciplinary Act	EXRE 97-14-061		
Labor and industries, department of			
appeals	EXRE 97-13-034		
Licensing, department of			
cosmetology	EXRE 97-13-026		
motor vehicle fuels, taxation	EXRE 97-13-026		
motor vehicle impound	EXRE 97-13-026		
Lottery commission			
instant games	EXRE 97-14-010		
Revenue, department of			
conveyances, tax on	EXRE 97-14-042		
property tax	EXRE 97-14-043		
Southwest air pollution control authority			
operating permits	EXRE 97-13-027		
Volunteer firefighters, board for			
emergency medical service district fees	EXRE 97-13-046		
Washington state patrol			
motor vehicles			
quartz halogen headlamps	EXRE 97-14-040		
tires	EXRE 97-14-041		
Washington state university			
contract award procedure	EXRE 97-14-038		
FAMILY AND CHILDREN'S OMBUDSMAN, OFFICE OF			
Organization and operation	EMER 97-13-061		
	PROP 97-15-145		
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		
	PROP 97-13-076		
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		
	MISC 97-11-024		
Investment advisers and representatives			
dishonest and unethical practices	PREP 97-08-059		
	PREP 97-08-060		
"holding out" provisions	PREP 97-08-058		
	PROP 97-13-076		
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		
National Securities Markets Improvement Act	PREP 97-08-057		
North American securities administrators			
association world class foreign			
issuer exemption	PREP 97-08-056		
	PROP 97-13-077		
Securities			
interpretive statement	MISC 97-08-054		
offer and sale to certain investors	PROP 97-08-061		
policy statement	MISC 97-08-054		
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
<u>Fishing, commercial</u>			
coastal bottomfish			
catch limits			EMER 97-01-128
			EMER 97-10-021
			EMER 97-14-054
Puget Sound bottomfish			
take reduction			PERM 97-07-053
crab fishery			EMER 97-01-032
			PROP 97-01-127
			EMER 97-02-060
			EMER 97-05-029
			EMER 97-06-054
			PERM 97-08-052
			PROP 97-14-080
herring			
areas and seasons			EMER 97-14-086
licenses			PREP 97-14-051
salmon			
Atlantic salmon catch			EMER 97-15-108
commercial troll			EMER 97-10-029
Grays Harbor fishery			PREP 97-06-129
			PROP 97-09-097
			PERM 97-15-148
			PREP 97-06-083
			PREP 97-06-128
			PROP 97-09-040
			PROP 97-09-096
			PROP 97-09-104
			EMER 97-15-006
			EMER 97-15-026
			EMER 97-15-095
sale of eggs and carcasses by			
volunteer groups			PERM 97-01-086
			PROP 97-14-078
Willapa Bay fishery			PREP 97-06-129
			PROP 97-09-097
			PERM 97-15-148
sea cucumbers			
areas and seasons			EMER 97-14-028
			EMER 97-15-023
			EMER 97-15-117
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
shad			
areas and season			EMER 97-11-045
shellfish			
razor clams			EMER 97-07-050
shrimp			
coastal spot prawn fishery			PREP 97-06-130
emerging commercial fishery			PREP 97-04-079
			EMER 97-09-044
			EMER 97-09-067
			EMER 97-10-044
			EMER 97-10-081
			EMER 97-11-030
			EMER 97-11-046
			EMER 97-13-056
			EMER 97-15-024
			EMER 97-15-054
			EMER 97-15-081

Subject/Agency Index

(Citation in bold type refer to material in this issue)

seasons and gear	PROP	97-01-127	razor clams	EMER	97-04-045
smelt				EMER	97-07-051
areas and seasons	EMER	97-04-014	limits	EMER	97-10-065
	EMER	97-05-041	shrimp		
sturgeon			areas and seasons	EMER	97-09-033
areas and seasons	EMER	97-03-002		EMER	97-10-070
	EMER	97-04-013		EMER	97-11-011
	EMER	97-04-046		EMER	97-12-037
	EMER	97-05-042	smelt		
	EMER	97-07-044	areas and seasons	EMER	97-06-035
	EMER	97-09-009	sport fishing rules	PROP	97-05-075
	EMER	97-14-020		PROP	97-07-052
lead line weight	PROP	97-04-080		PERM	97-07-076
	PERM	97-07-043		PERM	97-07-078
size requirement	PROP	97-04-080		PERM	97-08-017
	PERM	97-07-043		PERM	97-09-066
Fishing, personal use				PROP	97-10-074
crab	EMER	97-12-037		PROP	97-10-075
crawfish			steelhead		
areas and seasons	EMER	97-05-011	areas and seasons	EMER	97-02-092
food fish				EMER	97-03-039
areas and seasons	EMER	97-03-001		EMER	97-03-099
	EMER	97-10-043		EMER	97-03-100
limits	EMER	97-01-034		EMER	97-04-001
game fish seasons and catch limits				EMER	97-07-056
Chehalis River	EMER	97-09-068	sturgeon		
Clearwater River	EMER	97-09-068	areas and seasons	EMER	97-01-034
Columbia River	EMER	97-06-034		PROP	97-01-126
	EMER	97-06-036		EMER	97-03-001
	EMER	97-09-008		PERM	97-08-018
Cowlitz River	EMER	97-06-034		EMER	97-09-001
	EMER	97-06-036		EMER	97-10-063
Dungeness River	EMER	97-09-068		EMER	97-13-048
Gray Wolf River	EMER	97-09-068		EMER	97-14-053
Green River	EMER	97-12-035		PROP	97-14-079
Hoh River	EMER	97-09-068	Fishing, subsistence		
hook rules	EMER	97-14-052	Columbia River tributaries	EMER	97-09-007
Icicle Creek	EMER	97-08-047		EMER	97-12-036
	EMER	97-09-008		EMER	97-12-069
Kalama River	EMER	97-06-036		EMER	97-13-007
Klickitat River	EMER	97-08-047		EMER	97-13-029
	EMER	97-09-001		EMER	97-13-049
Lewis River	EMER	97-06-034		EMER	97-14-035
	EMER	97-09-008		EMER	97-15-007
	EMER	97-12-035		EMER	97-15-118
Little White Salmon River	EMER	97-08-047	Hunting		
Queets River	EMER	97-09-068	auctions	PREP	97-10-028
Quillayute River	EMER	97-09-068	bear	PROP	97-06-116
regional exceptions	EMER	97-01-129		PERM	97-06-047
	EMER	97-06-034		PROP	97-14-091
Sol Duc River	EMER	97-09-068		PERM	97-12-049
Toutle River	EMER	97-12-035	big game auction permits	PROP	97-01-115
Wind River	EMER	97-08-047		PROP	97-06-125
halibut				PERM	97-12-058
areas and seasons	EMER	97-11-031		PREP	97-08-004
	EMER	97-11-061	Canada goose	PROP	97-14-091
hook rules	EMER	97-14-052	cougar	PERM	97-06-046
lakes closure for rehabilitation	PREP	97-13-024	deer	PERM	97-06-047
licenses	PREP	97-14-051		PROP	97-06-116
salmon				PROP	97-06-122
areas and seasons	EMER	97-08-048		PROP	97-06-123
	EMER	97-09-068		PROP	97-06-125
	EMER	97-14-052		PERM	97-12-049
	EMER	97-15-119		PERM	97-12-055
Atlantic salmon catch	EMER	97-15-108		PERM	97-12-056
limits	EMER	97-15-080	elk	PERM	97-06-046
Pacific Fisheries Management Council				PERM	97-06-053
recommendations adopted	PREP	97-09-085		PROP	97-06-117
	PROP	97-15-147		PROP	97-06-122
shad				PROP	97-06-124
areas and seasons	EMER	97-06-036		PERM	97-12-050
shellfish				PERM	97-12-055
areas and seasons				PERM	97-12-057
native clams	EMER	97-02-070		PROP	97-14-098
	EMER	97-12-009	falconry regulations	PROP	97-03-075

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

firearms restrictions	PERM	97-06-052	Wildlife		
game management units			dogs harassing deer or elk,		EMER 97-01-033
special game area			custody or destruction		EMER 97-02-016
boundary descriptions			protected and endangered species		PROP 97-14-090
bighorn sheep units	PERM	97-06-056			
bow and arrow descriptions	PERM	97-06-061			
cougar area descriptions	PROP	97-06-084	FOREST PRACTICES BOARD		
deer area descriptions	PERM	97-06-042	Marbled murrelet		
elk area descriptions	PERM	97-06-059	critical wildlife habitat		EMER 97-02-087
goat units	PERM	97-06-058			PROP 97-08-077
moose units	PERM	97-06-057			PROP 97-09-041
muzzleloader area descriptions	PERM	97-06-060			EMER 97-10-005
private lands	PERM	97-06-055			PROP 97-11-074
	PROP	97-06-127			PERM 97-15-105
	PREP	97-10-028	Meetings		MISC 97-05-073
	PERM	97-12-060			MISC 97-11-073
	PROP	97-14-089	Water quality		PREP 97-05-033
Region one	PERM	97-06-050			PROP 97-15-042
Region two	PERM	97-06-049	Water typing system		EMER 97-07-054
Region three	PERM	97-06-048			EMER 97-15-070
Region four	PERM	97-06-044			
Region five	PERM	97-06-043	GAMBLING COMMISSION		
Region six	PERM	97-06-041	Amusement games		
game reserves	PROP	97-14-094	operation		PROP 97-03-093
goat	PROP	97-06-120			PERM 97-09-073
	PERM	97-12-053			PERM 97-11-021
hunting hours and small game regulations	PERM	97-06-045	Bingo		
	PREP	97-10-028	equipment		PERM 97-05-056
	PROP	97-14-092	gift certificates		PROP 97-15-093
	PROP	97-14-095			PROP 97-03-092
	PROP	97-14-096	keno bingo		PERM 97-09-072
landowner damage hunts	PROP	97-01-114	net income requirements		PERM 97-05-061
	PERM	97-05-074			PROP 97-09-074
	PROP	97-05-075			PROP 97-09-076
	PREP	97-10-028	operating standards		PERM 97-14-013
	PREP	97-09-086	proposal withdrawn		PROP 97-08-071
licenses	PREP	97-10-028	Card games		PREP 97-12-021
migratory game birds	PROP	97-14-097	Manufacturers and distributors		PREP 97-05-015
migratory waterfowl	PROP	97-06-118			PROP 97-09-075
moose	PERM	97-12-051			PROP 97-11-017
permit hunts	PERM	97-06-039	Meetings		PROP 97-11-018
raffle permits	PROP	97-01-116	Nonprofit/charitable organizations		PERM 97-03-094
	PERM	97-06-037	gambling operations		PREP 97-04-033
	PROP	97-06-126	Public disclosure		PREP 97-05-014
	PREP	97-10-028	Pull tabs		
	PERM	97-12-059	flares		PROP 97-14-014
regulations and boundaries	PREP	97-01-111	progressive pull tabs		PROP 97-05-057
sheep	PROP	97-06-119			EMER 97-05-062
	PERM	97-12-052			PROP 97-09-074
special closures	PERM	97-06-052			PROP 97-09-075
special hunts	PROP	97-01-117			PROP 97-09-077
	PERM	97-06-038			PROP 97-11-018
	PERM	97-06-051			PERM 97-11-019
	PROP	97-06-121			PERM 97-14-012
	PERM	97-12-054			PERM 97-14-015
transport tags for black bear and cougar	PREP	97-11-070	proposal withdrawn		PROP 97-15-092
	PROP	97-14-091	taxation		PROP 97-08-071
waterfowl, coot, and snipe	PREP	97-10-028	Raffles		PREP 97-12-020
	PROP	97-14-089			PROP 97-05-060
	PROP	97-14-093			PERM 97-11-020
Noxious weed control	PREP	97-01-112	Sale of business		PROP 97-13-059
	PROP	97-07-077	Seizure of gambling devices		PREP 97-05-013
	PERM	97-13-001	hearing		PERM 97-03-095
Pelt sealing	PROP	97-06-084	Services suppliers		PREP 97-15-052
Protected species	PREP	97-01-111			
	PROP	97-06-115			
	PERM	97-12-048	GENERAL ADMINISTRATION, DEPARTMENT OF		
	PROP	97-14-090	Capitol campus design advisory committee		MISC 97-03-030
Trapping	PROP	97-14-092	meetings		MISC 97-08-070
	PROP	97-14-099			MISC 97-08-087

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Handguns				HEALTH, DEPARTMENT OF			
purchase by Washington state patrol				Adjudicative clerk office			
retirees	PERM	97-04-025		changed from office of professional			
Monuments and memorials in capitol region				standards	PROP	97-08-092	
design and approval process	PREP	97-10-087			PERM	97-12-089	
Skating activities on capitol campus	PERM	97-01-063			PERM	97-13-015	
GEOGRAPHIC NAMES, BOARD ON				Boarding homes			
Determinations of geographic names	MISC	97-02-062		licensing fees	PREP	97-13-097	
GOVERNOR, OFFICE OF THE				Cellular telephone and pager use			
Access to government electronic records				policy	MISC	97-03-078	
for commercial purposes	MISC	97-03-091		Child (day) care regulations	PREP	97-09-054	
Affirmative action policy committee				Chiropractic quality assurance commission			
meetings	MISC	97-01-028		expedited repeal	EXRE	97-14-058	
Agency quality improvement	MISC	97-10-061		meetings	MISC	97-08-026	
Auto dealers association				meetings	MISC	97-11-034	
denial of appeal	MISC	97-06-067		Counselors			
notice of appeal	MISC	97-04-034		certification requirements	PROP	97-13-099	
Clemency and pardons board				Dental quality assurance commission			
meetings	MISC	97-04-032		meetings	MISC	97-05-017	
	MISC	97-10-078		Dispensing optician examining committee			
Flood, snow, wind, power outages				meetings	MISC	97-12-066	
state of emergency declared	MISC	97-02-044		Documents			
	MISC	97-02-045		rules for location changes	PROP	97-08-092	
	MISC	97-02-091			PERM	97-12-089	
	MISC	97-03-003			PERM	97-13-015	
	MISC	97-03-013		Expedited repeal			
	MISC	97-03-068		chiropractic quality assurance commission	EXRE	97-14-058	
	MISC	97-05-030		health and sanitation	EXRE	97-14-056	
	MISC	97-08-001			EXRE	97-14-057	
	MISC	97-08-002		hearing and speech program	EXRE	97-14-059	
	MISC	97-08-006			EXRE	97-14-060	
	MISC	97-08-028		pharmacy, board of	EXRE	97-14-062	
Klickitat County storm damage,					EXRE	97-14-064	
state of emergency declared	MISC	97-01-110			EXRE	97-14-065	
Pend Oreille County flooding, state					EXRE	97-14-066	
of emergency declared	MISC	97-12-008		physical therapy, board of	EXRE	97-14-069	
Pend Oreille County storm damage,				Uniform Disciplinary Act	EXRE	97-14-067	
state of emergency declared	MISC	97-01-009		Health care entities	EXRE	97-14-061	
Project labor agreements	MISC	97-01-025		fees	PERM	97-06-019	
Regulatory improvement	MISC	97-08-027		licenses	PERM	97-06-019	
GRAYS HARBOR COLLEGE				Health professions quality assurance			
Meetings	MISC	97-04-044		adjudicative proceedings	MISC	97-06-023	
GREEN RIVER COMMUNITY COLLEGE					MISC	97-06-024	
Meetings	MISC	97-03-011		continuing education reimbursement	MISC	97-11-035	
GROWTH MANAGEMENT HEARINGS BOARDS				credential verification	MISC	97-10-032	
Practice and procedure	PROP	97-01-066		default of student loans	MISC	97-07-072	
	PERM	97-04-008		investigative materials	MISC	97-07-071	
	PROP	97-04-009		investigative mental and physical			
HEALTH CARE AUTHORITY				examinations	MISC	97-06-020	
Basic health plan				meetings	MISC	97-02-012	
eligibility	EMER	97-06-070		public disclosure	MISC	97-06-021	
enrollment	EMER	97-06-069		service of legal documents	MISC	97-15-027	
	PERM	97-08-067		Hearing and speech, board of			
	EMER	97-14-029		hearing instrument fitters/dispensers			
	PERM	97-15-003		apprenticeship program	PREP	97-04-040	
Public employees benefits board					PROP	97-12-086	
group coverage	EMER	97-06-071			PERM	97-15-128	
	EMER	97-14-031		continuing education	PREP	97-15-097	
meetings	MISC	97-08-066		meetings	MISC	97-03-020	
Retired and disabled state employees,					MISC	97-04-015	
eligibility	EMER	97-14-030			MISC	97-06-087	
					MISC	97-11-062	
HEALTH CARE FACILITIES AUTHORITY				speech-language pathologists			
Policy statements	MISC	97-02-099		certification standards	MISC	97-04-037	
HEALTH CARE POLICY BOARD					MISC	97-04-038	
Meetings	MISC	97-03-088			MISC	97-04-039	
	MISC	97-07-039		education requirements	PERM	97-04-042	
	MISC	97-11-032		examinations	PERM	97-04-043	
				temporary practice	PREP	97-15-098	
				trainees	PREP	97-08-024	
					PREP	97-08-023	
					EXRE	97-14-060	
					EXRE	97-14-059	

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

HIV			Psychology, examining board of case disposition guidelines	MISC	97-06-025
spousal notification of test results			Radiation protection uranium and thorium milling	PERM	97-13-055
Ryan White CARE Act	PROP	97-06-110	Radioactive materials licenses	PROP	97-03-126
	PERM	97-15-099		PERM	97-08-095
testing procedures	PERM	97-04-041	Radioactive waste management disposal of low-level waste	PERM	97-02-014
Home health, home care, and hospice agencies	PROP	97-11-087	Security of employees office policy	MISC	97-03-079
licensing fees	PERM	97-15-096	Shellfish programs certificate fees	PROP	97-08-025
Hospice care centers	PERM	97-03-080	office policy	PERM	97-12-031
Hospitals	PREP	97-12-084	office policy	MISC	97-03-077
nonprofit hospitals, sale	EMER	97-15-127	Temporary worker housing showers	EMER	97-14-008
Medical records	PROP	97-09-092	Uniform Disciplinary Act	EXRE	97-14-061
fee for searching and duplicating	PERM	97-12-087	Veterinary board of governors fees	PREP	97-06-018
Medical test sites			Water		
interpretive guidelines	MISC	97-13-054	public water systems		
licensure	PROP	97-11-039	adequacy of supply	MISC	97-11-037
	PERM	97-14-113	violations and penalties	MISC	97-06-109
Nursing care quality assurance commission			system plans	PROP	97-07-073
advanced registered nurse practitioner specialties	PREP	97-12-029	review and approval fees	PERM	97-12-032
chapters 246-838 and 246-839 WAC combined into chapter 246-840 WAC	PROP	97-07-074	Whistleblowers		
	PROP	97-09-061	health care insurance complaints	PERM	97-02-013
	PROP	97-12-030	WIC program		
	PERM	97-13-100	administrative procedures	PROP	97-13-098
	PREP	97-03-067			
interstate endorsement investigations, review	MISC	97-15-017	HIGHER EDUCATION COORDINATING BOARD		
IV training	MISC	97-10-031	Meetings	MISC	97-02-040
licensure	PROP	97-08-093	Rules coordinator	MISC	97-13-032
	MISC	97-15-014			
medication assistance	MISC	97-09-062	HIGHER EDUCATION, JOINT CENTER FOR		
nursing assistants, scope of duties	MISC	97-15-018	Meetings	MISC	97-01-073
school nurses, delegation of duties	MISC	97-11-036	Riverpoint Higher Education Park campus parking and traffic regulations	PROP	97-09-043
sexual misconduct	PREP	97-15-002			
standards of practice	PREP	97-03-066	HIGHLINE COMMUNITY COLLEGE		
Nursing home administrators, board of adjudicative proceedings	MISC	97-10-030	Meetings	MISC	97-01-023
continuing education deficiencies	MISC	97-13-053		MISC	97-09-056
meetings	MISC	97-01-109			
Optometry, board of continuing education	PROP	97-08-094			
	PERM	97-12-088			
meetings	MISC	97-12-010			
Osteopathic medicine and surgery, board of complaints, review	MISC	97-15-015	HISPANIC AFFAIRS, COMMISSION ON		
consultations	MISC	97-15-013	Meetings	MISC	97-01-076
disciplinary cases, closure	MISC	97-15-012		MISC	97-04-016
investigations, review	MISC	97-15-016		MISC	97-11-056
Pharmacy, board of					
assistant to pharmacist ratio	MISC	97-06-022	HORSE RACING COMMISSION		
dimethyl sulfoxide	EXRE	97-14-066	Association officials and employees	PROP	97-04-060
education	EXRE	97-14-062	Jockeys		
ephedrine	PREP	97-10-033	apprentices and agents	PREP	97-04-059
gelatin capsules	EXRE	97-14-064	Parimutuel rules	PREP	97-04-058
health care entities, licensing and regulation	PERM	97-02-015			
	MISC	97-04-036	HOUSING FINANCE COMMISSION		
	PREP	97-11-038	Bond financing programs	MISC	97-06-113
nursing home services	EXRE	97-14-065	Commissioners and staff	PREP	97-06-112
public records access	EXRE	97-14-065		PROP	97-09-090
remifentanil	MISC	97-09-063		PROP	97-09-091
sales	EXRE	97-14-069		PROP	97-10-060
tobacco free pharmacies	MISC	97-07-070		PROP	97-11-064
Physical therapy, board of licenses	EXRE	97-14-067	Debarring or disqualifying participants	PREP	97-11-065
				PROP	97-07-068
Physicians and surgeons				PROP	97-11-063
fees	PROP	97-12-085	Low-income housing tax credit program	MISC	97-06-114
	PERM	97-15-100		PREP	97-14-025
	PROP	97-15-126			
license revocation, review			INSURANCE COMMISSIONER'S OFFICE		
Professional standards, office of	PROP	97-08-092	Alien insurance companies	PROP	97-01-131
changed to adjudicative clerk office	PERM	97-12-089	credit for reinsurance	PERM	97-05-012
	PERM	97-13-015			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

LAND USE STUDY COMMISSION

(See **COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF**)

LICENSING, DEPARTMENT OF

Architects, board of registration for
adjudicative proceedings

MISC 97-03-065
PERM 97-10-026
PERM 97-03-121
PERM 97-06-064
PREP 97-08-069
PROP 97-10-080
PERM 97-13-095

examinations

fees

license
reciprocity
renewal

Boxing and wrestling

Cosmetology

Engineers and land surveyors, board of
certificates

reissue of revoked certificate
complaints

engineers
examination

exam branch change
licenses

requirements

refunding money

standing committees

organization and functions

Kickboxing and martial arts

Landscape architects
registration

Licenses and certification

suspension for default on student loans

PERM 97-03-121
PERM 97-06-064
PERM 97-01-035
PREP 97-13-079
EXRE 97-13-026
MISC 97-02-024

MISC 97-08-065
MISC 97-02-025
MISC 97-15-045
MISC 97-15-046
MISC 97-02-023
MISC 97-02-021
MISC 97-05-035
MISC 97-08-063

PREP 97-03-029
MISC 97-08-064

MISC 97-05-036
PREP 97-13-079

PROP 97-03-022
PERM 97-06-065

PROP 97-07-026
PROP 97-07-027
PROP 97-07-028
PROP 97-07-029
PROP 97-07-030
PROP 97-07-031
PROP 97-07-032
PROP 97-07-033
PROP 97-07-034
PROP 97-07-035
PROP 97-09-022
PERM 97-10-026
PERM 97-10-046
PERM 97-10-047
PERM 97-10-048
PERM 97-10-049
PERM 97-10-050
PERM 97-10-051
PERM 97-10-052
PERM 97-10-053
PERM 97-10-054
PROP 97-07-015
PERM 97-10-068
EMER 97-12-043
PROP 97-12-044

Model traffic ordinance

Motor vehicles
certificates

PERM 97-03-076
PROP 97-09-002
PROP 97-13-009

collectors' vehicles, licensing

PROP 97-01-030
PERM 97-07-014
PREP 97-06-082
PREP 97-15-037
PROP 97-03-096
PROP 97-08-005
PERM 97-11-049

confidential vehicle license plates
dealer temporary permits
destroyed

disabled person parking
driver services division records
drivers' licenses
habitual traffic offenders
fleet identifier codes

PERM 97-02-001
MISC 97-10-004

PREP 97-11-002
PROP 97-06-027
PERM 97-10-003
EXRE 97-13-026
EXRE 97-13-026

fuel taxes
impound
license plates
special plates
veterans

PREP 97-12-067
PROP 97-03-028
PERM 97-07-013
PROP 97-06-028
PROP 97-09-038
PERM 97-14-034

odometer disclosure statements

records
owner information, availability
Motor vehicle excise tax

PREP 97-11-066
PROP 97-07-069
PERM 97-12-015

Motor vehicle fuel tax

marine fuel use

public hearing

Parking companies, definition

MISC 97-15-030
MISC 97-06-094
PREP 97-11-066
PROP 97-15-091

Private investigators

administrative procedures

fees

Public records, availability

Real estate appraisers

examination and reexamination fees

PROP 97-13-080
PROP 97-13-080
PROP 97-14-103

PREP 97-09-082
PROP 97-13-030

licensing and certification

fees

PREP 97-09-083
PREP 97-11-059
PROP 97-15-101
PERM 97-02-004

requirements

Real estate commission

agency representation disclosure

meetings

PERM 97-01-027
MISC 97-02-003
MISC 97-10-059

Security guards

administrative procedures

fees

PROP 97-13-081
PROP 97-13-081

Title and registration

advisory commission

Unlicensed practice

Vessels

confidential vessel registration

registration and certificate of title

Whitewater river outfitters

PREP 97-06-081
PREP 97-12-026
PREP 97-14-088

LIQUOR CONTROL BOARD

Operations and procedures

Samples of spirituous liquor

Sports/entertainment facilities license

PREP 97-13-070
PREP 97-13-071
PREP 97-14-033

LOTTERY COMMISSION

Affirmative action/equal employment
opportunity

MISC 97-03-106

Cruise of your life retailer promotion

MISC 97-03-106

Ethics

MISC 97-03-106

Expedited repeal of instant games

EXRE 97-14-016

Instant game number 184 - Instant

Monopoly®

PERM 97-02-038

Instant game number 185 - Double Blackjack

PERM 97-02-038

Instant game number 186 - Lucky Bug

PERM 97-02-038

Instant game number 187 - \$2 Instant

Quinto

PROP 97-03-123

Instant game number 188 - Strike It Rich

PERM 97-07-063

Instant game number 189 - Lucky 7s

PROP 97-03-123

Instant game number 190 - Putt for Dough

PERM 97-07-063

Instant game number 190 - Putt for Dough

PROP 97-03-123

Instant game number 190 - Putt for Dough

PERM 97-07-063

Subject/Agency Index

(Citation in bold type refer to material in this issue)

Instant game number 191 - Cut the Deck	PROP 97-03-123	rules	PROP 97-09-065
	PERM 97-07-063		PERM 97-12-033
Instant game number 192	PROP 97-07-062	Fire hazard closures	EMER 97-14-044
	PERM 97-11-003	Fire protection, King County	PROP 97-02-029
Instant game number 193	PROP 97-07-062		PERM 97-05-066
	PERM 97-11-003	Forest fire advisory board	
Instant game number 194	PROP 97-07-062	meetings	MISC 97-05-050
	PERM 97-11-003	Land corner record form	PERM 97-02-071
Instant game number 195	PROP 97-07-062	Natural resources, board of	
	PERM 97-11-003	meetings	MISC 97-02-041
Instant game number 196	PROP 97-11-058		MISC 97-12-001
	PERM 97-15-122	Natural heritage advisory council	
Instant game number 197	PROP 97-11-058	meetings	MISC 97-03-114
	PERM 97-15-122		MISC 97-03-115
Instant game number 198	PROP 97-11-058		MISC 97-03-116
	PERM 97-15-122		MISC 97-09-064
Instant game number 199	PROP 97-11-058		
	PERM 97-15-122	NORTHWEST AIR POLLUTION AUTHORITY	
Instant game number 200	PROP 97-11-058	Regulation	PROP 97-03-112
	PERM 97-15-122		PERM 97-07-055
Instant game number 201	PROP 97-11-058		
	PERM 97-15-122	OLYMPIC AIR POLLUTION CONTROL AUTHORITY	
Instant game number 202	PROP 97-11-058	Potential to emit	PROP 97-06-079
	PERM 97-15-122	Solid fuel burning devices	PROP 97-09-101
Instant game number 203	PROP 97-11-058		PERM 97-13-078
	PERM 97-15-122		
Instant game number 204	PROP 97-15-123		
Instant game number 205	PROP 97-15-123	OLYMPIC COLLEGE	
Instant game number 206	PROP 97-15-123	Meetings	MISC 97-01-024
Instant game number 207	PROP 97-15-123		
Instant game rules	PREP 97-02-037	OUTDOOR RECREATION, INTERAGENCY	
	PERM 97-04-047	COMMITTEE FOR	
	PROP 97-07-062	Boating facilities	PROP 97-04-006
	PROP 97-15-123		PERM 97-08-003
Location services	PREP 97-07-061	Development costs, retroactivity	PROP 97-04-006
	PERM 97-15-122		PERM 97-08-003
Lotto	PREP 97-11-057	Firearm and archery range recreation	PROP 97-04-006
	PROP 97-15-123		PERM 97-08-003
Nepotism	MISC 97-03-106	Land and water conservation fund	PROP 97-04-006
Outside employment/business	MISC 97-03-106		PERM 97-08-003
Personnel records access and retention	MISC 97-03-106	Meetings	MISC 97-03-069
Policies and procedures	MISC 97-09-004		MISC 97-04-010
	MISC 97-15-121		MISC 97-04-064
			MISC 97-06-068
Reasonable accommodations for persons of disability	MISC 97-03-106		MISC 97-13-010
Retailer criminal history and credit criteria for applicants and licensees	MISC 97-03-106	Nonhighway and off-road vehicle activities	MISC 97-15-008
Spokane regional office	PREP 97-07-061		PROP 97-04-006
	PERM 97-15-122		PERM 97-08-003
		Project agreement execution	PREP 97-08-079
			PROP 97-12-027
		Rules coordinator	MISC 97-03-070
		Washington wildlife and recreation	PROP 97-04-006
			PERM 97-08-003
MARINE EMPLOYEES' COMMISSION			
Meetings	MISC 97-06-016		
MARINE SAFETY, OFFICE OF		PARKS AND RECREATION COMMISSION	
Bunkering operations	PREP 97-07-066	Alcohol in state parks	PREP 97-15-152
Fishing vessel industry standards	MISC 97-07-067	Fees	PREP 97-15-152
Vessel operations		Meetings	MISC 97-02-007
small tank barges,		Metal detecting	PREP 97-06-063
financial responsibility	PROP 97-07-064		PROP 97-09-081
	PERM 97-10-096		PROP 97-09-113
substantial risk standards	PROP 97-07-065		PROP 97-09-114
	PERM 97-10-097		PERM 97-12-042
300 gross tons and larger	MISC 97-03-119		PREP 97-06-062
		Parking permits	PREP 97-15-152
		Senior citizen pass	PREP 97-15-113
		Sno-park permit fees	
MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF			
Annual goals	PREP 97-09-093	PENINSULA COLLEGE	
	PROP 97-13-067	Meetings	MISC 97-03-125
Costs of certification, distribution	PROP 97-09-094		
		PERSONNEL RESOURCES BOARD AND PERSONNEL, DEPARTMENT OF	
		Administrative procedure	PROP 97-08-089
	PROP 97-09-065		PROP 97-08-090
	PERM 97-12-033		PROP 97-10-088

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Appeals, procedures	PROP 97-02-072	MISC 97-06-010
	PERM 97-06-012	MISC 97-07-001
	PROP 97-08-090	MISC 97-08-082
	PROP 97-10-088	MISC 97-15-036
Broad band approach, application to classifications	PROP 97-12-079	
Employee performance evaluation forms	PROP 97-08-090	
	PROP 97-10-088	
	PROP 97-10-089	
	PERM 97-13-045	
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	
	PROP 97-13-044	
Washington management service	PROP 97-14-100	
PIERCE COLLEGE		
Board of trustees		
bylaws	PROP 97-07-018	
	PERM 97-12-071	
code of ethics	PROP 97-07-017	
	PERM 97-12-070	
Meetings	MISC 97-03-110	
	MISC 97-13-052	
PILOTAGE COMMISSIONERS, BOARD OF		
Pilotage tariff rates		
Grays Harbor district	PROP 97-10-062	
	PERM 97-15-120	
Puget Sound district	PROP 97-02-005	
	PROP 97-08-041	
	PERM 97-12-017	
Pilots		
duties	PROP 97-01-108	
	PERM 97-06-106	
license fee schedule	PROP 97-01-107	
	PERM 97-06-105	
new pilots	PREP 97-06-102	
	EMER 97-06-104	
	EMER 97-08-040	
	PROP 97-10-084	
	PERM 97-14-032	
Vessels	PROP 97-06-103	
	EMER 97-06-104	
	PERM 97-12-018	
WAC chapter recodification	MISC 97-08-042	
POLLUTION LIABILITY INSURANCE AGENCY		
Heating oil pollution liability insurance program	PROP 97-03-113	
	PERM 97-06-080	
	EMER 97-07-049	
Residential heating oil tanks assistance to owners program	PREP 97-12-078	
	PROP 97-15-111	
PUBLIC DISCLOSURE COMMISSION		
Contributions		
independent expenditures	PROP 97-03-117	
	PERM 97-06-085	
	PROP 97-06-086	
	PERM 97-10-055	
Meetings	MISC 97-09-027	
Personal financial affairs statement	PREP 97-15-114	
Rules development	MISC 97-14-036	
PUBLIC EMPLOYEES BENEFITS BOARD		
Meetings	MISC 97-03-018	
	MISC 97-04-026	
		PUBLIC EMPLOYMENT RELATIONS COMMISSION
		Meetings
		MISC 97-14-083
		PUBLIC INSTRUCTION, SUPERINTENDENT OF
		Administrator internship program
		PREP 97-04-022
		Funding
		basic education
		PREP 97-09-010
		PROP 97-15-073
		PROP 97-15-074
		PROP 97-15-075
		PREP 97-15-116
		local enhancement funds
		nonhigh participatory finance
		Nonresident attendance
		PREP 97-09-010
		PROP 97-15-073
		PROP 97-15-074
		PROP 97-15-075
		Part-time public school attendance apportionment
		PREP 97-09-010
		PROP 97-15-073
		PROP 97-15-074
		PROP 97-15-075
		Revenue
		definitions
		PREP 97-04-035
		School buses
		replacement and depreciation allocation
		PREP 97-12-041
		PROP 97-14-055
		Transitional bilingual instruction program
		PROP 97-01-012
		PROP 97-14-077
		University of Washington transition school and early entrance program
		PROP 97-15-072
		PUBLIC WORKS BOARD
		(See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)
		PUGET SOUND AIR POLLUTION CONTROL AGENCY
		Fire extinguisher training rules
		PERM 97-07-046
		Meetings
		MISC 97-01-061
		Sources
		fees
		PERM 97-01-070
		PROP 97-04-075
		PROP 97-15-125
		PROP 97-15-125
		penalties
		registration
		PERM 97-01-070
		PROP 97-04-075
		RENTON TECHNICAL COLLEGE
		Meetings
		MISC 97-02-088
		Rules coordinator
		MISC 97-15-038
		RETIREMENT SYSTEMS, DEPARTMENT OF
		Deferred compensation program
		PROP 97-02-027
		PERM 97-05-009
		Employee retirement benefits board meetings
		MISC 97-01-118
		Law enforcement officers' and fire fighters' retirement system basic salary, determination
		PERM 97-01-016
		Service credit, establishment or reestablishment
		PERM 97-01-014
		Teachers' retirement system
		community and technical college part-time employees service credit calculation
		PROP 97-01-017
		PROP 97-05-010
		PERM 97-09-037
		PERM 97-03-016
		compensation earnable, determination plan III
		contribution rates
		PERM 97-01-013

Subject/Agency Index

(Citation in bold type refer to material in this issue)

self-directed investment options	EMER 97-08-053	commercial fund raiser	PREP 97-03-014
	PREP 97-09-047		PROP 97-08-076
	PROP 97-13-058	digital signatures	PREP 97-13-060
return to work, effect	PERM 97-01-015	Elections	
		absentee ballots, processing	EMER 97-13-003
REVENUE, DEPARTMENT OF		administration	PROP 97-14-106
Business and occupation tax		mail ballots, processing	EMER 97-13-003
tax return filing, exemption	PERM 97-08-050	Initiative and referendum petitions	
Excise taxes		signature verification	PREP 97-09-060
conveyances, tax on	EXRE 97-14-042		PROP 97-13-094
financial institutions, apportionment		Voter registration cards	PREP 97-06-091
of income	PERM 97-11-033		PROP 97-09-099
Property tax			EMER 97-12-039
agricultural land valuations	PERM 97-02-066	SHORELINE COMMUNITY COLLEGE	
assessment	EXRE 97-14-043	Meetings	MISC 97-03-006
forest land values	PROP 97-02-064		
	EMER 97-02-065	SKAGIT VALLEY COLLEGE	
	PROP 97-07-041	Anti-hazing policy	PERM 97-01-049
	PROP 97-11-060	Meetings	MISC 97-01-039
inflation rate	PERM 97-02-067		MISC 97-02-043
refunds, rate of interest	PERM 97-02-068		MISC 97-09-058
state timber sales	MISC 97-14-002		MISC 97-10-019
Public utility tax			MISC 97-12-064
low-density light and power utility			
deduction	MISC 97-14-001		
Real property appraisers		SOCIAL AND HEALTH SERVICES,	
accreditation	PERM 97-08-068	DEPARTMENT OF	
Rules coordinator	MISC 97-02-030	Adoption support program	PREP 97-03-097
Sales tax		Adult day health	PREP 97-03-124
motor carriers' purchases	PROP 97-07-079	Adult family homes	
	PERM 97-11-022	licensing, limited moratorium	PREP 97-12-047
			PROP 97-15-132
wind and solar electric		Aging and adult services	
generating facilities	PERM 97-03-027	adult protective services	PROP 97-11-083
Timber excise tax		caregiver education and training	PREP 97-11-043
stumpage values	PERM 97-02-069		PROP 97-15-134
	PREP 97-06-111		PREP 97-08-072
	PROP 97-10-027	in-home care providers	PROP 97-13-090
	PERM 97-14-068		PREP 97-15-136
		personal care services, eligibility	PREP 97-06-072
		rates management, office	PROP 97-12-082
RULES COORDINATORS		Aid to families with dependent children (AFDC)	
(See Issue 97-01 for a complete list of rules		eligibility	PREP 97-02-079
coordinators designated as of 12/19/96)		immigration and naturalization	
Clover Park Technical College	MISC 97-01-038	services reporting	PREP 97-02-077
Education, State board of	MISC 97-15-048	work quarters, definition	PERM 97-01-043
Higher education coordinating board	MISC 97-13-032	unemployed parent program	
Renton Technical College	MISC 97-13-038	100-hour work rule	PROP 97-09-108
Revenue, department of	MISC 97-02-030	Alcohol and substance abuse, division of	
Walla Walla Community College	MISC 97-06-032	behavior management and temporary	
Washington State Patrol	MISC 97-09-088	protective holding of patients	PERM 97-03-062
Washington State University	MISC 97-05-020	chemical dependency counselors	PROP 97-02-009
			PERM 97-08-073
SALARIES FOR ELECTED OFFICIALS,			PERM 97-13-050
CITIZENS COMMISSION			EMER 97-15-033
Meetings	MISC 97-05-016		PROP 97-15-133
	MISC 97-08-029		PROP 97-02-009
		definitions	PERM 97-08-073
SEATTLE COMMUNITY COLLEGES			PERM 97-13-050
Meetings	MISC 97-01-019	placement criteria	PROP 97-02-009
	MISC 97-04-052		PERM 97-08-073
	MISC 97-06-033		PERM 97-13-050
	MISC 97-10-066		PERM 97-08-073
	MISC 97-12-014		PERM 97-13-050
	MISC 97-13-013	Aliens	
	MISC 97-14-018	organ transplants	EMER 97-08-074
	MISC 97-14-026	Asset management manual	MISC 97-08-009
	MISC 97-15-034	Blood bank services	
	MISC 97-15-094	billing	MISC 97-08-013
		Child care	
SECRETARY OF STATE		day care homes, licensing	PREP 97-14-073
Corporations divisions		eligibility	MISC 97-02-050
charities	PREP 97-03-014		PREP 97-14-047
	PROP 97-08-076	Child protective services	
commercial coventurer	PREP 97-08-075	investigation notification	PREP 97-02-031
	PROP 97-13-093		PROP 97-09-106
			PERM 97-13-002

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Child support, division of collection remedies	PROP 97-09-020 PERM 97-13-092 PREP 97-09-110 PROP 97-10-082	overpayments	PROP 97-01-089 EMER 97-01-094 PERM 97-04-024
confidentiality, address disclosure		utility allowances	PROP 97-15-086 PROP 97-01-088 EMER 97-01-095 PERM 97-04-023
party status rights	PROP 97-15-085 PREP 97-09-109 PROP 97-13-087 PREP 97-09-111 PROP 97-09-020 PERM 97-13-092 PROP 97-09-020 PERM 97-13-092	violations and disqualification	
paternity acknowledgement paternity tests		General assistance - unemployable eligibility	PREP 97-14-081
wage assignment		Income assistance need standards	PERM 97-01-001
Children's services		Information technology purchase of goods and services	MISC 97-08-008
child protection teams	MISC 97-02-053	Limited English clients language services	MISC 97-03-032 PREP 97-13-082 PREP 97-14-071 EMER 97-15-058
foster care	MISC 97-02-058	Long-term care	
group care	MISC 97-02-057	Medical assistance assignment of client rights	PROP 97-01-093 PERM 97-04-005 PERM 97-03-036 PROP 97-01-092 PERM 97-04-004 MISC 97-15-068 PREP 97-11-075 PROP 97-12-081
inpatient mental health policy manual	MISC 97-02-052 MISC 97-02-051	categorically needy, eligibility client grievances	
relatives of legally free runaways	MISC 97-02-056 MISC 97-02-054 MISC 97-02-055	dental procedures eligibility for programs	
Deaf and hard of hearing services		correction to WSR 97-12-081 published in PROP area of Issue 97-14	
communication access		fee schedules	MISC 97-15-010 MISC 97-15-059 MISC 97-15-060 MISC 97-15-061 MISC 97-15-062 MISC 97-15-063 MISC 97-15-064 MISC 97-15-065 MISC 97-15-066 MISC 97-15-067
interpretive or policy statement interpreter services	MISC 97-01-097 PREP 97-14-071 EMER 97-15-058	Healthy Options programs home health services	MISC 97-05-001 MISC 97-08-012 PROP 97-11-008 PROP 97-02-010 PERM 97-10-022 PROP 97-13-057
Developmental disabilities, division of family support program funds		billing prior authorization requirement removed	
rules	EMER 97-03-033 EMER 97-11-009 PERM 97-13-051 PREP 97-03-098 PREP 97-14-072 PERM 97-02-035	hospital services income eligibility	
shared living arrangement, definition Domestic violence perpetrator program		institutionalized client income eligibility	EMER 97-02-048 EMER 97-02-049 PROP 97-02-032 PERM 97-05-040 PREP 97-12-023 PROP 97-12-062 PREP 97-11-081 MISC 97-15-082
Economic services		managed care enrollment requirements	PROP 97-10-073
disregarded income	EMER 97-15-087 PROP 97-15-088 PROP 97-09-019 PROP 97-10-083 EMER 97-03-047 PROP 97-03-051 PERM 97-06-078 EMER 97-15-137	maternity care billing	MISC 97-05-051 MISC 97-08-011 PERM 97-02-047 PROP 97-02-063 MISC 97-04-030
financial responsibility		case management services needs special assistance clients	
lump sum payments		newborn premiums nondurable medical equipment and supplies	
Employees		billing nursing facility clients, eligibility	MISC 97-09-105 PREP 97-01-090 PROP 97-11-082 PERM 97-15-025 MISC 97-04-029 PERM 97-03-038
foster care licensing and adoption certification	MISC 97-03-031 EMER 97-08-031	outpatient claims patients requiring regulation	
Federal poverty level revised		pharmacy services reimbursement	PREP 97-06-131 MISC 97-04-028 MISC 97-08-010
Food stamp program		prescription drugs	
alien status requirements	PROP 97-09-107 PERM 97-12-025 PROP 97-06-098 PERM 97-09-030 PROP 97-13-089		
certification period			
definitions			
drug-related convicted felons denial of assistance	PROP 97-06-097 PERM 97-09-031		
employment and training programs requirements	PERM 97-03-035 EMER 97-05-052 PROP 97-05-053 PERM 97-09-012 PROP 97-02-078 EMER 97-02-076 EMER 97-02-033 PROP 97-02-034 PERM 97-05-002 PERM 97-06-074 EMER 97-02-073 PROP 97-02-075 PERM 97-06-096 PROP 97-13-088		
income eligibility			
ineligible household members			

Subject/Agency Index
(Citation in bold type refer to material in this issue)

prior authorization			grant payments	PREP	97-13-084
temporary removal of requirements	MISC	97-08-014		EMER	97-14-108
receipt of resources	PERM	97-03-037	personal property		
resources, availability	PREP	97-01-091	exemption	EMER	97-03-048
	PROP	97-07-023		PROP	97-03-050
	PERM	97-09-112		PERM	97-06-075
	PERM	97-03-034	pregnant women	PREP	97-13-085
resources, exemptions				EMER	97-14-107
school services			protective payee fees	PREP	97-06-132
billing	MISC	97-04-031		EMER	97-06-133
special situations	PREP	97-10-034		PROP	97-10-039
sterilization procedures	MISC	97-15-009		PREP	97-13-084
stop-loss criteria	PREP	97-11-076		PERM	97-13-091
supplemental premiums			resources, exemptions	PREP	97-11-077
interpretive or policy statement	MISC	97-01-096		PREP	97-11-079
Personal care services				PROP	97-15-089
eligibility	PREP	97-15-083	temporary absence of child	EMER	97-15-090
	PROP	97-15-135		PROP	97-05-068
Rules			time limits	PERM	97-08-032
repeal of obsolete, duplicative, or				PERM	97-10-041
ambiguous rules	PREP	97-15-131	unemployed parent program	PROP	97-15-031
Sexually violent predators			100-hour work rule	EMER	97-15-043
escorted leaves	PROP	97-11-044	unmarried minor parents	PROP	97-09-108
Supplemental security income (SSI)				PREP	97-02-080
cost of living adjustment (COLA)	EMER	97-02-074		PROP	97-05-072
eligibility	PREP	97-08-035	high school diploma	EMER	97-06-026
medical assistance	EMER	97-08-030		PROP	97-06-073
	PROP	97-12-081		PERM	97-09-029
	PERM	97-15-084		EMER	97-03-054
correction to WSR 97-12-081				PROP	97-03-055
published in PROP area of				EMER	97-04-050
Issue 97-14				PROP	97-04-051
standards of assistance	PROP	97-10-035		PERM	97-06-076
	EMER	97-10-036	Translation and interpretation services	PERM	97-07-024
	PERM	97-14-011		MISC	97-03-032
Temporary assistance to needy families (TANF)			Vocational rehabilitation services	PREP	97-13-082
assistance units	PREP	97-14-045	Washington Administrative Code	PREP	97-13-086
child caretaker	PREP	97-02-083	rules, delegation of authority to sign		
	PREP	97-02-081	Welfare fraud		
child living with legal guardian	PREP	97-13-083	payment denial	PREP	97-02-086
child support	PREP	97-02-082	WorkFirst program	PREP	97-14-046
	PROP	97-05-071			
	PERM	97-08-033			
	PERM	97-10-042			
drug-related convicted felons			SOUTH PUGET SOUND COMMUNITY COLLEGE		
denial of assistance	PROP	97-05-069	Meetings	MISC	97-06-001
	PERM	97-08-034		MISC	97-07-009
	PERM	97-10-040		MISC	97-13-068
	PROP	97-15-032			
			SOUTHWEST AIR POLLUTION CONTROL		
eligibility	EMER	97-15-044	AUTHORITY		
	PREP	97-02-084	Operating permits	EXRE	97-13-027
	PREP	97-02-085			
	PREP	97-12-080	SPOKANE, COMMUNITY COLLEGES OF		
	PREP	97-14-082	Meetings	MISC	97-04-019
	PROP	97-15-031		MISC	97-12-012
	PROP	97-15-043	Student records	PREP	97-15-040
eligibility review cycle	PREP	97-11-078			
	EMER	97-14-109	SPOKANE COUNTY AIR POLLUTION		
family violence	PREP	97-14-087	CONTROL AUTHORITY		
fraud			Fees	PROP	97-05-046
penalties	PROP	97-05-070		PERM	97-09-016
	PERM	97-10-038	Penalties	PROP	97-05-045
fugitive felons and probation/parole violators			Violations	PERM	97-09-015
address of recipient	EMER	97-03-046		PROP	97-05-045
	PROP	97-03-053		PERM	97-09-015
	PERM	97-07-008			
	EMER	97-03-049	SUPREME COURT		
denial of assistance	PROP	97-03-052	Amicus curiae briefs	MISC	97-13-023
	EMER	97-04-050	Court exhibits, security	MISC	97-13-021
	PROP	97-04-051	Court records, destruction and sealing	MISC	97-11-027
	PERM	97-06-077	Dismissal of actions	MISC	97-13-020
	PERM	97-07-024	Health care claims		
overpayments, waiver of retroactive			mediation procedure	MISC	97-05-024
case overpayments	PREP	97-11-080	Infraction cases	MISC	97-01-062
	EMER	97-15-011			

Subject/Agency Index

(Citation in bold type refer to material in this issue)

YAKIMA VALLEY COMMUNITY COLLEGE

Parking and traffic regulations

PREP 97-10-076
PROP 97-14-101

Identification section			
criminal history records	PROP	97-01-056	
	PERM	97-05-048	
Limousine carriers			
inspection, process and fees	PERM	97-03-127	
Meetings	MISC	97-03-026	
Motor vehicles			
antique motor-driven cycles, definition	PERM	97-03-087	
equipment on snow removal and highway maintenance vehicles	PROP	97-01-057	
	PERM	97-04-054	
fog light use	PREP	97-06-100	
	PERM	97-09-069	
	PERM	97-12-061	
quartz halogen headlamps	EXRE	97-14-040	
seat belt exemptions	PREP	97-03-043	
	PROP	97-07-037	
	PERM	97-10-023	
street rods and kit vehicles body requirements	PROP	97-01-058	
	PERM	97-04-055	
tires	EXRE	97-14-041	
wireless communications systems	PREP	97-03-042	
	PROP	97-07-036	
	PERM	97-10-024	
Public records			
copy charges	PERM	97-01-018	
Rules coordinator	MISC	97-09-088	
Towing businesses			
application for letters of appointment	PROP	97-04-053	
	EMER	97-04-056	
	PERM	97-08-021	
fees, calculation	EMER	97-04-056	
vehicle storage	PROP	97-04-053	
	EMER	97-04-056	
	PERM	97-08-021	

WASHINGTON STATE UNIVERSITY

Contract award procedure	EXRE	97-14-038	
Martin stadium, spectator safety at events	PREP	97-05-021	
	PROP	97-10-086	
Meetings	MISC	97-10-057	
	MISC	97-15-102	
Rules coordinator	MISC	97-05-020	

WENATCHEE VALLEY COLLEGE

Meetings	MISC	97-01-054	
----------	------	-----------	--

WESTERN WASHINGTON UNIVERSITY

Housing and dining	MISC	97-11-013	
Parking and traffic regulations	PREP	97-06-014	
	PROP	97-11-025	

WHATCOM COMMUNITY COLLEGE

Hazing	PREP	97-03-102	
Meetings	MISC	97-03-010	
	MISC	97-09-053	
	MISC	97-12-005	

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

Meetings	MISC	97-01-004	
	MISC	97-03-025	
	MISC	97-06-031	
	MISC	97-06-090	
	MISC	97-07-019	
	MISC	97-11-006	
	MISC	97-11-016	
	MISC	97-12-046	
	MISC	97-15-004	