

August 4, 1999

OLYMPIA, WASHINGTON

ISSUE 99-15



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CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month August 1999 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 \$210.60 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

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John G. Schultz
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 nine sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **EXPEDITED ADOPTION**-includes the full text of rules being changed using the expedited adoption process. Expedited adoptions are not consistently filed and may not appear in every issue of the Register.
- (e) **PERMANENT**-includes the full text of permanently adopted rules.
- (f) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (g) **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.
- (h) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (i) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
98 - 16	Jul 7, 98	Jul 21, 98	Aug 5, 98	Aug 18, 98	Sep 7, 98	Oct 2, 98
98 - 17	Jul 22, 98	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 22, 98	Oct 17, 98
98 - 18	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 16, 98	Oct 6, 98	Oct 31, 98
98 - 19	Aug 26, 98	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 27, 98	Nov 21, 98
98 - 20	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 10, 98	Dec 5, 98
98 - 21	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 24, 98	Dec 19, 98
98 - 22	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 8, 98	Jan 2, 99
98 - 23	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 22, 98	Jan 16, 99
98 - 24	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 16, 98	Jan 5, 99	Jan 30, 99
99 - 01	Nov 25, 98	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 26, 99	Feb 20, 99
99 - 02	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 9, 99	Mar 6, 99
99 - 03	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 23, 99	Mar 20, 99
99 - 04	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 17, 99	Mar 9, 99	Apr 3, 99
99 - 05	Jan 20, 99	Feb 3, 99	Feb 17, 99	Mar 3, 99	Mar 23, 99	Apr 17, 99
99 - 06	Feb 3, 99	Feb 17, 99	Mar 3, 99	Mar 17, 99	Apr 6, 99	May 1, 99
99 - 07	Feb 24, 99	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 27, 99	May 22, 99
99 - 08	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 11, 99	Jun 5, 99
99 - 09	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 5, 99	May 25, 99	Jun 19, 99
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99 - 19	Aug 25, 99	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 26, 99	Nov 20, 99
99 - 20	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 9, 99	Dec 4, 99
99 - 21	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 23, 99	Dec 18, 99
99 - 22	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 7, 99	Jan 1, 00
99 - 23	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 21, 99	Jan 15, 00
99 - 24	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 15, 99	Jan 4, 00	Jan 29, 00

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.

⁴A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230, as amended by section 202, chapter 409, Laws of 1997.

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;

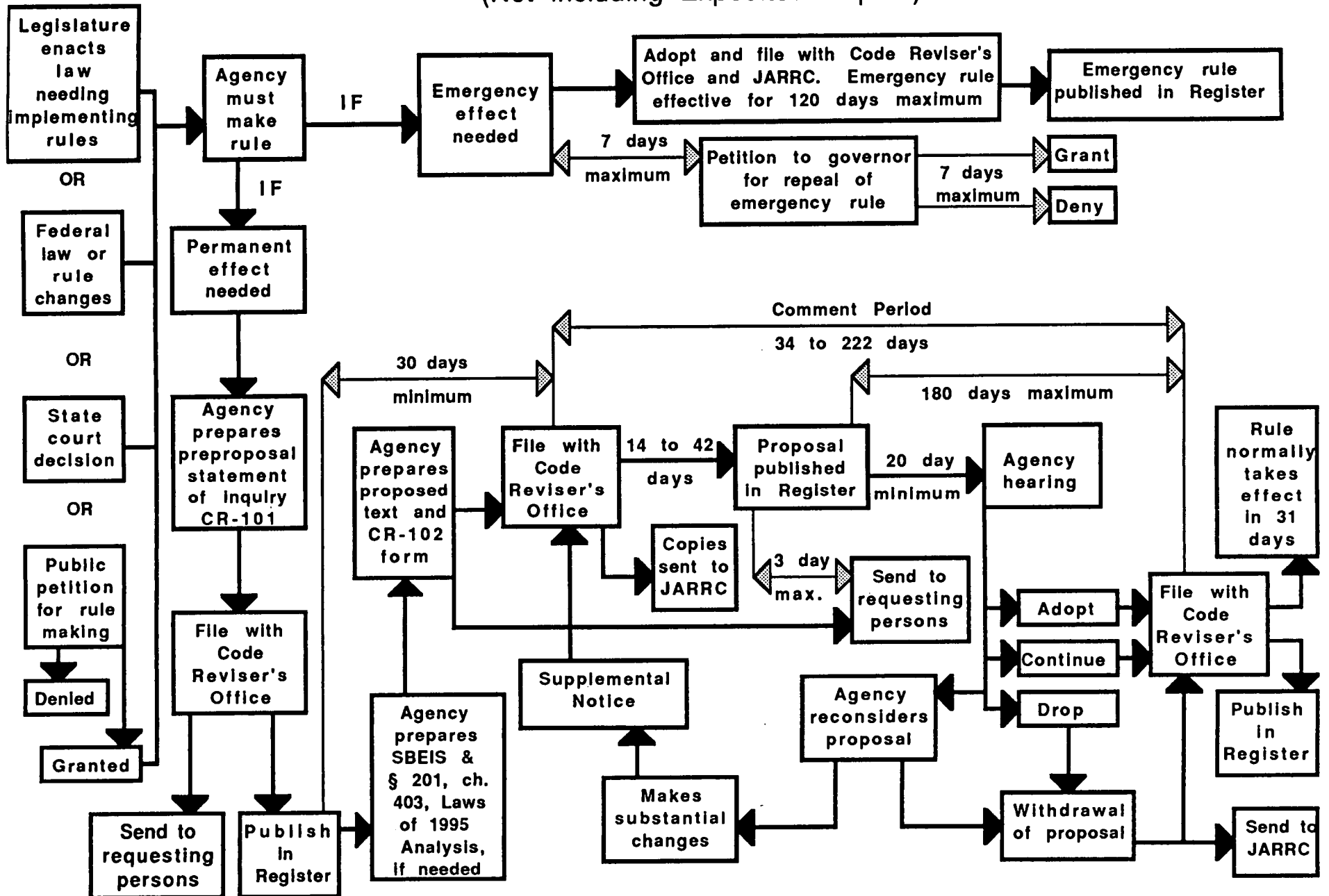
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 99-15-006
PREPROPOSAL STATEMENT OF INQUIRY
LAKE WASHINGTON
TECHNICAL COLLEGE
 [Filed July 8, 1999, 2:39 p.m.]

Subject of Possible Rule Making: Amend student conduct code, WAC 495D-120-040.

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: Student conduct code is deficient with respect to the narrow scope of its definition of misconduct.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: To provide the college with adequately comprehensive definition of student misconduct.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by attending public meetings of Lake Washington Technical College board of trustees on September 7, 1999. Write to Mr. Dennis Long, Vice-President, Student Services, 11605 132nd Avenue N.E., Kirkland, WA 98034, call (425) 739-8313, or fax (425) 739-8299.

July 6, 1999
 Gary D. Cohn
 President

WSR 99-15-007
PREPROPOSAL STATEMENT OF INQUIRY
LAKE WASHINGTON
TECHNICAL COLLEGE
 [Filed July 8, 1999, 2:40 p.m.]

Subject of Possible Rule Making: Amend WAC 495D-135-040 to comply with federal and state provisions for calculations and payment of student refunds.

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: Necessity to change procedures on student refunds to comply with federal and state provisions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: To provide college with revised procedures in dealing with student refunds.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by attending public meetings of Lake Washington Technical College board of trustees on September 7, 1999. Write to Dr. Gary Cohn, Vice-President, Administrative Ser-

vices, 11605 132nd Avenue N.E., Kirkland, WA 98034, call (425) 739-8201, or fax (425) 739-8299.

July 6, 1999
 Gary D. Cohn
 President

WSR 99-15-010
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
 [Filed July 9, 1999, 9:59 a.m.]

Subject of Possible Rule Making: Chapter 365-135 WAC, Fee increase for the bond cap allocation program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.86.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may need to be modified to change the fees paid by applicants to cover administrative costs of the program. Any changes would be within the fiscal growth factor set by RCW 43.135.025(6).

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

Process for Developing New Rule: We will meet with all interested parties to discuss the proposed fee increase.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bill Cole, Program Manager, P.O. Box 48300, Olympia, WA 98504-8300, phone (360) 753-0307, fax (360) 586-4162, e-mail billc@cted.wa.gov. A Bond Cap Advisory Group meeting will take place in late August to discuss the proposal. Contact Bill Cole for time and location.

July 6, 1999
 Jean L. Ameluxen
 Legislative Liaison

WSR 99-15-016
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION
 [Docket No. UT-990873—Filed July 9, 1999, 2:17 p.m.]

Subject of Possible Rule Making: Exploring the need for fees for commission services relating to matters arising under the federal Telecommunications Act of 1996 (Telecom Act), as authorized by section 2, chapter 377, Laws of 1998. The commission must explore how it might implement authority granted by the legislature to establish fees for some services relating to the Telecom Act. The commission will (without limiting potential subjects that it may examine) explore setting fees for conducting arbitration and mediation services and for resolving disputes arising from interconnection agreements. Mechanisms may involve a filing fee, a fee based on time spent, a fee based on the nature of the proceeding, other mechanisms, or a combination of the above.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, section 2, chapter 377, Laws of 1998.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is facing an increased workload resulting from federal actions at a time when its resources are not expanding in pace with the workload. The goal in establishing fees is to put the burden of supporting these activities on those who require them, as opposed to other sources of funds, and to allow the commission over time to recover the services' full costs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Communications Commission regulates telecommunications services provided across state or national boundaries and some services provided within states. While it does not appear that the subject of this rule making will involve any conflicts, the commission will inform the FCC about this rule making and will study federal law and regulation to look for potential conflicts.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments. The commission will schedule one or more workshops with representatives of affected constituencies in a manner designed to develop consensus among affected interests 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 writing to the Washington Utilities and Transportation Commission, Commission Secretary, P.O. Box 47250, Olympia, WA 98504-7250, or by calling (360) 664-1174, fax (360) 586-1150.

WRITTEN COMMENTS: You may file written comments about the topic of this proposed rule making with the commission secretary, referencing Docket No. UT-990873. For best consideration, they must reach the commission no later than **August 11, 1999**. 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 or later, labeled with the docket number of this proceeding, the date of the submission, the commenter's name, and type of software used. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. Interested persons may also attend and participate in the workshop described below and in any other workshop that may be scheduled. The commission will provide written notice of any additional preproposal workshops to all commenters and to any other persons specifically asking to receive such notices in this rule-making proceeding.

NOTICE OF WORKSHOP: A workshop will be held on **Wednesday, August 25, 1999, beginning at 1:30 p.m., in the Commission's Hearing Room, Room 206, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA.** The commission's teleconference bridge line will be available for this workshop. Persons wishing to attend via

teleconference bridge line must contact Nancy Moen at (360) 664-1140 no later than 5:00 p.m., Monday, August 23, 1999. Questions may be addressed to Bob Wallis via telephone at (360) 664-1142 or via e-mail at bwallis@wutc.wa.gov.

NOTICE: TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to assure all persons who want information receive it, but also that its mailings are sent only to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but want to remain on the mailing list for this rule making, please advise the Records Center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. UT-990873, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. UT-990873, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the commission's Internet web site at <http://www.wutc.wa.gov/>. **IF YOU DO NOT RESPOND, YOU MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ABOUT THIS RULE MAKING.**

July 9, 1999

Carole J. Washburn
Secretary

WSR 99-15-034

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Chemical Dependency Professionals)

[Filed July 14, 1999, 3:42 p.m.]

Subject of Possible Rule Making: The regulation of chemical dependency professionals, this effort includes implementing a continuing competency program for chemical dependency professionals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.205.060(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rules for chemical dependency professionals gives authority to adopt rules implementing a continuing competency program. Prior to the chemical dependency professionals implementation of the 1998 legislation, the Department of Social and Health Services issued a "certificate of qualification" for counselors working in state approved agencies. With this certificate of qualifications, a continuing education requirement was imposed. This requirement will cease on July 1, 1999. The field of chemical dependency is growing and changing rapidly. There is concern that counselors working in the chemical dependency field need to continually seek out opportunities to keep up with current information.

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

Process for Developing New Rule: Collaborative rule making. Develop in consultation with stakeholders through public meetings, telephone, and correspondence.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kris Waidely, Department of Health, Chemical Dependency Professionals, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4905, fax (360) 236-4909.

July 12, 1999

M. C. Selecky
Secretary

WSR 99-15-035
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Chemical Dependency Professionals)
[Filed July 14, 1999, 3:45 p.m.]

Subject of Possible Rule Making: The regulation of chemical dependency professionals, this effort includes establishing disclosure requirements for chemical dependency professionals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.205.060(15).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rules for chemical dependency professionals gives authority to establish disclosure requirements. The disclosure requirements would provide clients with information concerning their chemical dependency professional treatment to ensure protection of their health and safety.

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

Process for Developing New Rule: Collaborative rule making. Develop in consultation with stakeholders through public meetings, telephone, and correspondence.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kris Waidely, Department of Health, Chemical Dependency Professionals, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4905, fax (360) 236-4909.

July 12, 1999

M. C. Selecky
Secretary

WSR 99-15-046
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION
[Filed July 15, 1999, 12:16 p.m.]

Subject of Possible Rule Making: Bingo.

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: On February 20, 1999, a moratorium was placed on bingo operators' net return requirements. This moratorium will conclude on February 29, 2000, and these rules are our solution to how the limitation process should be restructured.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; Sherri Winslow, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 301; and Susan Arland, Public Information Officer, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 374.

Meetings at Cavanaugh's at Yakima Center, 607 East Yakima Avenue, Yakima, WA 98901, (509) 248-5900, on September 9 and 10, 1999; at the Shilo Inn, 707 Ocean Shores Boulevard, Ocean Shores, WA 98569, (360) 489-4600, on October 14 and 15, 1999; and at the Port Ludlow Conference Center, 9483 Oak Bay Road, Port Ludlow, WA, (360) 437-2222, on November 18 and 19, 1999.

July 15, 1999

Susan Arland
Rules Coordinator

WSR 99-15-047
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION
[Filed July 15, 1999, 12:17 p.m.]

Subject of Possible Rule Making: Age limit to participate in gambling activities.

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: Currently, the age restrictions to participate in gambling activities are located in several rules and are not always clear. This rule change moves the age requirements to its own section and clarifies the age limits to participate in gambling activities.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; Sherri Winslow, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 301; or Susan Arland, Public Information Officer, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 374.

Meetings at Cavanaugh's at Yakima Center, 607 East Yakima Avenue, Yakima, WA 98901, (509) 248-5900, on September 9 and 10, 1999; at the Shilo Inn, 707 Ocean Shores Boulevard, Ocean Shores, WA 98569, (360) 489-4600, on October 14 and 15, 1999; and at the Port Ludlow Conference Center, 9483 Oak Bay Road, Port Ludlow, WA, (360) 437-2222, on November 18 and 19, 1999.

July 15, 1999
Susan Arland
Rules Coordinator

rule making, we will notify interested parties 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 by contacting Brooke Buckingham, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 493-2544, TTY (360) 493-2637, fax (360) 438-8633, e-mail BuckiBE@dshs.wa.gov.

July 16, 1999
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 99-15-066

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
[Filed July 19, 1999, 10:26 a.m.]**

Subject of Possible Rule Making: Aging and Adult Services Administration (AASA) plans to amend, repeal and/or add WAC within chapter 388-15 WAC, Social services for families, children and adults and chapter 388-17 WAC, Senior citizens services program; and assign revised WAC to chapter 388-71 WAC. Affected WAC may include but is not limited to the following: WAC 388-15-145, 388-15-200, 388-15-204, 388-15-206, 388-15-207 through 388-15-222, 388-15-548 through 388-15-568, 388-15-600, 388-15-620, 388-15-630, 388-15-690 through 388-15-715, and 388-17-010 through 388-17-510.

Statutes Authorizing the Agency to Adopt Rules on this Subject: General statutory authority is derived from RCW 74.04.015, 74.04.050, 74.04.057, 74.04.200, and 74.08.090. Specific statutory authority will be provided for each rule under following rule filings.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending, repealing, adding and reorganizing AASA rules are necessary:

- (1) To comply with the Governor's Executive Order 97-02, and the Secretary's Order of Regulatory Improvement;
- (2) To reflect changes in program requirements and/or options.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health Care Financing Administration, Social Security Administration, Office of Attorney General, Department of Health, Department of Services for the Blind, Department of Veteran's Affairs, Health Care Policy Board, Department of Community, Trade and Economic Development, Governor's Committee on Disability Issues and Employment, Developmental Disabilities Planning Council, and Long-Term Care Ombudsman. AASA will include them on mailings and invite them to participate in meetings.

Process for Developing New Rule: AASA will schedule informal meetings to allow for feedback and comments from the public. AASA will provide draft language before publishing rules and encourages stakeholders to submit written or verbal comments. When AASA files a notice of proposed

WSR 99-15-068

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed July 19, 1999, 11:47 a.m.]**

Subject of Possible Rule Making: Crab gear limitations. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.20.480, 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has been instructed by the legislature to establish even-flow harvesting to accomplish long-term stability in the coastal crab industry. The department will propose pot limits to achieve this goal.

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 Phil Anderson, Interjurisdictional Resources Manager, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2720, fax (360) 902-2182. Contact by September 3, 1999. Expected proposal filing September 22, 1999.

July 19, 1999
Evan Jacoby
Rules Coordinator

WSR 99-15-079

**PREPROPOSAL STATEMENT OF INQUIRY
ATTORNEY GENERAL'S OFFICE
[Filed July 20, 1999, 11:26 a.m.]**

Subject of Possible Rule Making: New Motor Vehicle Warranties Act, chapter 19.118 RCW, amend chapter 44-10 WAC to implement chapter 298, Laws of 1998. Make editorial and minor procedural revisions to reflect attorney general resale disclosure forms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.118.080(2), 19.118.061, and section 6, chapter 298, Laws of 1998.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Conform rules to 1998 statu-

tory revisions, make editorial modifications and minor procedural changes in practices of the attorney general and arbitration board. Purpose is to accomplish reasoned and predictable procedures for the administration of the Lemon Law program, the dispute resolution mechanism, consistency in arbitration decisions, compliance with arbitration awards and enforcement of statutory disclosures upon resale of subject vehicles.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Attorney General is the agency with sole enforcement and administrative authority of the state arbitration process.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments or suggestions to Paul N. Corning, Lemon Law Administrator, Office of the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, WA 98164-1012. Facsimile transmissions may be sent to Paul N. Corning at (206) 464-6451. Internet e-mail may be sent to Paul N. Corning at lemon@atg.wa.gov. Paul N. Corning, (206) 464-6372 and H. Regina Cullen, Assistant Attorney General, (206) 464-6261 are available to receive oral comments or suggestions.

July 19, 1999

Paul N. Corning

Lemon Law Administrator

WSR 99-15-080

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF FISH AND WILDLIFE

[Filed July 20, 1999, 1:27 p.m.]

Subject of Possible Rule Making: Making driving on tidelands an infraction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.15.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Driving on razor clam beaches kills immature clams, and is a form of wastage. Making this an infraction would allow for easier enforcement and accomplish the protection necessary. Since most traffic offenses are currently infractions, this would comport with previous legislative action regarding driving offenses.

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 Bruce Bjork, Enforcement Program Assistant Director, 600 Capitol Way, Olympia, WA 98501-

1091, phone (360) 902-2373. Contact by October 15, 1999, expected proposal filing November 3, 1999.

July 20, 1999

Evan Jacoby

Rules Coordinator

WSR 99-15-085

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 20, 1999, 4:43 p.m.]

Subject of Possible Rule Making: Chapter 296-32 WAC, Safety standards for telecommunications.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New technology has become more common within the telecommunications industry, which is not reflected in the current standard. OSHA standards have not had significant changes since 1975. With the assistance of an advisory committee, WISHA is reviewing this standard to assure appropriate worker protection throughout the state and to improve the clarity of these rules.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennie Hays, WISHA Standards Project Manager, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5523, fax (360) 902-5529.

July 15, 1999

Gary Moore

Director

WSR 99-15-091

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed July 21, 1999, 10:01 a.m.]

Subject of Possible Rule Making: Amend rules to include fee increase within limits of I-601 for uniform code commercial filings and searches.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 62A.9-409, 60.11.040, 60.13.040, 60.68.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amend current rules to

reflect fee increases for filing with and obtaining information from filing officers.

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 Jon Donnellan, Administrator, Uniform Commercial Code, Department of Licensing, P.O. Box 9660, Olympia, WA 98504, phone (360) 586-4905, fax (360) 664-2550.

July 20, 1999
Jon Donnellan
Administrator

WSR 99-15-092

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 99-19—Filed July 21, 1999, 10:30 a.m.]

Subject of Possible Rule Making: The purpose of this rule revision is to allow the current vehicle emission inspection fee of \$12 to increase up to \$15 after January 1, 2000. Fifteen dollars is the maximum allowed by law.

A test fee increase is needed because: (1) The 1998 legislature reduced the number vehicles to be tested by about 20%, (2) test station contractor costs have increased, and (3) the need for the emission check program to be self-supporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.120.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Starting in 2000, the test fee must be increased to meet the state law requirement that the state funding for the emission check program be recovered from the test fees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Licensing is responsible for notifying vehicle owners when emission testing is required. Licensing has already scheduled computer reprogramming for which model year vehicles will receive an emission testing notice. The vehicle renewal notice will need to be revised to provide the new test fee.

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 John Raymond, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail jray461@ecy.wa.gov, phone (360) 407-6856, fax (360) 407-6802.

July 6, 1999
Mary E. Burg
Program Manager

WSR 99-15-093

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 99-05—Filed July 21, 1999, 10:32 a.m.]

Subject of Possible Rule Making: Establishment of instream flows for the Lower Skagit mainstem and Cultus Mountain tributaries. All pending and subsequent water right applications will be conditioned to the instream flows, if applicable.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 43.21A, 43.27A, 90.03, 90.44, 90.54 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Skagit Basin is among the few basins in western Washington for which instream flows have not been adopted. The basin seemingly has abundant water and fish; however, with Puget Sound chinook salmon listed under the Endangered Species Act and increasing population growth, ecology and others believe rules to protect the salmon runs must be adopted, where appropriate, as soon as practicable. Ecology is not processing water right applications in the Skagit Basin until the instream flows are addressed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies directly regulate instream flows. The National Marine Fisheries Service has responsibility for listing threatened and endangered anadromous fish runs and ensuring their recovery under the Endangered Species Act (ESA). The ESA is a powerful regulatory tool which could conceivably be used to intervene in water management if the state did not do so to protect flows for listed fish.

Process for Developing New Rule: The instream flows will be formally adopted through a collaborative effort among ecology, other state agencies, a workgroup formed under an MOA (which also worked with experts to identify appropriate instream flows), and affected tribes. The rule adoption process will be coordinated by ecology's watershed lead and coordinated with other planning activities under ESHB 2514.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. There will be a number of public involvement opportunities during the rule-development process, including public workshops and hearings to be held in the summer and fall of 1999. For more information on the rule adoption and the proposed instream flows, contact Rod Sakrison, Skagit Watershed Lead, Washington Department of Ecology, (425) 649-4447, or by e-mail rsak461@ecy.wa.gov.

July 14, 1999
Keith E. Phillips
Program Manager

WSR 99-15-098
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
 (Basic Health Plan)
 [Order 99-06—Filed July 21, 1999, 11:34 a.m.]

Subject of Possible Rule Making: Revise WAC 182-25-010, 182-25-030, 182-25-040, and 182-25-090 to allow the agency to close nonsubsidized enrollment and for transitional coverage for basic health enrollees who lose eligibility for premium subsidy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.47.050, 70.47.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule revisions are needed because of a possible decrease in the number of health plans participating in basic health's nonsubsidized program for plan year 2000. Basic health may need to limit new nonsubsidized enrollment in areas where no health plan (managed health care system) has contracted to accept new members, or disenroll current nonsubsidized members in areas where no health plan is available. The proposed revisions would enable Basic Health to limit or close nonsubsidized enrollment. The revisions would also enable current subsidized enrollees who lose eligibility for a premium subsidy to continue their coverage and remain with their current health plan through the end of the plan year if they pay the full cost of their coverage.

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

Process for Developing New Rule: Stakeholder mailings and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rosanne Reynolds (L3), Basic Health Plan, P.O. Box 42683, Olympia, WA 98504-2683, phone (360) 923-2948, fax (360) 412-4276.

July 21, 1999
 Elin Meyer
 Rules Coordinator

WSR 99-15-099
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
 (Basic Health Plan)
 [Order 99-05—Filed July 21, 1999, 11:35 a.m.]

Subject of Possible Rule Making: Revise WAC 182-25-020 to make benefits information more consistent with statute and to clarify the information applicants will receive prior to enrollment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.47.050, 70.47.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules need to be more flexible to accommodate statutory and budget limitations on basic health benefits. The current rules require "limited" mental health care, chemical dependency, and organ trans-

plant services to be covered by basic health. However, RCW 70.47.060 makes these benefits dependent on available funding and requires that these services not be allowed to raise the actuarial value of the benefits package by more than 5%. The rules need to be revised to resolve that discrepancy.

In addition, rules regarding the benefits information that must be sent to applicants prior to enrollment also need to be more flexible. Input from applicant focus groups indicates that the current application materials are intimidating and too long. The revised rules will allow this information to be provided in summary form. Enrollees are sent the complete Schedule of Benefits after they have enrolled. The goal of the proposed revision is make the enrollment materials more helpful and "user friendly," while still providing applicants with the information they need to make an informed decision.

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

Process for Developing New Rule: Stakeholder mailings and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rosanne Reynolds (L3), Washington Basic Health Plan, P.O. Box 42683, Olympia, WA 98504-2683, phone (360) 923-2948, fax (360) 412-4267.

July 21, 1999
 Elin Meyer
 Rules Coordinator

WSR 99-15-101
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 [Filed July 21, 1999, 11:45 a.m.]

Subject of Possible Rule Making: Chapter 246-562 WAC, Physician visa waiver (J-1 visa waivers).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.185 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule was adopted in 1998. The rule was created to formalize the process used by the Office of Community and Rural Health in the administration of the J-1 physician visa waiver program. This program allows the Department of Health to assist communities to recruit and retain physicians as directed by chapter 70.185 RCW by exercising an option provided in federal law 8 U.S.C. Sec. 1184(1) and 22 C.F.R. 514.44(e).

While chapter 246-562 WAC has been adopted and put into practice, a need has been identified for greater technical clarity as well as to open discussion regarding the use of specialists through the program. The current rule allows the placement of primary care physicians only.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The rule is developed in accordance with federal law and regulations. The program works closely with Immigration and Naturalization Services (INS) and United States Information Services (USIA) to ensure compliance with fed-

eral regulations. These agencies are included in the mailing list for all drafts of rule amendments.

Process for Developing New Rule: Public meetings and mailings to stakeholders. Several Office of Community and Rural Health partners will participate in the drafting and reviewing of any amendments to the rule. Key constituents including provider groups, local health planners, Region X US PHS, UW School of Medicine, Area Health Education Centers, Higher Education Coordinating Board, Northwest Regional Primary Care Association and other constituents will be provided opportunity for input and review of the proposed rule. The constituent mailing list includes rural hospitals, rural health clinics, community and migrant health centers, immigration attorneys, USIA, INS, USDA and current facilities that have used the program and other interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelly Shaw, Program Manager, Department of Health, Office of Community and Rural Health, P.O. Box 47834, Olympia, WA 98504-7834, (360) 705-6763, fax (360) 705-9273. Public WAC development work sessions will be held during the fall of 1999. Draft rule revisions will be sent to all constituents. The final draft of the proposed rule will be sent to all interested parties. A public hearing will be held prior to final rule adoption.

July 20, 1999
M. C. Selecky
Secretary

WSR 99-15-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Veterinary Board of Governors)
[Filed July 21, 1999, 11:47 a.m.]

Subject of Possible Rule Making: Continuing education, or continued competency requirement for animal technicians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A number of stakeholders, including the Washington State Association of Veterinary Technicians, are advocating for a continuing education, or continued competency requirement for animal technicians.

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

Process for Developing New Rule: Collaborative rule making. Rules will be written with stakeholder involvement.

Interested parties are encouraged to send written comments to the address below, or attend one or both Veterinary Board of Governors meetings on August 9, 1999, at the SeaTac Holiday Inn, or September 30, 1999, at the Yakima Cavanaugh's Inn.

To receive a meeting agenda please contact the Veterinary Board office at the address, e-mail or phone number below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen Kelley Burgess, Program Manager, Veterinary Board of Governors, P.O. Box 47868, Olympia, WA 98504-7868, e-mail ksb0303@doh.wa.gov, phone (360) 236-4876, (360) 753-0657.

June 29, 1999
Gail L. Zimmerman
Executive Director

WSR 99-15-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Veterinary Board of Governors)
[Filed July 21, 1999, 11:49 a.m.]

Subject of Possible Rule Making: Animal technician, WAC 246-935-040 Responsibilities of veterinarian supervising an animal technician or an unregistered assistant, 246-935-050 Animal health care tasks, and 246-935-060 Eligibility for examination as animal technician.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Responsibilities of veterinarians will be reviewed for possible update. Animal health care tasks are outdated and need to be updated. Eligibility for examination will be reviewed for possible update.

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

Process for Developing New Rule: Collaborative rule making. Rules will be written with stakeholder involvement.

Interested parties are encouraged to send written comments to the address below, or attend one or both Veterinary Board of Governors meetings on August 9, 1999, at the SeaTac Holiday Inn, or September 30, at the Yakima Cavanaugh's Inn.

To receive a meeting agenda please contact the Veterinary Board office at the address, e-mail address or phone number below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen Kelley Burgess, Program Manager, Veterinary Board of Governors, P.O. Box 47868, Olympia, WA 98504-7868, e-mail ksb0303@doh.wa.gov, phone (360) 236-4876, fax (360) 753-0657.

June 29, 1999
Gail L. Zimmerman
Executive Director

WSR 99-15-107**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed July 21, 1999, 11:53 a.m.]

Subject of Possible Rule Making: Chapter 296-307 WAC, Safety standards for agriculture (temporary worker housing and cherry harvest rule).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1999 legislature passed ESSB 5599 (chapter 374, Laws of 1999) requiring the Department of Labor and Industries and the Department of Health to adopt joint rules for the licensing, operation, and inspection of temporary worker and cherry harvest housing and the enforcement of these rules. These joint rules will be identical except as they relate to issues that fall under the jurisdiction of only one of the agencies. "These rules shall establish standards that are as effective as the standards developed under the Washington Industrial Safety and Health Act, chapter 49.17 RCW," with regard to shelter, food handling, storage, electricity and all other temporary worker housing requirements. The shelter requirements will apply regardless of whether shelters are provided by the employer or the employees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state Department of Health and federal OSHA also regulate this subject. The Department of Labor and Industries and the Department of Health will participate in joint rule making on the promulgation of these rules. In order to ensure that the rules adopted meet federal requirements, representatives of federal OSHA will be active participants in the development of the rules. Representatives of growers and farmworkers also will be included in discussions before the agencies submit a formal proposal for rule making. The Department of Health's preproposal statement of inquiry on this joint rule making is also published in this register.

Process for Developing New Rule: The Department of Health and the Department of Labor and Industries will participate in a joint rule-making process. The agencies will coordinate filing dates, language, hold a joint public hearing, and coordinate with interested stakeholders during the process. Parties interested in the formulation of these rules for proposal may contact the individuals listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ken Lewis, phone (360) 902-4568, fax (360) 902-5529, e-mail lewk235@lni.wa.gov, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620; and Jennell Prentice, phone (360) 705-6661, fax (360) 705-6654, e-mail jzp0303@doh.wa.gov, Department of Health, Facilities and

Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852.

July 21, 1999

Joel Sacks

for Gary Moore

Director

WSR 99-15-108**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF HEALTH**

[Filed July 21, 1999, 11:55 a.m.]

Subject of Possible Rule Making: Chapter 246-358 WAC, Temporary worker housing and cherry harvest rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.114 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1999 legislature passed ESSB 5599 (chapter 374, Laws of 1999) requiring the Department of Health (DOH) and the Department of Labor and Industries to adopt joint rules for the licensing, operation, and inspection of temporary worker housing and the enforcement of these rules. These joint rules will be identical except as they relate to issues that fall under the jurisdiction of only one of the agencies. These rules shall establish standards that are as effective as the standards developed under the WISHA act, chapter 49.17 RCW with regard to shelter, food handling, storage, electricity and all other temporary worker housing requirements. The shelter requirements will apply regardless of whether shelters are provided by the employer or the employees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state Department of Labor and Industries and federal OSHA also regulate this subject. DOH will participate in joint rule making on the promulgation of these rules, and consult with federal OSHA. In order to ensure that the rules adopted meet federal requirements, representatives of federal OSHA will be active participants in the development of these rules. Representatives of growers and farmworkers also will be included in discussions before the agencies submit a formal proposal for rule making. The Department of Labor and Industries' preproposal statement of inquiry on this joint rule making is also published in this register.

Process for Developing New Rule: DOH and the Department of Labor and Industries will participate in a joint rule-making process. The agencies will coordinate file dates, language and hold a joint hearing and coordinate with interested stakeholders during the process. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennell Prentice, phone (360) 705-6661, fax (360) 705-6654, e-mail jzp0303@doh.wa.gov,

Department of Health, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852; or Ken Lewis, phone (360) 902-4568, fax (360) 902-5529, e-mail lewk235@lni.wa.gov, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620.

July 20, 1999
Patty Hayes
for Mary Selecky
Secretary

WSR 99-15-042
EXPEDITED REPEAL
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed July 15, 1999, 10:18 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 388-503-0310 Categorically needy eligible persons and 388-510-1005 Definitions—Aliens.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185.

Reason the Expedited Repeal of the Rule is Appropriate: The policies contained in these rules were incorporated into the adopted rules filed under WSR 98-16-044. WAC 388-503-0310 was incorporated into the rules contained in chapters 388-503 and 388-505 WAC. WAC 388-510-1005 was incorporated into the rules contained in WAC 388-424-0005 and 388-424-0010.

July 13, 1999
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|------------------|---------------------------------------|
| WAC 388-503-0310 | Categorically needy eligible persons. |
| WAC 388-510-1005 | Definitions—aliens. |

EXPEDITED REPEAL



WSR 99-15-011
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION

[Filed July 9, 1999, 10:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-11-026.

Title of Rule: System safety and security plans for rail fixed guideway systems.

Purpose: Update existing rules to comply with recently enacted state law, and add rules to address imposing sanctions for not complying with these rules.

Other Identifying Information: Chapter 468-550 WAC.

Statutory Authority for Adoption: Section 7, chapter 202, Laws of 1999.

Statute Being Implemented: Section 7, chapter 202, Laws of 1999.

Summary: Clarifies several definitions for rail fixed guideway systems, updates requirements for delivery of system safety and security plans, consolidates annual reports, provides more direction for reporting of accidents and unacceptable hazardous conditions, deletes reporting requirements for security breaches, and prescribes processes for and amounts of financial penalties when reports are not delivered when required.

Reasons Supporting Proposal: Comply with recently enacted state law.

Name of Agency Personnel Responsible for Drafting: Paul Gamble, Olympia, (360) 705-7912; Implementation and Enforcement: Lois Anderson, Olympia, (360) 705-7909.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The intent behind this amending rule is to bring current WAC for state-wide standard and state-wide processes for the safety and security systems of rail fixed guideway operations into line with recently enacted state law.

Proposal Changes the Following Existing Rules: The rule clarifies several definitions for rail fixed guideway systems, updates requirements for delivery of system safety and security plans (September 1, 1999), consolidates annual reports (all due January 15), provides more direction for reporting of accidents and unacceptable hazardous conditions, deletes reporting requirements for security breaches, and prescribes processes for and amounts of financial penalties when reports are not delivered when required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Unnecessary. Did not meet requirements.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Transportation Building, Commission Board Room, 1D2, Maple Park S.E., Olympia, Washington 98504, on August 27, 1999, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by August 23, 1999.

Submit Written Comments to: Paul Gamble, Public Transportation Office, Washington State Department of

Transportation, P.O. Box 47387, Olympia, WA 98504-7387, or (360) 705-7912, fax (360) 705-6820, by August 23, 1999.

Date of Intended Adoption: August 27, 1999.

July 9, 1999

Gerald E. Smith

Deputy Secretary, Operations

AMENDATORY SECTION (Amending WSR 98-19-052, filed 9/15/98, effective 10/16/98)

WAC 468-550-030 Definitions. For the purposes of this chapter, the following definitions of terms shall apply unless the context clearly indicates otherwise:

(1) Accident, reportable means any event involving the operation of a RFGS along a revenue line segment, if as a result:

(a) An individual dies; or

(b) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or

(c) A collision, derailment, or fire causes property damage in excess of \$50,000.

(2) APTA Guidelines means the American Public Transit Association's "Manual for the Development of Rail Transit System Safety Program Plans."

(3) Chief executive officer means, but is not limited to, the mayor, county executive, or chair of the municipality, or corporate president of the public or private entity that owns, operates, or maintains a RFGS.

(4) Contractor means an entity that performs tasks required by this chapter on behalf of the department or a RFGS.

(5) Department means the Washington state department of transportation which has been designated as the state safety oversight agency.

(6) Emergency means a situation which is life threatening to passengers, employees, or others or which causes damage to any rail fixed guideway vehicle or facility or results in a significant theft of services which severely affects the ability of the system to fulfill its mission.

(7) FTA means the Federal Transit Administration, or its successors, an agency within the U.S. Department of Transportation.

(8) Hazardous condition means a set of circumstances that if not identified and corrected has or will result in personal injury or property damage. It includes unacceptable hazardous conditions.

(9) Investigation means a procedure that the department or a RFGS utilizes to determine the cause of a reportable accident, hazardous condition, or security breach.

(10) Plan means the system safety and security program plan which is adopted by the RFGS detailing its safety and security policies, objectives, responsibilities and procedures.

(11) Procedure means an established and documented method to perform a task.

(12) Rail fixed guideway system or "RFGS" means ~~((any))~~ a light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or ~~((automated))~~ other fixed rail guideway that is~~((:~~

PROPOSED

~~(a) Included in the Federal Transit Administration's (FTA) calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 U.S.C. 5336); and~~

~~(b) Not regulated by the Federal Railroad Administration~~ not regulated by the Federal Railroad Administration. "RFGS" does not include elevators, moving sidewalks or stairs, and vehicles suspended from aerial cables, unless they are an integral component of a station served by a rail fixed guideway system, or operations not available to the general public, acquired by an individual or group of individuals for a common purpose to travel together as a group to a specific destination or for a particular itinerary. A RFGS also shall be within a federally recognized urbanized area and included in the Federal Transit Administration's (FTA) calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 U.S.C. 5336).

(13) Risk means the probability that a security breach will occur.

(14) Safety means freedom from danger.

(15) Security means freedom from intentional danger.

(16) Security breach means an unforeseen event or occurrence that endangers life or property and may result in the loss of services or system equipment.

~~(17) ((Security incident means an unforeseen event or occurrence that does not necessarily result in death, injury, or significant RFGS property damage, but may result in a minor loss of revenue.~~

~~(18))~~ Standard means the system safety and security program standard which is the standard developed and adopted by the department which complies with the APTA *Manual for the Development of Rail Transit System Safety Program Plans*, the Federal Transit Administration's *Transit System Security Program Planning Guide* (FTA-MA-90-7001-94-1), The Federal Transit Administration's *Implementation Guidelines for State Safety Oversight of Rail Fixed Guideway Systems*, and the *State Safety Oversight Security Handbook*.

~~((19))~~ (18) System means a composite of people, property, environment, and procedures which are integrated to perform a specific operational function in a specific environment.

~~((20) Three-year review))~~ (19) Triennial safety and security audit means a formal, comprehensive, on-site examination by the department of a RFGS's safety and security procedures to determine whether it complies with the RFGS's policies and procedures as outlined in the RFGS's plan.

~~((21) Threat means any real, potential, or perceived condition that can result in a security-related incident.~~

~~((22))~~ (20) Unacceptable hazardous condition means a hazardous condition ~~((with catastrophic, critical, or marginal consequences with a probability of occurring frequently, probably, or occasionally,))~~ of type IA, IB, IC, IIA, IIB, OR IIIA as determined using the "Hazardous Resolution Matrix" in APTA Manual for the Development of Rail Transit System Program Plans.

~~((23) Unsafe condition or act means any condition or act which endangers life or RFGS property.))~~

AMENDATORY SECTION (Amending WSR 98-19-052, filed 9/15/98, effective 10/16/98)

WAC 468-550-040 Requirements for system safety and security plans. (1) Each RFGS shall prepare a system safety and security program plan. Such Plan shall describe the RFGS's procedures for:

(a) Reporting and investigating reportable accidents(~~(;)~~) and unacceptable hazardous conditions~~((, and security breaches))~~;

(b) Submitting corrective action plans and annual safety and security audit reports;

(c) Facilitating ~~((department))~~ on-site safety and security reviews by the department; and

(d) Addressing passenger and employee security.

The plan and any revisions thereto shall, at a minimum, conform to the standard set forth in WAC 468-550-050, be approved by the RFGS's chief executive officer and submitted for departmental review by September 1, ~~((1998))~~ 1999, or within three months prior to beginning operations or instituting revisions to the plan. The RFGS shall not transmit the security portions of its system safety and security program plan to the department. The RFGS shall notify the department of the location and availability of the security portions of its system safety and security program plan.

(2) Each RFGS shall implement and comply with the provisions of its plan and any revisions thereto. Further, should the RFGS change ownership or operating or maintenance providers, the RFGS shall require its successors, assigns, and contractors to continue to comply with the RFGS's established plan and shall notify the department of any change of ownership or operating or maintenance providers within thirty days of the effective date of transfer or contract.

(3) ~~((Each RFGS and the department are prohibited from publicly disclosing or communicating in any way, to unauthorized persons, those security portions of the plan which, if disclosed, may result in an imminent security breach.))~~ The security section of the plan is exempt from public disclosure under chapter 42.17 RCW. Each RFGS may develop procedures to implement this subsection. Completed reports of reportable accidents and unacceptable hazardous conditions, corrective action plans, annual safety and security audit reports, published reviews of the department, published RFGS internal safety and security audits, and notifications of reportable accidents and unacceptable hazardous conditions are not subject to this exemption.

AMENDATORY SECTION (Amending WSR 98-19-052, filed 9/15/98, effective 10/16/98)

WAC 468-550-060 Annual and triennial safety and security audits and reports. (1)(a) Each RFGS shall perform scheduled internal safety and security audits to evaluate compliance with the standard, identify hazardous and risk conditions, and measure the effectiveness of its plan. The RFGS shall ~~((submit to the department))~~ include its internal safety and security audit schedule for the next year ~~((no later than December 15 of the preceding year))~~ with the annual

report required in WAC 468-550-070(5). These audits shall include, but are not limited to:

- (i) Observing work practices and employee performance during system operations;
- (ii) Sampling and inspecting selected system components to verify proper maintenance; and
- (iii) Reviewing RFGS records for all phases of system operations, maintenance, and security.

The RFGS shall select a qualified person(s) or contractor to perform its internal audits and shall notify the department not later than ten days prior to performing the internal audits. The notification shall include date(s) of audit, what is to be audited, and the qualifications of those selected to perform the audit, such qualifications are subject to departmental concurrence. The department may assess the effectiveness of each RFGS audit program; however, any departmental review or concurrence shall not substitute for the RFGS's own safety and security inspection audit programs, nor relieve the RFGS from its sole liability for the safety and security of its system.

(b) Each RFGS, as a basis for its audit process, shall prepare, maintain, and make available for departmental review records that document the results of all tests, inspections, and audits conducted by the RFGS or its contractor in compliance with the plan. These records shall include, but are not limited to:

- (i) Start-up test records;
- (ii) Drug and alcohol test records;
- (iii) Training and certification records;
- (iv) Operation performance evaluation records;
- (v) Facility inspections;
- (vi) Maintenance audits and inspections (all systems and facilities);
- (vii) Rules and procedures review;
- (viii) Emergency response planning, coordination, and training;
- (ix) System modification review and approval process;
- (x) Safety and security data acquisition and analysis;
- (xi) Interdepartmental and interagency coordination;
- (xii) Employee safety and security program;
- (xiii) Hazardous materials program;
- (xiv) Contractor safety coordination; and
- (xv) Procurement records.

These records shall be maintained by the RFGS for a minimum of three years.

(2) Internal safety and security audits shall be documented in an annual report that includes the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity and the results of each audit in terms of the adequacy and effectiveness of the plan. This annual report for the internal safety and security audits performed during the preceding year shall be ~~((submitted to the department prior to February 15 of each year))~~ included with the annual report required in WAC 468-550-070(5).

(3) The department shall audit each RFGS plan at least once every three years. The RFGS shall be given written notification at least thirty days in advance of the department's audit. The notification shall include a proposed schedule,

planned scope, and list of activities to be reviewed for the audit. Each audit shall be preceded by an on-site, preaudit conference attended by the department's audit team, the RFGS's owner, and the RFGS staff in charge of the activities subject to audit. Each audit shall be conducted in accordance with an audit checklist. Checklists shall not restrict the department from performing additional investigations as it deems appropriate. The department shall use as a basis for its checklist the RFGS's plan and records which shall include, but are not limited to:

- (a) The RFGS operating rule book, bulletins, and procedures;
- (b) The RFGS maintenance manuals and procedures for vehicles, track and signals;
- (c) The RFGS procedures for identifying, documenting, evaluating, and correcting hazards;
- (d) The RFGS system design criteria and project engineering procedures for system modifications;
- (e) The RFGS annual internal audit reports for the previous three years;
- (f) The RFGS corrective action plans for reportable accidents(~~(s)~~) and unacceptable hazardous conditions(~~(, and security breaches)~~) reported to the department during the previous three years;
- (g) APTA audit reports;
- (h) National Transportation Safety Board accident investigation reports, and any other agency peer review reports, if any, prepared during the previous three years and previously prepared department audit reports.

(4) Upon the department's completion of the triennial on-site audit, the audit team leader shall prepare a draft final audit report and submit it to the RFGS. The RFGS shall respond, in writing to the recommendations made in the draft final audit report, with a plan and schedule of corrective actions within thirty days of receipt thereof. An on-site, post audit conference shall be held following each departmental audit to review the results of the audit. Audit results that identify a deficiency that is not corrected before the post audit conference is held shall be documented in the final audit report. The final audit report shall contain the department audit team's findings and recommendations and the RFGS plan and schedule for corrective action. The final audit report shall also include the department audit team's evaluation of the effectiveness of the RFGS plan and a determination of whether the plan should be updated.

(5) The department shall summarize oversight activities for all RFGS performed during the preceding twelve months in a publicly available annual report and submit it to the FTA before March 15 of each year.

AMENDATORY SECTION (Amending WSR 98-19-052, filed 9/15/98, effective 10/16/98)

WAC 468-550-070 Notifying of, investigating, and reporting accidents(~~(s)~~) and unacceptable hazardous conditions(~~(, and security breaches)~~). (1) Each RFGS shall notify the department ~~((and the National Transportation Safety Board))~~ by telephone, electronic mail or facsimile within ~~((twenty-four))~~ four hours of ~~((an))~~ the occurrence of ~~((the types of))~~ any reportable accident(~~(s)~~), or discovery of

PROPOSED

~~any unacceptable hazardous condition((s, or security breaches following:~~

- ~~(a) Any event which results in a fatality;~~
- ~~(b) Any event in which an individual suffers bodily injury and receives immediate medical treatment away from the scene;~~
- ~~(c) A collision, derailment, or fire which causes property damage in excess of \$50,000;~~
- ~~(d) Any fire or other hazardous event that requires the evacuation of passengers or requires the fire suppression activities conducted by a fire department;~~
- ~~(e) Any collision between a rail fixed guideway vehicle and a motor vehicle at a gated grade crossing;~~
- ~~(f) Any collision between rail fixed guideway vehicles, or between rail fixed guideway vehicles and other on-track equipment;~~
- ~~(g) Any mainline derailment;~~
- ~~(h) Any hazardous condition which has been identified by the RFGS and which could cause death or serious injury to passengers or employees if not immediately corrected; and~~
- ~~(i) Any security breach that has been identified by the RFGS and which could cause death or serious injury to passengers or employees or may result in the loss of services or equipment if not immediately corrected.~~

~~(2) Each RFGS shall investigate all reportable accidents, unacceptable hazardous conditions, and security breaches. The RFGS may use its own staff or a contractor to conduct its investigation and shall designate a staff person to be responsible for submitting written investigation reports and findings to the department, on a department form, within forty five calendar days after the reportable accident, unacceptable hazardous condition, or security breach was discovered. This report shall identify the causal factors contributing to the occurrence and contain a corrective action plan with an implementation schedule to prevent a recurrence of the accident or breach, or to mitigate the unacceptable hazardous condition. The department shall review the RFGS investigation report, corrective action plan, and accompanying implementation schedule to ensure that it meets the goal of preventing and mitigating a recurrence of the reportable accident, unacceptable hazardous condition, or security breach)). The department shall notify each RFGS of the person to notify and the telephone, electronic mail and facsimile numbers for notification. The notification shall include all of the following details:~~

- ~~(a) Name and title of the person making the notification;~~
- ~~(b) Time and date the notification is transmitted;~~
- ~~(c) Synopsis of what happened, such as, but not limited to: Collision with another RFGS revenue vehicle, derailment, collision with a motor vehicle, collision with a pedestrian, collision with a bicyclist, fire, bomb threat, or hostage-taking;~~
- ~~(d) Specific location of the accident or unacceptable hazardous condition;~~
- ~~(e) Time of the accident or discovery of the unacceptable hazardous condition;~~
- ~~(f) Identification of RFGS vehicle(s) and/or facility involved;~~

(g) Initial number of fatalities and/or individuals who suffered bodily injury and immediately received medical treatment away from the scene of the accident; and

(h) Description of and preliminary value of property damage.

~~(2) The department has authority to perform separate, independent investigations of reportable accidents((;) or unacceptable hazardous conditions((, or security breaches)) at its own discretion. ((In the event that the department does not concur with the findings of the RFGS investigation, the department shall confer with the RFGS of its preliminary review findings. The RFGS may amend its report to the department in writing, within ten calendar days after conferring with the department. If, after conferring with the RFGS, the department does not concur with the findings of the RFGS, the department shall notify the RFGS, in writing, of its review findings. The RFGS shall submit its response to the department's findings within forty five calendar days of receipt thereof. Should the department and the RFGS disagree, the department will notify the FTA.~~

~~(3) Each RFGS shall submit an annual summary report to the department covering all reportable occurrences. The RFGS shall ensure delivery of the annual report to the department no later than the 15th calendar day after the year being reported. The annual summary report shall be submitted whether any reportable event occurred or any hazardous condition or security breach was identified during the previous year.)) (3) Each RFGS shall investigate all reportable accidents and unacceptable hazardous conditions. The RFGS may use its own staff or a contractor to conduct its investigation and shall designate a staff person to be responsible for submitting written investigation reports and findings to the department, on a department form, within forty five calendar days after the reportable accident or unacceptable hazardous condition was discovered. This report shall identify the causal factors contributing to the occurrence and contain a corrective action plan with an implementation schedule to prevent a recurrence of the accident, or to mitigate the unacceptable hazardous condition.~~

~~(4) The department shall review the RFGS investigation report, corrective action plan, and accompanying implementation schedule to ensure that it meets the goal of preventing and mitigating a recurrence of the reportable accident or unacceptable hazardous condition. In the event that the department does not concur with the findings of the RFGS investigation, the department shall confer with the RFGS of its preliminary review findings. The RFGS may amend its report to the department in writing, within ten calendar days after conferring with the department. If, after conferring with the RFGS, the department does not concur with the findings of the RFGS, the department shall notify the RFGS in writing of its review findings. The RFGS shall submit its response to the department's findings within forty-five calendar days of receipt thereof. Should the department and the RFGS disagree, the department will notify the FTA.~~

~~(5) Each RFGS shall submit an annual summary report to the department covering all reportable occurrences. The RFGS shall ensure delivery of the annual report to the department no later than January 15 after the year being reported. The annual summary report shall be submitted whether any~~

reportable event occurred or any unacceptable hazardous condition was identified during the previous year.

NEW SECTION

WAC 468-550-080 Notifying of and applying financial penalties. (1) The due dates for documentation required herein are specified in (a) through (e) of this subsection. The department shall provide a RFGS a written notification of the required due date no later than one month before the applicable due date.

(a) System safety and security program plan by September 1, 1999, or within three months prior to beginning operations;

(b) Internal safety and security audit schedule for the next year by January 15;

(c) Annual report for the internal safety and security audits performed during the preceding year by January 15;

(d) Annual summary report to the department covering all reportable occurrences by January 15;

(e) Written investigation reports and findings within forty-five calendar days after a reportable accident occurred, or unacceptable hazardous condition was discovered.

(2) If any RFGS notified by the department fails to deliver the required documentation by the due date specified in subsection (1) of this section, the department shall schedule a meeting with the director responsible for the RFGS's operations and maintenance to discuss the RFGS's progress in completing the documentation and the potential consequences of further delay. In scheduling this meeting, the department shall notify the RFGS's chief executive officer of the purpose of the meeting and its time and location. The department shall attempt to schedule the meeting within one week of the specified due date.

(a) The department may cancel this meeting if the department receives the required documentation prior to the scheduled meeting.

(b) The department may defer scheduling the meeting in the event of a catastrophic event affecting the RFGS and its ability to conduct routine business.

(c) The department shall document the results of the meeting in writing to the director responsible for the RFGS's operations and maintenance and the RFGS's chief executive officer within one week of the meeting.

(d) Should the department determine that there is no reasonable cause for any further delay by the RFGS for submission of its required documentation, the department shall notify the RFGS's chief executive officer of the applicable financial penalty, as defined in subsection (5) of this section.

(e) If the department receives no further communication from the RFGS within ten calendar days of the notification made in accord with (d) of this subsection, the department shall proceed to notify FTA of the RFGS's failure to supply the required documentation and to apply the appropriate financial penalty in accord with subsection (5) of this section.

(3) If any RFGS delivers incomplete documentation by the required due date, the department shall notify the RFGS of any deficiency within one week. The RFGS shall supplement its required documentation within one week after receiving the department's notification. If the RFGS fails to

supplement its documentation adequately, the department shall proceed to schedule a meeting and follow the procedures in subsection (2) of this section.

(4) If any RFGS fails to implement a corrective action plan, according to the implementation schedule developed pursuant to WAC 468-550-070(4), to prevent a recurrence of an accident or to mitigate an unacceptable hazardous condition, the department shall schedule a meeting with the director responsible for the RFGS's operations and maintenance to discuss the RFGS's progress in completing the corrective action plan and the potential consequences of further delay.

(a) The department may cancel this meeting if the department receives the required documentation prior to the scheduled meeting.

(b) The department may defer scheduling the meeting in the event of a catastrophic event affecting the RFGS and its ability to conduct routine business.

(c) The department shall document the results of the meeting in writing to the director responsible for the RFGS's operations and maintenance within one week of the meeting.

(d) Should the department determine that there is no reasonable cause for a RFGS's failure to implement the corrective action plan, the department shall notify the RFGS's chief executive officer that the department intends to notify FTA of the RFGS's noncompliance.

(e) If the department receives no further communication from the RFGS within ten calendar days of the notification made in accord with (d) of this subsection, the department shall notify FTA of the RFGS's failure to implement a corrective action plan action.

(f) This subsection shall apply also to a corrective action plan upon which the department and the RFGS disagree. In this situation, the department shall use the corrective action plan and implementation schedule proposed by the RFGS.

(5) Any RFGS that fails to comply with the timelines as set forth in this chapter shall be assessed the financial penalties following:

(a) One thousand five hundred dollars for each calendar month beginning October 1999, or two months prior to beginning operations, for failure to deliver to the department an acceptable system safety and security program plan;

(b) Five hundred dollars for each calendar month, beginning with February, for failure to deliver to the department an acceptable:

(i) Internal safety and security audit schedule for the next year;

(ii) Annual report for the internal safety and security audits performed during the preceding year; or

(iii) Annual summary report to the department covering all reportable occurrences; and

(c) One thousand dollars applied each thirty-day period, beginning the 90th day after a reportable accident occurred, or after an unacceptable hazardous condition was discovered for failure to deliver to the department an acceptable investigation report, corrective action plan, and accompanying implementation schedule.

(6) If FTA notifies the department that it will impose a financial penalty on the state of Washington as a consequence of a RFGS's failure to take appropriate action in a safety or security situation, the department shall:

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(a) Notify that RFGS's chief executive officer that the department will impose all FTA financial penalties to that RFGS if the RFGS fails to take adequate action to bring itself into compliance to FTA's satisfaction. Said notice shall include a copy of FTA's written communication and an estimate of FTA's financial penalty.

(b) Recommend steps to the RFGS' chief executive officer that the RFGS should take to bring it into compliance with FTA requirements.

(7) Any RFGS notified by the department of its failure to take appropriate action in a safety or security situation shall take immediate and adequate action to bring itself into compliance to FTA's satisfaction and provide adequate documentation to the department of its corrective measures. The department shall provide that documentation to FTA.

(8) If any RFGS notified by the department of its failure to take appropriate action in a safety or security situation also fails to respond to the department and FTA imposes a financial penalty on the state of Washington as a consequence, the department shall apply the full amount of the financial penalty on the RFGS.

(9) In applying any financial penalty, the department shall take the following steps:

(a) Invoice the RFGS for the amount of financial penalty; the invoice shall identify:

(i) The documentation not received by the specified due date;

(ii) The number of calendar months or, for failure to deliver to the department an acceptable investigation report, corrective action plan, and accompanying implementation schedule, thirty-day periods past the specified due date;

(iii) The applicable financial penalty rate per calendar month or, for failure to deliver to the department an acceptable investigation report, corrective action plan, and accompanying implementation schedule, thirty-day periods; and

(iv) Where payment should be made.

(b) If a RFGS fails to remit the full amount of the imposed financial penalty within sixty days of when due, the department may seek judicial enforcement to recover full payment. Venue for any action hereunder shall be Thurston County.

WSR 99-15-031
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed July 14, 1999, 8:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-08-086.

Title of Rule: Repealing WAC 236-12-065 Camping; and amending WAC 236-12-470 Prohibiting access to state capitol buildings and grounds while armed with dangerous weapons or with devices used to disrupt state business and 236-12-500 Violations unlawful.

Purpose: To improve rules relating to capitol campus activities.

Statutory Authority for Adoption: RCW 43.17.060, 43.19.125, 46.08.150.

Summary: The proposal removes the current penalties as they relate to violations of capitol grounds rules because the current penalties are inapplicable. The proposed rule would put potential violators on notice that any violation of the rules subjects them to removal by WSP campus detachment. It also removes the authority from the director of the Department of General Administration to authorize anyone to carry a dangerous weapon on campus because this authority is unnecessary.

Reasons Supporting Proposal: The Washington State Patrol is responsible for enforcing these rules and they favor the proposed changes.

Name of Agency Personnel Responsible for Drafting: Cindy L. Runger, 200 General Administration Building, (360) 902-7208; Implementation and Enforcement: Marsha Tadano Long, 200 General Administration Building, (360) 902-7202.

Name of Proponent: The Department of General Administration, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal removes the current penalties as they relate to violations of capitol grounds rules because the current penalties are inapplicable. The proposed rule would put potential violators on notice that any violation of the rules subjects them to removal by WSP campus detachment. It also removes the authority from the director of the Department of General Administration to authorize anyone to carry a dangerous weapon on campus because this authority is unnecessary.

Proposal Changes the Following Existing Rules: See above explanation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of General Administration, Executive Conference Room, 210 West 11th Avenue, Olympia, WA 98504-1000, on August 24, 1999, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Carol Maher by August 20, 1999, TDD (360) 664-3799, or (360) 902-7210.

Submit Written Comments to: Cindy L. Runger, 200 General Administration Building, P.O. Box 41000, Olympia, WA 98504-1000, fax (360) 586-5898, by August 20, 1999.

Date of Intended Adoption: August 24, 1999.

July 12, 1999
Cindy L. Runger
Rules Coordinator

AMENDATORY SECTION (Amending Order 81-1, filed 5/7/81)

WAC 236-12-470 Prohibiting access to state capitol buildings and grounds while armed with dangerous weapons or with devices used to disrupt state business.
(~~Unless otherwise permitted in advance by the director of the department of general administration,~~) No person shall

carry any firearm or other dangerous weapon on the state capitol grounds or in any building on the state capitol grounds: Provided, That this regulation shall not apply to duly authorized federal, state, and local law enforcement officers or to any federal, state, and local government employee authorized to carry firearms in the course of their public employment; nor shall any person carry into any building on the state capitol grounds any voice-amplification equipment, blow horns, sirens, or other similar noise-producing devices which may be used to disrupt the conduct of state business by state employees.

AMENDATORY SECTION (Amending Order 78-3, filed 4/7/78)

WAC 236-12-500 Violations unlawful. A violation of any of these regulations is unlawful (~~and constitutes a misdemeanor as provided in RCW 46.08.170~~). All violators are subject to removal from the state capitol grounds by Washington state patrol capitol detachment.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 236-12-065 Camping.

**WSR 99-15-032
WITHDRAWAL OF PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY**

[Filed July 14, 1999, 9:02 a.m.]

This letter is notification that the PSAPCA board of directors has elected to withdraw two of the sections (Regulation II, Section 2.05 and Section 2.06) of the subject proposal, which was filed as WSR 99-13-152 on June 21, 1999, as a continuance of WSR 99-10-097.

If you have any questions, please contact (206) 689-4050.

David S. Kircher
Manager - Engineering

**WSR 99-15-043
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Health and Rehabilitative Services Administration)
(Division of Developmental Disabilities)

[Filed July 15, 1999, 10:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-10-063.

Title of Rule: Division of Developmental Disabilities (DDD) individual provider qualifications rules.

WAC 388-825-020 Definitions.

WAC 388-825-260 Qualifications for individual service providers.

WAC 388-825-262 What services do individuals provide for persons with developmental disabilities?

WAC 388-825-264 If I want to provide services to persons with developmental disabilities, what do I do?

WAC 388-825-266 If I want to provide respite care in my home, what is required?

WAC 388-825-268 What is required for agencies wanting to provide care in the home of a person with developmental disabilities?

WAC 388-825-270 Are there exceptions to the licensing requirements?

WAC 388-825-272 What are the minimum requirements to become an individual provider?

WAC 388-825-276 What are required skills and abilities for this job?

WAC 388-825-278 Are there any educational requirements for individual providers?

WAC 388-825-280 What are the requirements for an individual supportive living service (also know as a companion home) contract?

WAC 388-825-282 What is "abandonment of a vulnerable adult"?

WAC 388-825-284 Are providers expected to report abuse?

Purpose: Establishes qualifications for contracting with DDD to provide services to persons with developmental disabilities.

Statutory Authority for Adoption: RCW 71A.12.030 and 71A.12.040.

Statute Being Implemented: RCW 71A.12.030 and 71A.12.040.

Summary: Division of Developmental Disabilities needs to establish basic qualifications for individual providers of services. Other parts of the department have established similar types of rules. DDD needs to establish qualifications to ensure equitable treatment of individuals applying to provide support to persons with developmental disabilities and to establish expectations for these persons in the performance of their duties after they are contracted. These WAC are numbered in the Title 388 WAC, since all DSHS WACs are being moved to that title.

Reasons Supporting Proposal: Clarifies qualifications of applicants.

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

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes qualifications for individual providers of service. It covers the required skills and abilities necessary to provide the service. The requirements for a

PROPOSED

companion home contract are outlined and expectations around reporting of abuse and abandonment are described.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no appreciable cost to small business.

RCW 34.05.328 applies to this rule adoption. A memorandum delineating costs and benefits has been developed. To obtain a copy contact Rita Dickey at P.O. Box 45310, Olympia, WA 98504.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on August 24, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by August 13, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by August 24, 1999.

Date of Intended Adoption: September 10, 1999.

July 7, 1999

Edith M. Rice

for Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-04-071, filed 9/30/98 [2/1/99], effective 10/7/98 [3/4/99])

WAC 275-27-020 Definitions. "Abandonment" means action or inaction by a person or entity with a duty to care a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Adolescent" means a DDD eligible child age thirteen through seventeen years.

"Attendant care" means provision of physical and/or behavioral support to protect the safety and well being of a client.

"Best interest" includes, but is not limited to, client-centered benefits to:

- (1) Prevent regression or loss of skills already acquired;
- (2) Achieve or maintain economic self-support;
- (3) Achieve or maintain self-sufficiency;
- (4) Prevent or remedy neglect, abuse, or exploitation of individuals unable to protect their own interest;
- (5) Preserve or reunite families; and
- (6) Provide the least-restrictive setting that will meet the person's medical and personal needs.

"Client or person" means a person the division determines under RCW 71A.16.040 and WAC 275-27-026 eligible for division-funded services.

"Community support services" means one or more of the services listed in RCW 71A.12.040 including, but not limited to the following services: Architectural, case management, early childhood intervention, employment, counseling, family support, respite care, information and referral, health services and equipment, therapy services, and residential support.

"Department" means the department of social and health services of the state of Washington.

"Director" means the director of the division of developmental disabilities.

"Division or DDD" means the division of developmental disabilities of the department of social and health services.

"Emergency" means a sudden, unexpected occurrence demanding immediate action.

"Exemption" means the department's approval of a written request for an exception to a rule in this chapter.

"Family" means individuals, of any age, living together in the same household and related by blood, marriage, adoption or as a result of sharing legal custody of a minor child.

"Family resources coordinator" means the person who is:

- (1) Recognized by the IDEA Part C lead agency; and
- (2) Responsible for:
 - (a) Providing family resources coordination;
 - (b) Coordinating services across agencies; and
 - (c) Serving as a single contact to help families receiving assistance and services for their eligible children who are under three years of age.

"ICF/MR" means a facility certified as an intermediate care facility for the mentally retarded by Title XIX to provide services to the mentally retarded or persons with related conditions.

"ICF/MR Eligible" for admission to an ICF/MR means a person is determined by DDD as needing active treatment as defined in CFR 483.440. Active treatment requires:

- (1) Twenty-four hour supervision; and
- (2) Continuous training and physical assistance in order to function on a daily basis due to deficits in the following areas: Toilet training, personal hygiene, dental hygiene, self-feeding, bathing, dressing, grooming, and communication.

"Individual" means a person applying for services from the division.

"Individual alternative living" means provision of community-based individualized client training, assistance and/or ongoing support to enable a client to live as independently as possible with minimal services.

"Individual supportive living service" (also known as companion home) means provision of twenty-four hour residential support in a nonlicensed home for one adult person with developmental disabilities.

"Intelligence quotient score" means a full scale score on the Wechsler, or the intelligence quotient score on the Stanford-Binet or the Leiter International Performance Scale.

"Medicaid personal care" is the provision of medically necessary personal care tasks as defined in chapter 388-15 WAC.

"Nonresidential programs" means programs including, but not limited to, county-funded habilitation services.

"Nursing facility eligible" means a person is assessed by DDD as meeting the requirements for admission to a licensed nursing home as defined in WAC 388-97-235. The person must require twenty-four hour care provided by or under the supervision of a licensed nurse.

"Other resources" means resources that may be available to the client, including but not limited to:

- (1) Private insurance;
- (2) Medicaid;
- (3) Indian health care;
- (4) Public school services through the office of the superintendent of public instruction; and
- (5) Services through the department of health.

"Part C" means early intervention for children from birth through thirty-five months of age as defined in the Individuals with Disabilities Education Act (IDEA), Part C and 34 CFR, Part 303 and Washington's federally approved grant.

"Residential habilitation center" or "RHC" means a state-operated facility certified to provide ICF/MR and/or nursing facility level of care for persons with developmental disabilities.

"RHC capacity" means the maximum number of eligible persons that can reside in a residential habilitation center without exceeding its 1997 legislated budgeted capacity.

"Residential programs" means ~~((programs providing domiciliary care or other residential services, including, but not limited to, state residential facilities, group homes, nursing facilities, ICF/MRs, tenant support services, congregate care facilities, boarding homes, children's foster homes,))~~ provision of support for persons in community living situations. Residential programs include DDD certified community residential services and support, both facility-based such as licensed group homes, and non-facility based, i.e., supportive living, intensive tenant support, and state-operated living alternatives (SOLA). Other residential programs include intensive individual supportive living services, adult family homes, ((and group training)) adult residential care services, nursing homes, and children's foster homes.

"Respite care" means temporary residential services provided to a person and/or the person's family on an emergency or planned basis.

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

"Vacancy" means an opening at a RHC, which when filled, would not require the RHC to exceed its 1997 biannually budgeted capacity, minus:

- (1) Twenty-six beds designated for respite care use; and
- (2) Any downsizing related to negotiations with the Department of Justice regarding community placements.

"Vulnerable adult" means a person who has a developmental disability as defined under RCW 71A.10.020.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

NEW SECTION

WAC 388-825-260 Qualifications for individual service providers. The following rules establish qualifications for:

- (1) Persons whom DDD pays to provide services to individuals with developmental disabilities including children; and
- (2) Agencies contracted to provide services in the home of the DDD client.

NEW SECTION

WAC 388-825-262 What services do individuals provide for persons with developmental disabilities? Individual providers contract directly with DDD to provide services such as respite care, Medicaid personal care, attendant care, individual alternative living and companion home services.

NEW SECTION

WAC 388-825-264 If I want to provide services to persons with developmental disabilities, what do I do? You must contact your local DDD office and ask for a contract application package.

NEW SECTION

WAC 388-825-266 If I want to provide respite care in my home, what is required? All out-of-home respite care funded through DDD must take place in a licensed home unless you meet criteria listed in the "exemption" section below (WAC 275-27-270). You must have a child foster care, family day care, or adult family home license.

NEW SECTION

WAC 388-825-268 What is required for agencies wanting to provide care in the home of a person with developmental disabilities? Agencies must be a certified home care agency or a home health agency licensed through the department of health.

NEW SECTION

WAC 388-825-270 Are there exceptions to the licensing requirement? Relatives of a specified degree are exempt from the licensing requirement and may provide out-of-home respite in their home. Relatives of specified degree include parents, grandparents, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, first cousin, niece or nephew (WAC 388-76-030).

In addition, RCW 70.128.010 defines adult family home as "more than one, not more than six unrelated adults." If the person requiring out-of-home respite or attendant care is an adult, care may be provided in the nonrelative provider's home without an adult family home license when:

- (1) Care is provided for no more than one unrelated person at a time; and
- (2) The person or his/her legal guardian signs a statement saying they have seen the home where care will be provided and think it is an appropriate place for the care of the adult. If the person does not have a legal guardian, the parent or other relative with whom the person resides may sign a statement.

NEW SECTION

WAC 388-825-272 What are the minimum requirements to become an individual provider? (1) Be at least eighteen years of age;

- (2) Successfully pass a criminal history background check;

(3) Not be the spouse of the client receiving services or the natural/step/adoptive parent of a child age seventeen or younger;

(4) Have no findings of fact or conclusions of law or agreed orders related to abuse, neglect, financial exploitation or abandonment of a minor or vulnerable adult, as defined in RCW 74.39A.050(8);

(5) Have not had a child foster care, daycare, adult family home or other license issued by the department of social and health services (DSHS) revoked, denied, suspended or terminated for noncompliance with state and federal regulations. Any existing contracts you hold with DDD will be terminated for cause if such an action exists;

(6) Be able to prove you can work in the United States, provide a social security card or official picture identification;

(7) Provide three satisfactory references, unless you are a relative or a Medicaid personal care provider. References are checked prior to the issuance of the initial contract; and

(8) At DDD discretion, a waiver of references may be granted under the following conditions:

(a) The service provider is recruited to provide service exclusively to a specific person;

(b) A request to waive references is submitted in writing by the person, his or her parents, or legal guardian.

NEW SECTION

WAC 388-825-276 What are required skills and abilities for this job? You must be able to:

(1) Adequately maintain records of services performed and payments received;

(2) Read and understand the person's service plan. Translation services may be used if needed;

(3) Be kind and caring to the DSHS client for whom services are authorized.

(4) Identify problem situations and take the necessary action;

(5) Respond to emergencies without direct supervision;

(6) Understand the way your employer wants you to do things and carry out instructions;

(7) Work independently;

(8) Be dependable and responsible;

(9) Know when and how to contact the client's representative and the client's case manager;

(10) Participate in any quality assurance reviews required by DSHS.

(11) If you are working with an adult client of DSHS as an individual alternative living, attendant care or individual supportive living provider, you must also:

(a) Be knowledgeable about the person's preferences regarding the care provided;

(b) Know the resources in the community the person prefers to use and enable the person to use them;

(c) Know who the person's friends are and enable the person to see those friends; and

(d) Enable the person to keep in touch with his/her family as preferred by the person.

NEW SECTION

WAC 388-825-278 Are there any educational requirements for individual providers? Training is mandated only for Medicaid personal care providers of adults (WAC 388-15-19650 through 388-15-19680). DSHS retains the authority to require training of any provider.

NEW SECTION

WAC 388-825-280 What are the requirements for an individual supportive living service (also known as a companion home) contract? (1) General knowledge of acceptable standards of performance, including the necessity to be dependable, report punctually, maintain flexibility and to demonstrate kindness and caring to any DSHS client for whom services are authorized.

(2) A clean, safe and healthful environment must be available for the client, including:

(a) A telephone the client can use;

(b) A flashlight or other nonelectrical light source in working condition;

(c) Basic first aid supplies;

(d) An evacuation plan;

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

(f) Unblocked exits;

(g) Accessibility by customary forms of ingress and egress for space used for residential purposes; and

(h) Smoke alarms in the residence.

NEW SECTION

WAC 388-825-282 What is "abandonment of a vulnerable adult"? State law makes it a crime to abandon a vulnerable adult. "Abandon" means leaving a person without the means or ability to obtain any of the basic necessities of life. If you wish to "quit" or terminate your employment, you must give at least two weeks written notice to your employer, their representative (if applicable) and the DDD case manager. You will be expected to continue working until the termination date unless otherwise determined by DSHS.

NEW SECTION

WAC 388-825-284 Are providers expected to report abuse? Yes. You are expected to report any abuse or suspected abuse immediately to child protective services, adult protective services or local law enforcement and make a follow-up call to the person's case manager.

NEW SECTION

The following section of the Washington Administrative Code, as amended, is recodified as follows:

Old WAC Number	New WAC Number
275-27-020	388-825-020

PROPOSED

WSR 99-15-044
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed July 15, 1999, 10:24 a.m.]

Date of Intended Adoption: August 26, 1999.

July 14, 1999

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-07-103.

Title of Rule: WAC 388-478-0075 Medical programs—Monthly income standards and 388-478-0085 Medicare cost-sharing programs.

Purpose: Implements the increased standards for the federal poverty level, which was effective April 1, 1999.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Statute Being Implemented: Poverty guidelines updated annually in the federal register under authority of Section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)).

Summary: These amendments increase the monthly income standards for children, pregnant women and for people participating in the Medicare cost-sharing programs.

Reasons Supporting Proposal: To amend state rules to implement the increased standards for the federal poverty level.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, Mailstop 45530, Olympia, WA 98504-5530, (360) 753-7462.

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

Rule is necessary because of federal law, Section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)).

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. This proposed rule has no impact on small businesses. It affects eligibility for medical assistance programs.

RCW 34.05.328 does not apply to this rule adoption. These proposed rules implement federal standards. RCW 34.05.328 (5)(b)(vii) exempts DSHS rules that apply to eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on August 24, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by August 10, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by August 24, 1999.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-478-0075 ~~Medical programs—~~Monthly income standards ~~((for)) based on the federal poverty level ((income based programs)) (FPL).~~ (1) ~~The department bases the income ((eligibility)) standard upon the Federal Poverty Level (FPL) for the following medical programs ((is based upon the Federal Poverty Level (FPL) as established by the U.S. Department of Labor and updated annually)):~~

(a) Children's health program is one hundred percent of FPL~~((;))~~;

(b) Pregnant women's program is one hundred eighty-five percent of FPL~~((, and))~~;

(c) Children's categorically needy program is two hundred percent of FPL; ~~and~~

(d) The children's health insurance program (CHIP), effective January 1, 2000, is over two hundred percent of FPL but under two hundred fifty percent of FPL.

(2) ~~((The FPL is effective as of))~~ Beginning April 1, ((1998-)) 1999, the monthly FPL standards are:

FAMILY SIZE	100% FPL	185% FPL	200% FPL	250% FPL
1	(\$((674)) 687	(\$((1242)) 1271	(\$((1342)) 1374	\$1717
2	(\$((905)) 922	(\$((1673)) 1706	(\$((1809)) 1844	\$2305
3	(\$((1138)) 1157	(\$((2105)) 2140	(\$((2275)) 2314	\$2892
4	(\$((1371)) 1392	(\$((2537)) 2575	(\$((2742)) 2784	\$3480
5	(\$((1605)) 1627	(\$((2968)) 3010	(\$((3209)) 3254	\$4067
6	(\$((1838)) 1862	(\$((3400)) 3445	(\$((3675)) 3724	\$4655
7	(\$((2071)) 2097	(\$((3832)) 3879	(\$((4142)) 4194	\$5242
8	(\$((2305)) 2332	(\$((4263)) 4314	(\$((4609)) 4664	\$5830
9	(\$((2538)) 2567	(\$((4695)) 4749	(\$((5075)) 5134	\$6417
10	(\$((2771)) 2802	(\$((5127)) 5184	(\$((5542)) 5604	\$7005

Add to the ten person standard for each person over ten:
~~(\$((234))~~ 235 ~~(\$((432))~~ 435 ~~(\$((467))~~ 470 \$588

(3) There are no resource limits for the programs under this section.

PROPOSED

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-478-0085 Medicare cost sharing programs—Monthly income and countable resources standards. (1) The qualified Medicare beneficiary (QMB) program income standard is ~~((based upon))~~ one hundred percent of the Federal Poverty Level (FPL). Beginning April 1, ~~((1998, this))~~ 1999, the QMB program's income standards are:

- (a) One person \$ ~~((674))~~ 687
- (b) Two persons \$ ~~((905))~~ 922

(2) The special low-income Medicare beneficiary (SLMB) program income standard is over one hundred percent of ~~((the))~~ FPL, but under one hundred twenty percent of ~~((the))~~ FPL. Beginning April 1, ~~((1998, this))~~ 1999, the SLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$ ((674.01)) <u>687.01</u>	\$ ((805)) <u>824</u>
(b) Two persons	\$ ((905.01)) <u>922.01</u>	\$ ((1085)) <u>1106</u>

(3) The expanded special low-income Medicare beneficiary (ESLMB) program income standard is over one hundred twenty percent of ~~((the))~~ FPL, but under one hundred thirty-five percent of ~~((the))~~ FPL. Beginning April 1, ~~((1998, this))~~ 1999, the ESLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$ ((805.01)) <u>824.01</u>	\$ ((906)) <u>927</u>
(b) Two persons	\$ ((1085.01)) <u>1106.01</u>	\$ ((1224)) <u>1245</u>

(4) The qualified disabled working individual (QDWI) program income standard is standard is based upon two hundred percent of ~~((the))~~ FPL. Beginning April 1, ~~((1998, this))~~ 1999, the QDWI program's income standards are:

- (a) One person \$ ~~((1342))~~ 1374
- (b) Two persons \$ ~~((1809))~~ 1844

(5) The qualified individual (QI) program income standard is over one hundred thirty-five percent of ~~((the))~~ FPL, but under one hundred seventy-five percent of ~~((the))~~ FPL. Beginning April 1, ~~((1998 this))~~ 1999, the QI program's income standards are:

	Minimum	Maximum
(a) One person	\$ ((906.01)) <u>927.01</u>	\$ ((1174)) <u>1202</u>
(b) Two persons	\$ ((1221.01)) <u>1245.01</u>	\$ ((1583)) <u>1613</u>

(6) The ~~((countable))~~ resource standard~~((s))~~ for ~~((all of))~~ the Medicare cost sharing programs in this section~~((s are the same. These resource standards are))~~ is:

- (a) One person \$4000
- (b) Two persons \$6000

WSR 99-15-048
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 15, 1999, 3:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-11-061.

Title of Rule: State funding for three school district learning improvement days.

Purpose: Rules implement the state salary allocation formula for school district certificated instructional staff as defined in the 1999-2001 State Operating Appropriations Act. Rules determine how school districts can qualify for funding for up to three additional days.

Other Identifying Information: Rules were adopted as "Emergency Rules" on June 1, 1999.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: Section 503(7), chapter 309, Laws of 1999.

Summary: In order to receive state salary allocations for three additional "learning improvement days," a school district must add three days to the base contract for certificated instructional staff.

Reasons Supporting Proposal: Rules are necessary to interpret and apply legislative requirements.

Name of Agency Personnel Responsible for Drafting: Ben Gravely, Office of Superintendent of Public Instruction, (360) 753-2298; Implementation: Allen Jones, Office of Superintendent of Public Instruction, (360) 753-2298; and Enforcement: Michael Bigelow, Office of Superintendent of Public Instruction, (360) 753-2298.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: A "learning improvement day" is defined as a scheduled work day during the school year for the purpose of improving student learning and implementing education reform. In order to receive state salary allocations for three learning improvement days a school district must add at least [no number supplied by agency] days to the base contract for certificated instructional staff in state-funded programs. Learning improvement days must be used for specified activities. Activities must be consistent with district and school plans for improving student learning. District may request review and adjustment to the superintendent's calculations. School districts must report annually on the activities conducted on learning improvement days. Rules take effect for the 1999-2000 school year.

Proposal Changes the Following Existing Rules: The definition of "school year" is amended to permit activities

PROPOSED

before September 1 to be included in the ensuing school year if activities are in preparation for the school year and included in employee contracts for the ensuing school year.

Budgeting and accounting rules are modified to permit costs for activities before September 1 to be included in expenditures for the ensuing school year.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule has no impact on small business.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Brouillet Conference Room, 4th Floor, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, on September 7, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by August 24, 1999, TDD (360) 664-3631, or (360) 753-6758.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by September 6, 1999.

Date of Intended Adoption: September 8, 1999.

July 15, 1999

Terry Bergeson
Superintendent of
Public Instruction

Learning Improvement Days

NEW SECTION

WAC 392-140-950 Learning improvement days—

Applicable provisions. The provisions of WAC 392-140-950 through 392-140-967 govern state funding for up to three learning improvement days for certificated instructional staff in the 1999-2000 school year and thereafter.

NEW SECTION

WAC 392-140-951 Learning improvement days—

Purpose. These rules determine eligibility for state funding and establish guidelines for the use of learning improvement days. The purpose of these days is to expand the state-funded school year for certificated instructional staff. These additional days will provide time for teachers, other certificated instructional staff, and administrators to work together to plan and implement education reforms designed to increase student achievement.

NEW SECTION

WAC 392-140-955 Learning improvement days—

Definition—Learning improvement day. As used in this chapter "learning improvement day" means a scheduled work day during the school year for certificated instructional staff funded by the state for the purpose of improving student learning and implementing education reform.

(1) A learning improvement day is a scheduled work day on a district or school calendar.

(2) The length of a learning improvement day shall not be less than the length of a full work day for certificated

instructional staff on a school day during the school year: Provided, That two half days may be scheduled in lieu of one full learning improvement day if the combined work hours equal or exceed hours in a full learning improvement day.

(3) No learning improvement day, or half day, shall be scheduled on a school day as defined in WAC 392-121-033.

(4) A school district may schedule learning improvement days for different school buildings or groups of employees on different calendar days.

NEW SECTION

WAC 392-140-956 Learning improvement days—

Other definitions. As used in WAC 392-140-950 through 392-140-967:

(1) "Certificated instructional staff" means district certificated instructional employees and contractor certificated instructional employees as defined in WAC 392-121-205 and 392-121-206.

(2) "Base contract" means a contract protected by the continuing contract law, RCW 28A.405.300. The base contract does not include hours or compensation provided under a supplemental contract as defined in RCW 28A.400.200.

(3) "Number of days in the base contract" means the number of full work days in the school year for a full-time certificated instructional employee holding the position for the full school year. Days include paid leave. The number of hours in a full work day is determined by each school district. Days scheduled before September 1 can be counted in the school year if included and compensated in the base contract for the school year beginning September 1.

(4) "Selected state-funded programs" means the following programs as defined in the *Accounting Manual for Public School Districts in the State of Washington*:

- 01 Basic Education
- 21 Special Education-Supplemental-State
- 31 Vocational-Basic-State
- 45 Skills Center-Basic-State
- 55 Learning Assistance Program-State
- 65 Transitional Bilingual-State
- 74 Highly Capable
- 94 Instruction Support
- 97 District-wide Support

(5) "State institutional education programs" means the following programs:

- 26 Special Education-Institutions-State
- 56 State Institutions, Centers, and Homes-Delinquent

NEW SECTION

WAC 392-140-957 Learning improvement days—

Allowable activities. Activities that may be conducted on learning improvement days include: Developing and updating student learning improvement plans; implementing curriculum materials and instructional strategies; providing professional development to implement the selected curricula and instruction; developing and implementing assessment strategies and training in assessment scoring; and conducting other activities intended to improve student learning for all students, including students with diverse needs. Activities

PROPOSED

shall be consistent with district and school plans for improving student learning. District and school plans shall delineate how the learning improvement days will be used to assist students in meeting the essential academic learning requirements and help the district or school achieve state and local accountability goals. Plans shall be made available to the public and to others upon request.

NEW SECTION

WAC 392-140-960 Learning improvement days—Determination of the number of days in the base contract in the 1998-99 school year. The superintendent of public instruction shall separately determine for selected state-funded programs and state institutional education programs the number of days in the base contract for each school district for the 1998-99 school year as follows:

- (1) Using personnel data reported on the S-275 Personnel Report as of April 1999, select all certificated instructional staff with assignments in the programs.
- (2) Exclude staff with administrative assignments if the assignment percent is greater than zero.
- (3) Determine if eighty percent or more of remaining staff have the same number of days reported in the base contract.
 - (a) If so, use this number.
 - (b) If not, average the number of days for all staff in the calculation and use the result.

NEW SECTION

WAC 392-140-961 Learning improvement days—Determination of the number of funded learning improvement days in the 1999-2000 school year and thereafter. The superintendent of public instruction shall separately determine for selected state-funded programs and for institutional education programs the number of funded learning improvement days for each school district for the 1999-2000 school year and for each school year thereafter as follows:

- (1) In September through December of each school year, the superintendent will use the number of learning improvement days budgeted by the district and reported on Form F-203.
- (2) Monthly, beginning in January of the school year, using current personnel data reported on the S-275 Personnel Report:
 - (a) Select all certificated instructional staff with assignments in the programs.
 - (b) Exclude staff with administrative assignments if the assignment percent is greater than zero.
 - (c) For each employee, from the number of days reported in the base contract, subtract the district's number of days in the base contract for the 1998-99 school year.
 - (d) Take the lesser of three days or the result of (c) of this subsection but not less than zero.
 - (e) Sum the number of days determined for all employees pursuant to (c) and (d) of this subsection.
 - (f) Divide the result of (e) of this subsection by the number of employees and round to two decimal places.

(g) The result is the number of funded learning improvement days for the district.

NEW SECTION

WAC 392-140-962 Learning improvement days—Salary allocations for learning improvement days. Using the number of learning improvement days determined pursuant to WAC 392-140-961, the superintendent of public instruction shall adjust salary allocations to school districts as follows:

- (1) For general apportionment, the derived base salary allocation for learning improvement days as shown on LEAP Document 12E shall be reduced pro rata for any district with less than three learning improvement days in selected state-funded programs.
- (2) Special education allocations shall be adjusted based on adjustments to the unenhanced basic education allocation per full-time equivalent student.
- (3) For transitional bilingual, highly capable, and learning assistance program allocations, the additional state allocation per pupil for three learning improvement days as calculated by the superintendent shall be reduced pro rata for any district with less than three learning improvement days in selected state-funded programs.
- (4) For state institutional education programs the salary allocation for three learning improvement days as calculated by the superintendent shall be reduced pro rata for any district with less than three learning improvement days in state institutional education programs.
- (5) The superintendent shall reduce or eliminate a district's allocations for learning improvements days if the district fails to report as required by WAC 392-140-967, or if the district's report indicates that the activities provided during learning improvement days do not meet the requirements of WAC 392-140-957.

NEW SECTION

WAC 392-140-965 Learning improvement days—School district requests for review and adjustment. A school district may at any time request that the superintendent of public instruction review and adjust data and calculations used to determine funding for learning improvement days pursuant to this chapter.

- (1) Requests for adjustment to the number of days in the base contract in the 1998-99 school year shall be considered if the district shows that:
 - (a) The April 1999 S-275 data or calculations were in error;
 - (b) The district reported days in the base contract for services beyond the regular school calendar for a full-time certificated instructional employee of the district;
 - (c) The district had a signed multiyear collective bargaining agreement in April 1999 to reduce the number of days in the base contract in subsequent years; or
 - (d) Other bona fide adjustments are necessary.
- (2) Requests for adjustment to the number of learning improvement days provided in the 1999-2000 school year and thereafter shall be considered if the district shows that the

data or calculations are in error, or other bona fide adjustments are necessary.

(3) Requests for adjustment shall be accompanied by the relevant pages of a signed collective bargaining agreement stating the number of days in the base contract in the school district.

NEW SECTION

WAC 392-140-967 Learning improvement days—School district reporting requirements. School districts receiving funding for learning improvement days shall report annually to the superintendent of public instruction according to the superintendent's instructions. The report shall show the number of learning improvement days provided by the district and describe the activities on those days.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-031 Definition—School year. As used in this chapter, "school year" means the annual period commencing on the first day of September of one calendar year and ending the last day of August of the ~~((next))~~ ensuing calendar year: Provided, That for those school districts commencing basic education program~~((s))~~ prior to ~~((the))~~ September 1, ~~((school days scheduled prior to September 1))~~ the following activities shall be considered to be within the school year that commences September 1.

(1) School days scheduled prior to September 1; and

(2) Staff days and activities in preparation for the school year included in employee contracts for the school year, but occurring before September 1.

AMENDATORY SECTION (Amending Order 85-3, filed 7/24/85)

WAC 392-123-047 Definitions—Revenue, accrual basis expenditures, cash basis expenditures, appropriation, and disbursements. As used in this chapter, the term:

(1) "Revenue" shall mean an addition to assets of a fund of a school district during a fiscal period that is available to finance the funds' expenditures during the fiscal period. Revenue does not accompany the increase of liabilities or represent refunds of previous disbursements. Revenue may be in the form of cash, or in the form of noncash assets such as donated commodities. Revenue for accrual basis expenditure funds is limited to amounts received in cash or noncash donations, plus or minus adjustments for revenue accruals.

(2) "Cash basis revenue" shall mean the actual receipt of revenue not adjusted for revenue accruals.

(3) "Revenue accruals" shall mean those revenues which are (a) anticipated to be received in cash after the close of the fiscal period and (b) represent reimbursement for expenditures incurred by the end of the fiscal period. In order for revenue to be included in revenue accruals, it must meet the above tests.

Revenue accruals, if they meet both tests include: Reimbursements on categorical grants for which expenditures have been made but payment has not been received; pay-

ments from other school districts that are due, but are not collected by the end of the fiscal period; deferrals of apportionment payments by the state when a deferral occurs because of district request or state mandate, and the revenue is due to the district; and rental or lease payments that are currently due, and there is reasonable assurance of payment.

Revenue that cannot be accrued because it does not meet the above tests includes: Collection of excess levies not expected to be received until after the end of the fiscal period and PL 874 funds that are to be received in cash in the following fiscal period, i.e. the twenty-five percent payment that is received after the end of the fiscal period.

(4) "Expenditures" shall mean the decrease in assets with no corresponding decrease in liabilities, or the increase in liabilities with no corresponding increase in assets. Expenditures for activities prior to September 1, but within the school year as defined in WAC 392-121-031, are considered expenditures of the school year commencing September 1.

(5) "Expenditure refunds" shall mean the increase in assets with a corresponding decrease in expenditures.

(6) "Revenue refunds" shall mean the increase in liabilities with a corresponding decrease in revenues.

(7) "Liabilities" shall mean debt or other legal obligations arising out of transactions in the past which are payable but not necessarily due.

(8) "Accrual basis expenditures" shall mean expenditures incurred during a given fiscal period, whether paid or unpaid.

(9) "Cash basis expenditures" shall mean the disbursement of cash for expenditures during a given fiscal period regardless of when liabilities are incurred, and the disbursement of inventory.

(10) "Appropriation" shall mean the maximum authorization during a given fiscal period to incur expenditures.

(11) "Disbursements" shall mean payments in cash, including the issuance of warrants, and the disbursement of inventory.

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-049 Basis of budgeting and accounting. All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting, and financial reporting:

(1) Recognize revenue as defined in WAC 392-123-047: Provided, That school districts that elect the cash basis of expenditure recognition as defined below shall recognize revenue on the cash basis.

(2) Recognition of expenditures for all funds shall be on the accrual basis: Provided, That school districts with under one thousand full time equivalent students for the preceding fiscal year may make a uniform election for all funds, except debt service funds, to be on the cash basis of expenditure recognition. Notification of such election shall be given to the state superintendent of public instruction in the budget of the school district and shall remain in effect for one full fiscal year.

(3) Expenditures for activities prior to September 1, but within the school year as defined in WAC 392-121-031, are

PROPOSED

considered expenditures of the school year commencing September 1.

WSR 99-15-064
PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY

[Filed July 19, 1999, 9:54 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: SCAPCA Regulation I, Article X - Fees and Charges and SCAPCA Regulation I, Article V - Notice of Construction.

Purpose: To amend fees.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141, 70.94.152, 70.94.162.

Summary: Spokane County Air Pollution Control Authority (SCAPCA) is proposing to amend its fee regulation. Air operating permit fees are being raised to match program costs as required under the Federal Clean Air Act. Notice of Construction fees are being increased so that a higher portion of program costs are covered by fees, and new fees are being added for various types of miscellaneous reviews that are done by SCAPCA.

Reasons Supporting Proposal: Air operating permit fees must be raised to meet the requirement of the Federal Clean Air Act that the program be fully funded by fees. Other fees are being raised or implemented to, at least partially, cover program costs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kelle R. Vigeland, 1101 West College #403, Spokane, WA 99206, (509) 477-4727 ext. 106.

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

Rule is necessary because of federal law, 42 U.S.C.; Title V, Section 5.02.

Explanation of Rule, its Purpose, and Anticipated Effects: SCAPCA Regulation I, Article X, Fees and Charges, establishes fees that are paid to the authority for various reviews, permits, etc.... The fees are being adjusted to more fully recover program costs. In the case of the Title V air operating permit program fees, the fees are being adjusted to fully recover program costs. The fees for Notice of Construction approvals are being adjusted to increase the portion of the program that is funded through fees. The miscellaneous review fees are set at a level that should achieve full cost recovery for these reviews. In addition, the copying fee is being adjusted to match that allowed under state law.

Proposal Changes the Following Existing Rules: The proposal amends SCAPCA Regulation I, Article X. A minor change to SCAPCA Regulation I, Article V is also required for consistency.

No small business economic impact statement has been prepared under chapter 19.85 RCW. SCAPCA 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: Hearing Room Lower Level, Spokane County Public Works, 1026 West Broadway, Spokane, WA, on September 2, 1999, at 8:30 a.m.

Submit Written Comments to: Kelle R. Vigeland, SCAPCA, 1101 West College #403, Spokane, WA 99206, fax (509) 477-6828, by September 1, 1999.

Date of Intended Adoption: September 2, 1999.

July 15, 1999

Kelle R. Vigeland

Environmental Engineer

AMENDATORY SECTION (Amending WSR 93-19-043, filed September 8, 1993)

SCAPCA REGULATION I, SECTION 10.05 GENERAL ADMINISTRATIVE FEES

A. A fee of (~~(\$25)~~) \$15 per page for photocopies shall be charged (~~(for ten or fewer copies)~~).

~~((B. A fee of \$20 per page for photocopies shall be charged for more than ten copies.))~~

~~((C))~~ B. The actual cost of postage shall be charged for all material requested to be mailed.

~~((D))~~ C. For other administrative services requested and performed by Authority staff, which are not provided to the public generally, the Control Officer shall determine such charge as reasonably reimburses the Authority for time and materials expended in providing the service.

AMENDATORY SECTION (Amending WSR 97-09-016, filed April 7, 1997)

SCAPCA REGULATION I, SECTION 10.06 REGISTRATION AND OPERATING PERMIT FEES FOR AIR CONTAMINANT SOURCES

A. ~~((A))~~ Each source(~~(s)~~) required by Article IV, Section 4.01 to be registered, ~~((a))~~ each air operating permit source(~~(s)~~), and ~~((a))~~ each source(~~(s)~~) required by Article V, Section 5.02 to obtain an approved Notice of Construction and Application for Approval (~~shall pay~~) is subject to an annual fee for each year, or portion of each year, during which it operates. The owner or operator shall pay the fee, pursuant to the requirements in Section 10.02. Fees received pursuant to the registration program or the operating permit program shall not exceed the actual costs of program administration.

B. The annual fee for each source shall be determined as follows:

(1) For sources that are not subject to Section 10.06.B.(3), (4), or (5) of this regulation and which emit less than 5 tons per year of criteria and toxic air pollutants:

(a) a flat fee of \$160; and

(b) a \$30 fee for each stack and other emission point, not to exceed \$600; and

(c) an emission fee of \$20 per ton of each criteria and toxic air pollutant; and

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(d) an additional fee of \$150 for each source which operated at least one incinerator or burn out oven during the registration period; and

(e) an additional fee of \$100 if the source is required by the Authority to submit an annual emissions inventory to the Washington Emission Data System (WEDS).

(2) For sources that are not subject to Section 10.06.B.(3), (4), or (5) of this regulation and which emit 5 tons or more per year of criteria and toxic air pollutants, but less than 100 tons per year of any one criteria pollutant:

(a) a flat fee of \$215; and
 (b) a \$30 fee for each stack and other emission point, not to exceed \$600; and

(c) an emission fee of \$20 per ton of each criteria and toxic air pollutant; and

(d) an additional fee of \$150 for each source which operated at least one incinerator or burn out oven during the registration period; and

(e) an additional fee of \$100 if the source is required by the Authority to submit an annual emissions inventory to the Washington Emission Data System (WEDS).

(3) For air operating permit sources, a share of the assessment by the Department of Ecology, pursuant to RCW 70.94.162(3), determined ~~((pursuant))~~ according to Section 10.06.D of this regulation, plus:

(a) for bulk gasoline loading terminals, Standard Industrial Classification 5171, a fee of \$11,500;

(b) for secondary aluminum facilities, Standard Industrial Classification 3341, a fee of \$21,100;

(c) for municipal solid waste incineration facilities, Standard Industrial Classification 4953, a fee of \$20,400;

(d) for military bases, Standard Industrial Classification 9711, a fee of \$17,850; or

(e) for sources not listed in (a), (b), (c), or (d) above
 i. which have total annual actual emissions of less than 50 tons, a fee of ~~((1,350))~~ \$3000;

ii. which have total annual actual emissions of greater than or equal to 50 tons but less than 100 tons, a fee of ~~((2,025))~~ \$4000; or

iii. which have total annual actual emissions of 100 tons or greater, a fee of ~~((3,650))~~ \$5000.

(4) For affected units under Section 404 of the Federal Clean Air Act (42 USC 7401 et seq):

(a) a fee of \$50 per hour of time expended in carrying out the fee eligible activities specified in RCW 70.94.; and

(b) a share of the assessment by the Department of Ecology, pursuant to RCW 70.94.162(3), determined pursuant to Section 10.06.D of this regulation.

(5) For gasoline dispensing facilities which are not subject to Section 10.06.B.(3) of this regulation, a flat fee of \$165.

C. The Board of Directors shall annually review the fee schedule for air operating permit sources and projected costs to implement the requirements of RCW 70.94.161 and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to recover program costs. Such review shall include opportunity for public review and comment on the projected costs and any changes to the operating permit fee schedule. Accordingly, the Authority shall account for program costs, including employee costs and

overhead. If the Board of Directors determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board of Directors shall amend the fee schedule to more accurately recover program costs.

D. Individual shares of the assessment pursuant to RCW 70.94.162(3) shall be determined by the following formula:

$$I = \frac{E_i}{\sum E_i} \times AE$$

Where,

I is the individual share of the assessment, and

E_i is the individual fee assessed pursuant to Section 10.06.B.(3) or (4) of this regulation, and

AE is the total assessment pursuant to RCW 70.94.162(3), and

∑ E_i is the sum of all the individual fees assessed pursuant to Sections 10.06.B.(3) and (4) of this regulation.

AMENDATORY SECTION (Amending WSR 97-09-016, filed April 7, 1997)

SCAPCA REGULATION I, SECTION 10.07 APPLICATION AND PERMIT FEES FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL AND FOR NOTICE OF INTENT TO INSTALL AND OPERATE A TEMPORARY SOURCE

A. For ~~((a))~~ each project~~((s))~~ required by Article V to file a Notice of Construction and Application for Approval (NOC) or a Notice of Intent to Install and Operate a Temporary Source, the applicant shall pay a filing fee of \$150 ~~((shall be paid))~~ at the time of filing the application.

B. IN ADDITION to the filing fee provided in Section 10.07.A, the applicant shall pay a ~~((plan review))~~ fee, ~~((shall be paid))~~ according to the following:

(1) ~~((An))~~ ~~((e))~~ Equipment fee, ((based on one of the following)) Sources for which an application is made for more than one emission point under one Notice of Construction application, as allowed in Section 5.02.C, the equipment fee, for each emission unit and/or air pollution control system being installed or modified, shall be as follows:

(a) Fuel Burning Equipment With or Without Air Pollution Control Equipment:

Design Input Size (MMbtu/hr)	Fee
.4 < 5	\$200
5 < 10	\$250
10 < 20	\$300
20 < 50	\$350
50 < 100	\$400
100 < 250	\$500
250 < 500	\$650
500 < UP	\$850

(b) Refuse Burning Equipment Including Air Pollution Control Equipment:

Capacity (ton/day)	Fee
0 < 12	\$1,000

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12 < 250	\$1,500
250 < UP	\$2,500

(c) Process Equipment and/or Air Pollution Control Equipment or Uncontrolled Process Equipment:

<u>Actual ft³/min</u>	<u>Fee</u>
0 < 5,000	\$150
5,000 < 20,000	\$250
20,000 < 50,000	\$350
50,000 < 100,000	\$450
100,000 < 250,000	\$550
250,000 < 500,000	\$650
500,000 < UP	\$800

(d) Gasoline dispensing facilities:

<u>Equipment Being Installed</u>	<u>Fee</u>
Annual facility gasoline throughput of less than 1.5 million gallons	\$150
Annual facility gasoline throughput of 1.5 million gallons or greater	\$250

(e) For sources not included in the above categories, an hourly fee of \$50.00 per hour of time expended in plan review.

(2) In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B (1)(e) above, for any new or modified source of air pollution to be constructed and anticipated to produce significant emissions, a significant emissions review fee of \$250.

(3) In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B (1)(e) above, for any new or modified source of air pollution which requires review pursuant to Chapter 173-460 WAC, a toxic air pollutant review fee (~~of \$100~~). For sources with more than one emission point under one Notice of Construction application, as allowed in Section 5.02.C, a separate toxic air pollutant review fee applies to each emission unit, or each group of like-kind emission units, being installed or modified. A group of emission units shall be considered as like-kind if one set of emission calculations adequately represents emissions from all the emission units. The toxic air pollutant review fee shall be as follows:

(a) For a new or modified source using WAC 173-460-080 (2)(e), Small Quantity Emission Rates, to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070 & WAC 173-460, an additional charge of \$100:

(b) For a new or modified source using dispersion screening models (e.g., EPA SCREEN or TSCREEN) under WAC 173-460-080 (2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$150:

(c) For a new or modified source using more refined dispersion models (e.g., EPA ISC3) under WAC 173-460-080 (2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$400; or

(d) For a new or modified source using a second tier analysis under WAC 173-460-090 or a risk management decision under WAC 173-460-100 to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$1000.

(4) In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B (1)(e) above, for any new or modified source of air pollution, subject to a standard under WAC 173-400-115 (NSPS), an additional charge as follows:

(a) If subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, with only natural gas as a fuel, an additional charge of \$50;

(b) If subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, using fuels other than solely natural gas, an additional charge of \$100;

(c) If subject to 40 CFR Part 60, Subpart I, Standards of Performance for Hot Mix Asphalt Facilities, an additional charge of \$100;

(d) If a volatile organic liquid storage tank subject to 40 CFR § 60.110b (b) or (c), no additional charge;

(e) If subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants, no additional charge; and

(f) If subject to a subpart of 40 CFR Part 60, other than those covered in (a) through (d) above, an additional charge of \$250.

(5) In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B (1)(e) above, for any new or modified source of air pollution, subject to a standard under WAC 173-400-075 (NESHAP), an additional charge as follows:

(a) If subject to 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emissions Standards for Dry Cleaning Facilities, and/or WAC 173-400-075(6), Emission Standards for Perchloroethylene Dry Cleaners, no additional charge;

(b) If subject to 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, an additional charge of \$100;

(c) If subject to 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning, an additional charge of \$150; and

(d) If subject to a subpart of 40 CFR Part 63, other than those covered in (a) through (c) above, an additional charge of \$250.

(6) In addition, for integrated review of a Notice of Construction and Application for Approval, as allowed under Section 5.02.G of this regulation, an additional charge of \$250.

C. For sources applying for more than one emission point under one Notice of Construction application, as allowed in Section 5.02.C, the applicant shall pay, according to Sections 10.07.A and 10.07.B, one filing fee, plus one significant emissions review fee, if applicable, plus one toxic air pollutant review fee, if applicable, plus an equipment fee for

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~~each emission unit and/or air pollution control system being installed or modified.~~

~~((D)) C. ((For)) ((s)) Sources ((seeking)) for which application is made for a change in conditions ((of an order of approval)) pursuant to Section ((5.10.B.)) 5.10.C of this regulation, the fee shall be one half the current fee for a Notice of Construction and Application for Approval or a Notice of Intent to Install and Operate a Temporary Source for that type of source, including the filing fee, according to Section 10.07.A, and the applicable fees, according to Section 10.07.B, or \$350, whichever is less.~~

~~((E)) D. Where a compliance investigation is conducted pursuant to Section 5.12 of this regulation, the compliance investigation fee shall be equal to 2 times the applicable fees according to Section 10.07.B.~~

Reviser's note: The typographical error in the above material occurred in the copy filed by the Spokane County Air Pollution Control Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 95-15-021, filed July 10, 1995)

SCAPCA REGULATION I, SECTION 10.08 MISCELLANEOUS FEES

~~((A.)) A fee of \$50 per hour of time expended in review shall be paid by the applicant for each of the following:~~

~~((1)) A. Emission reduction credit request pursuant to Chapter 173-400-131 WAC.~~

~~((2)) B. Paving waiver request pursuant to Spokane County Zoning Code, Section 14.802.080 or City of Deer Park Code, Chapter 18.74.050.~~

~~((3)) C. Alternate opacity limit request pursuant to RCW 70.94.331 (2)(c).~~

~~((4)) D. Reasonably Available Control Technology (RACT) determination pursuant to Chapter 173-400-040 WAC and/or RCW 70.94.161.~~

~~((5)) E. Variance request pursuant to SCAPCA Regulation II; Article III or RCW 70.94.181. In addition, the applicant shall pay a filing fee of \$125.~~

~~((6)) F. Voluntary limits on emissions request pursuant to Chapter 173-400-091 WAC.~~

~~((7)) G. ((Stack height exemption)) ((r)) Requests pursuant to the following sections ((Section 6.13.I.7)) of this regulation.~~

~~(1) Section 6.13.E.3.j (use of alternate spray application method);~~

~~(2) Section 6.13.F.4 (large object enclosure exemption);~~

~~(3) Section 6.13.F.6 (stack exemption);~~

~~(4) Section 6.13.F.9 (use of lead or hexavalent chrome containing coatings);~~

~~(5) Section 6.13.F.10 (enclosure and/or particulate control exemption); and~~

~~(6) Section 6.13.F.11 (inside exhaust exemption).~~

AMENDATORY SECTION (Amending WSR 94-18-114, filed September 6, 1994)

SCAPCA REGULATION I, SECTION 5.10 CHANGES TO AN ORDER OF APPROVAL OR PERMISSION TO OPERATE

A. The Authority may revoke or suspend the order of approval if the Control Officer determines that the source is not constructed or operated as described in the Notice of Construction and Application for Approval, including the plans, specifications, or other information submitted therewith.

B. The Authority may revoke or suspend the permission to operate a temporary source if the Control Officer determines that the source is not installed or operated as described in the "Notice of Intent to Install and Operate a Temporary Source" including the plans, specifications, or other information submitted therewith.

~~((B)) C. The applicant may request, at any time, a change in conditions of an order of approval or permission to operate a temporary source and the Control Officer may approve such a request provided the Control Officer finds that:~~

~~1. The change in conditions will not cause the air contaminant source to exceed an emissions standard; and~~

~~2. No ambient air quality standard will be exceeded as a result of the change; and~~

~~3. The change will not adversely impact the ability of the Authority to determine compliance with an emissions standard.~~

~~((C)) D. A fee, as established in Section 10.07 of this regulation, shall be assessed to and paid by the applicant for requests pursuant to Subsection ((5.10.B)) 5.10.C.~~

**WSR 99-15-078
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 20, 1999, 10:43 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-05-045.

Title of Rule: WAC 388-478-0055 SSI standards.

Purpose: Reduce SSI state supplement amount to hold total state spending for SSI state supplements to levels mandated by the Washington state legislature and correct a typographical error in the standards for an individual living alone with an ineligible spouse.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.057.

Statute Being Implemented: RCW 74.08.090, 74.04.057.

Summary: WAC 388-478-0055 SSI standards, is being amended to hold total state spending for SSI state supplements to CY 1994 levels as mandated by the Washington state legislature. SSI state supplementation standards for "individuals living alone" are being reduced by \$1 for October through December 1999. SSI standards with the state supplement will be reduced from \$527 to \$526 for those in King, Pierce, Snohomish, Kitsap, and Thurston counties and

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from \$506.55 to \$505.55 for those in all other counties. Approximately 81,000 clients will be impacted. WAC 388-478-0055 is also being amended to correct a typographical error in the amount of the federal benefit for individuals living alone with an ineligible spouse for both Areas 1 and 2. The federal benefit should be \$500.00 instead of \$500.67 and the combined federal/state benefits should be 67 cents less. In both the Area 1 and 2 standards, clients have been receiving the correct state supplement benefit level, i.e., the amount published in current WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jay Emry, LGC, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3021.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule sets supplemental security income (SSI) state supplement amounts for this state's 90,000 SSI beneficiaries.

Proposal Changes the Following Existing Rules: See Summary above.

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

RCW 34.05.328 does not apply to this rule adoption. This amendment does not meet the definition of a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on August 24, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by August 13, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by August 24, 1999.

Date of Intended Adoption: August 26, 1999.

July 14, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-04-103, filed 2/3/99, effective 3/6/99)

WAC 388-478-0055 SSI standards. (1) Supplemental Security Income (SSI) is a cash assistance program for needy individuals and couples who meet federal disability guidelines as aged, blind or disabled. Since the SSI program began in January 1974, the state of Washington has supplemented the federal benefit level with state funds, known as the SSI state supplement. Persons found eligible for SSI receive cash assistance based on the combined federal and state supplement benefit levels, minus countable income.

(2) Effective (~~January~~) October 1, 1999, the federal, state and combined benefit levels for an eligible individual and couple are:

(a) Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties.

(i) Living alone (own household or alternate care, except nursing homes or medical institutions).

LIVING ALONE	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$ 500.00	\$(27.00) <u>26.00</u>	\$(527.00) <u>526.00</u>
Individual with One Essential Person ¹	\$ 750.00	\$21.00	\$ 771.00
Couple, both Eligible	\$ 751.00	\$21.00	\$ 772.00
Couple with One Essential Person ²	\$ 751.00	\$21.00	\$ 772.00
Couple includes Ineligible Spouse	\$(500.67) <u>500.00</u>	\$167.20	\$(667.87) <u>667.20</u>

(ii) Shared living (supplied shelter).

SHARED LIVING	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
Individual	\$ 333.34	\$4.81	\$ 338.15
Individual with One Essential Person ³	\$ 500.00	\$5.30	\$ 505.30
Couple, Both Eligible	\$ 500.67	\$5.30	\$ 505.97
Couple includes One Essential Person ⁴	\$ 500.67	\$5.30	\$ 505.97
Couple includes Ineligible Spouse	\$ 333.34	\$102.76	\$ 436.10

(b) Area II: All counties other than the above.

(i) Living alone (own household or alternate care, except nursing homes or medical institutions).

LIVING ALONE	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$ 500.00	\$(6.55) <u>5.55</u>	\$(506.55) <u>505.55</u>
Individual with One Essential Person ¹	\$ 750.00	\$0	\$ 750.00

PROPOSED

Couple, Both Eligible	\$ 751.00	\$0	\$ 751.00
Couple with One Essential Person ²	\$ 751.00	\$0	\$ 751.00
Couple includes Ineligible Spouse	\$ ((500.67))	\$137.25	\$ ((637.92))
	<u>500.00</u>		<u>637.25</u>

(ii) Shared living (supplied shelter).

SHARED LIVING	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
Individual	\$ 333.34	\$4.81	\$ 338.15
Individual with One Essential Person ³	\$ 500.00	\$5.30	\$ 505.30
Couple, Both Eligible	\$ 500.67	\$5.30	\$ 505.97
Couple includes One Essential Person ⁴	\$ 500.67	\$5.30	\$ 505.97
Couple includes Ineligible Spouse	\$ 333.34	\$102.76	\$ 436.10

(c) Residing in a medical institution: Area I and II

MEDICAL INSTITUTION	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
Individual	\$30.00	\$11.62	\$41.62

(d) Mandatory income level (MIL) for grandfathered claimant. "Grandfathered" refers to a person who qualified for assistance from the state as aged, blind, or disabled, was converted from the state to federal disability assistance under SSI in January 1974, and has remained continuously eligible for SSI since that date.

The combined federal/state SSI benefit level for MIL clients is the higher of the following:

(i) The state assistance standard they received in December 1973, except for those converted in a "D" living arrangement (residing in a medical institution at the time of conversion), plus the federal cost-of-living adjustments (COLA) since then; or

(ii) The current standard.

¹ Eligible individual with more than one essential person living alone: \$ 500.00 for the eligible individual plus \$ 250.00 for each essential person (no state supplement).

² Eligible couple with one or more essential persons living alone: \$ 751.00 for eligible couple plus \$ 250.00 for each essential person (no state supplement).

³ Eligible individual with more than one essential person in shared living: \$ 333.34 for eligible individual plus \$ 166.66 for each essential person (no state supplement).

⁴ Eligible couple with one or more essential persons in shared living: \$ 500.67 for eligible couple plus \$ 166.66 for each essential person (no state supplement).

safe clearances from structures near tracks, safe overhead clearances, and safe walkways for railroad workers.

Chapter 480-66 WAC, Railroad companies—Sanitation rules, regulating standards relating to sanitation and shelter affecting the health of railroad employees.

Purpose: Walkways and clearances, to provide clear, objective standards for preventing structures from intruding into space near railroads which would endanger workers, and to provide safe walking areas for workers.

Sanitation, to provide clear, objective standards for healthy work environment for railroad workers.

Statutory Authority for Adoption: RCW 80.01.040 General, RCW 81.04.160 Transportation.

Summary: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Mike Rowswell, Railroad Manager, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1265; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules address how the Washington Utilities and Transportation Commission regulates railroad companies operating practices concerning walkways, clearances and sanitation. This review is in compliance with Executive Order 97-02 and reviews chapters 480-60 and 480-66 WAC for clarity, intent and statutory authority, need, effectiveness and efficiency, coordination, and cost and fairness. The proposal would reorganize and redraft the rules to comply with Executive Order 97-02. Further, the proposal would incorporate and formalize policies, would eliminate obsolete rules, and would add some substantive provisions as set out below.

Proposal Changes the Following Existing Rules: Clearance rules: Many proposed changes involve language and format. Several rules which seem to have no present day

WSR 99-15-083

PROPOSED RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Commission Docket No. TR-981101—Filed July 20, 1999, 2:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-20-105.

Title of Rule: Chapter 480-60 WAC, Railroad companies—Walkways and clearances, regulating the standards for

PROPOSED

application and with which we have not worked in a number of years are recommended for repeal. Rules governing over height loads were reduced in scope substantially because railroad personnel are no longer allowed to walk on the tops of trains. The rules governing the marking of excessive width loads are also eliminated at the suggestion of the American Association of Railroads, and after railroad management and unions concurred the rules have proved to be burdensome and ineffective. Further, a specific walkway section with objective standards is added.

Sanitation rules: Many proposed changes involve language and format. Several gender specific differences in dressing room requirements are eliminated. Proposed rules require drinking water be provided for all personnel wherever they may work. The area in locomotives where crew members eat meals must be kept clean and sanitary and lockers must be provided in more instances.

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

Small Business Economic Impact Statement

Industry Description: The Burlington Northern and Santa Fe Railway Company (BNSF) is the principal railroad company operating in this state. BNSF's operations are centered in Fort Worth, Texas and cover all of the Western United States. The Union Pacific Railroad Company (UP) is also a major railroad which operates in Washington as well as throughout the Western United States; however, its operations are not nearly as extensive in Washington as BNSF's operations.

Sixteen short line railroads also operate within the state. The lines are former branches of the two major railroads and all but two of them lie entirely within Washington state. None of the short lines employ more than fifty people in this state; thus, they are small businesses for purposes of this report. Three of the short lines are subsidiaries of larger organizations which operate rail lines elsewhere in the United States. Although combined operations for each of those companies may exceed fifty employees, they are treated as small businesses in this analysis.

Four very small excursion railroads operate in the state. These railroads are run primarily by volunteers. There are also several logging and industrial railroads operating within the state, over which the commission has more limited jurisdiction.

Small Business Economic Impact Statement

Required: Of the railroad companies discussed above, only excursion, logging and industrial railroads are not affected by the proposed rules. Thus, more than 20% of the railroad industry in this state will be affected. None of the statutory exemptions apply. Accordingly, a small business economic impact statement is required for this rule making.

Industry Involvement in the Rule Making: All railroads operating in the state and the affected unions have been given numerous opportunities to participate in the rule making. The commission has held three workshops, mailed draft proposed rules to all interested parties for comment, and has extended the deadline for comment. Representatives of the Brotherhood of Locomotive Engineers, the United Transportation Union, BNSF, the Columbia Basin Railroad, and the

Puget Sound & Pacific Railroad Company have attended workshops and/or provided comments. On February 22, 1999, the commission served a notice on all railroad companies and interested parties specifically requesting comment on the economic impact of the proposed rules. No railroad company has filed comments directly addressing compliance or economic impact issues. At a subsequent workshop, a few comments were elicited which will be mentioned below.

Rule Changes: Commission rules currently include chapters governing sanitation, walkways and clearances. Most of the changes proposed in this rule making delete unnecessary rules and make the remaining rules more organized and readable. However, the following rule changes may have an economic impact on the railroads:

Proposed WAC 480-60-035 requires walkways to be provided in certain areas and set criteria for their construction and maintenance. Under existing rules, railroad companies are only required to keep debris and other material a certain distance away from the tracks.

Proposed WAC 480-66-300 requires railroad companies to provide cool drinking water to all employees no matter where they are working. Existing rules do not require companies to provide cool drinking water to field crews.

Proposed WAC 480-66-330 (1) requires separate dressing rooms for men and women. Existing rules require dressing rooms for women only where five or more women work.

Proposed WAC 480-66-330 (2) requires lockers to be provided for employees who must store clothes or other items while working, or work related items while off duty. Current rules require lockers only when it is necessary for employees to change clothes.

Proposed WAC 480-66-500 (4) requires eating areas in locomotives to be kept clean and sanitary. There is no existing rule.

Lost Sales or Revenue: None of the proposed changes listed above directly affects relations between any business and its customers. Any possible indirect affect can only be positive. As a result, loss of sales or revenue is very unlikely.

Cost of Compliance and Mitigation: The railroads provided little information from which the commission could determine whether they would be in compliance with the proposed rule changes on the proposed adoption date, or how much it would cost for them to comply. Commission staff's experience with railroad operations in the state, gained through meetings, inspections and training, provides some basis for a general opinion about compliance and cost elements; however, without direct and more detailed industry input, staff cannot ascertain specific costs and precise levels of compliance.

Proposed WAC 480-60-035 Walkways.

Compliance Cost: The commission track inspector, who pays close attention to walkways as part of his inspections, has stated that railroads would, for the most part, be in compliance with this rule if it was adopted. Labor and company comments at the final workshop support that conclusion. Proper maintenance of existing walkways probably is the principal current problem; however, existing rules do not allow the commission to force compliance. Union personnel advocated the adoption of a walkway rule, and indicated that there would be some areas where new walkways may have to

be put in. However, there is no basis for believing that railroad companies will have to incur major costs to comply or that smaller businesses would be disproportionately affected. On the latter point, it would seem that the major railroads with their larger and more numerous yards and greater number of switches and switching operations would have the greatest need for walkways. Where new walkways must be built, labor for leveling and clearing paths would be needed, and crushed rock or other material to provide proper surfaces would have to be purchased.

Mitigation: Any railroad disproportionately affected can apply for a waiver. Commission staff would provide technical assistance to the railroad to develop a mutually agreeable program for complying with the rule over a reasonable period of time without unduly endangering employees.

Proposed WAC 480-66-300 Cool drinking water.

Compliance Cost: Railroads already provide cool drinking water in almost all cases. This rule, supported by the unions, will benefit railroad employees and improve productivity. Full compliance will add only minor costs.

Mitigation: Staff does not believe mitigation is necessary for this proposed rule.

Proposed WAC 480-66-330 (1) Separate dressing rooms.

Compliance Cost: It is very likely that separate dressing rooms are already provided wherever they are needed. If not, building construction or alteration might be necessary.

Mitigation: If any railroad is not in compliance, it may request a waiver. As part of the waiver process, commission staff would assist the railroad in seeking adequate alternatives, or would recommend a delay in required compliance for a reasonable time period.

Proposed WAC 480-66-330 (2) Lockers.

Compliance Cost: Some additional lockers will have to be provided by the major railroads. However, the cost of the lockers and of installation would seem to be moderate. It is unlikely that small railroads would be affected due to the small number of employees and localized operations, which do not require extensive use of lockers, except for changing clothes. Locker size may be a problem, which could be addressed through mitigation procedures.

Mitigation: A waiver could be requested if a railroad demonstrates the expense of compliance is excessive, or possibly unnecessary in specific instances. As with the other rules discussed above, staff would work with the railroad to develop alternatives or allow a reasonable delay for compliance.

Proposed WAC 480-66-500 (4) Sanitary locomotives.

Cost of Compliance: The cost of janitorial services to provide a clean and sanitary place for employees to eat would seem to be minor. Toilets must already be cleaned on locomotives. A few additional minutes to clean an eating area can add only a small cost. The major railroads are probably the most affected by this rule because they have numerous trains running on the same line and for long distances, while short lines have more versatility due to fewer train operations and more localized operations.

Mitigation: If a railroad demonstrates that the cost of compliance is excessive, the railroad may request a waiver of the rule.

CONCLUSION: All affected businesses have been given ample opportunity to participate in the rule making and provide pertinent information to commission staff. The Class I railroads and several short lines have taken advantage of that opportunity; however, very little compliance or economic impact information has been provided. Despite that fact, common sense and general experience indicate that some of the proposed rules could have an economic impact on some businesses; however, it is most likely that the major railroads will be affected more than the smaller railroads. If any railroad faces a substantial economic impact due to the proposed rules, relief and technical assistance may be provided through the waiver process and technical assistance provided by commission staff.

A copy of the statement may be obtained by writing to Washington Utilities and Transportation Commission, Records Center, Docket No. TR-981101, P.O. Box 47250, Olympia, WA 98504-7250, phone (360) 664-1234, fax (360) 664-1150.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to the Washington Utilities and Transportation Commission.

Hearing Location: Commission Hearing Room 206, 2nd Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on September 22, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Pat Valentine by September 15, 1999, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504-7250 or e-mail <records@wutc.wa.gov>, fax (360) 586-1150, by August 11, 1999. Please include Docket No. TR-981101 in your communication.

Date of Intended Adoption: September 22, 1999.

July 20, 1999

Carole J. Washburn
Secretary

PART 1 - GENERAL INFORMATION

NEW SECTION

WAC 480-66-100 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

Bunk or section house - the portion of any building in which employees are provided sleeping or living accommodations, except family dwellings.

Caboose - any car or coach used on a train to carry the train crew.

Commission - the Washington utilities and transportation commission.

Company - a common carrier railroad company as employer.

Employee - any person employed by a company.

Incinerator toilet - a toilet containing a receptacle for toilet waste to which intense heat is applied.

Number of employees - the maximum number of employees going on or coming off shift within any single hour.

Railroads - common carrier railroads.

Sanitary - free from things injurious to health, or effective in preventing or checking the effects of those things.

Station - a location where freight or passengers are ordinarily received and delivered, including all freight and express offices.

Terminal - a location where train crews and other employees are regularly required to report for duty.

Toilets - fixtures such as flush toilets, chemical closets, or privies used for the purpose of defecation.

Usual place of employment - the place where an employee works with a reasonable measure of continuity throughout the major part of the employee's company service.

Yards - yards, section headquarters, and locomotive and car shops.

Office work area - a yard office, station, depot, terminal, or freight, baggage and express office located on railroad property which is the usual place of employment for the performance of clerical or other work identified with office functions of the company.

NEW SECTION

WAC 480-66-110 Application of chapter. The rules in this chapter apply to all railroads operating within the state of Washington.

NEW SECTION

WAC 480-66-120 Contacting the commission. You may contact the commission in writing, in person, by telephone, by e-mail, or by facsimile.

The commission's location, mailing address, e-mail address, and telefax numbers are found in WAC 480-09-100. The commission's Internet home page address is found in WAC 480-04-050.

NEW SECTION

WAC 480-66-140 Rules of practice and procedure. The commission's rules governing administrative practices and procedures are in chapter 480-09 WAC. When a rule in this chapter conflicts with a rule in chapter 480-09 WAC, the rule in this chapter applies to railroad companies.

NEW SECTION

WAC 480-66-150 Exemptions from rules. (1) The commission may grant an exemption from any rule in this chapter, when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for

which an exemption is sought, and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request, or setting it for hearing pursuant to chapter 480-09 WAC.

NEW SECTION

WAC 480-66-160 Filing a complaint. Any interested person who believes that available sanitary or shelter facilities are inadequate or unsatisfactory under the rules in this chapter may file an informal or formal complaint with the commission pursuant to WAC 480-09-150 and 480-09-400 requesting the responsible party or parties to correct the condition. Upon investigating the complaint, the commission may issue an order, with or without hearing, directing that the conditions complained of be corrected.

NEW SECTION

WAC 480-66-170 Reporting requirements. Railroads must report to the commission, upon request, concerning the company's sanitation and shelter facilities and servicing programs required by these rules.

PART 2 - GENERAL SANITATION RULES

NEW SECTION

WAC 480-66-200 General obligations. (1) The company is responsible for providing employees with all items required by these rules.

(2) The company must, at all times, maintain all items required in these rules in proper working order and in a condition which is sanitary, free from vermin and rodents, and which is not offensive to a reasonable person, except when the items are taken out of service and are not accessible by employees.

(3) The company must establish a program to regularly review and service all items required in these rules to meet its obligations under subsections (1) and (2) of this section; however, implementing a program must not be a substitute for actual compliance with subsections (1) and (2) of this section.

NEW SECTION

WAC 480-66-210 Locomotive cabs and cabooses. (1) During use, locomotive cabs must be heated to a minimum of 50 degrees Fahrenheit.

(2) When required by the season of the year, doors and windows of all locomotives must be equipped with adequate protection to occupants from the elements by means of

weather stripping, or other device sufficient to provide equally adequate protection.

(3) Caboose must be maintained in a clean and sanitary condition.

(4) When required by the season of the year, doors, and windows of cabooses must be equipped with adequate weather stripping.

(5) Every caboose used in any train in this state, regardless of service, must be provided with a stove or other adequate means of heating. The company shall provide a sufficient supply of fuel for the trip or shift.

NEW SECTION

WAC 480-66-220 Stationary facilities. (1) Bed linen furnished by the railroad must be changed, and fresh, clean linen supplied at least once a week and for each new occupant.

(2) Adequate shelter must be furnished and maintained for watchmen. The shelter must be adequately heated, sealed and insulated against cold and inclement weather.

(3) Office work areas must be clearly lighted at all times during hours of use.

(4) Office work areas must be heated at all times during hours of use to a minimum of 65 degrees Fahrenheit.

(5) Office work areas must be provided with cross-ventilation when possible.

(6) Windows, ventilators and doors opening to the outside of office work areas must be properly screened during the seasons when insects are prevalent.

NEW SECTION

WAC 480-66-230 Miscellaneous. (1) Toilet rooms and washrooms must not be used for storage.

(2) Floors in all buildings and movable facilities must be maintained in a clean, and so far as practicable, dry condition. Where wet processes are used, drainage must be maintained and false floors, platforms, mats or other dry standing places must be provided wherever practicable.

(3) Screens required by these rules must be of 16 mesh or equal.

(4) Suitable receptacles for the storage of waste and refuse must be provided wherever needed. They must be maintained in a sanitary condition. Receptacles used for moist or liquid waste must be made of a smooth finished surface, impervious to moisture. They must be kept covered and must be washed out as often as necessary to keep them clean.

(5) All sweepings, waste and refuse must be removed in a manner which avoids raising dust, and as often as necessary to keep all rooms used by employees clean.

(6) Toilet waste must not be discharged onto the ground surface from railroad cars within servicing area of yards. Those areas must be kept free of refuse, litter, debris, vermin and rodents.

(7) Adequate drainage must be provided where work is performed in repair yards or on repair tracks in the open or in open sheds or pits. Waste must not drain into any water of the state, nor contaminate the ground surface, but must be dis-

posed of in a manner approved by the Washington state department of health.

PART 3 - WATER SUPPLY, DRESSING ROOMS AND LOCKERS

NEW SECTION

WAC 480-66-300 Drinking water. (1) An adequate supply of cool drinking water must be made available to all employees wherever they may be working.

(2) Drinking water must meet all standards of the Washington state department of health.

(3) Containers used to furnish drinking water must meet all specifications of the Washington state department of health and must be sterilized as often as necessary to assure a sanitary water supply.

(4) The common drinking cup is prohibited.

(5) Cross-connections between potable and impotable water supplies are prohibited. Impotable water supplies must be clearly labeled as not fit for drinking or washing.

NEW SECTION

WAC 480-66-310 Washing facilities. (1) An adequate number of wash basins or lavatories for maintaining personal cleanliness must be provided within reasonable access for all employees normally assigned to office work areas, stations, yards, terminals, shops, engine houses, lunch rooms, bunk houses, and section houses. All other employees must be provided an adequate means to maintain personal cleanliness for eating purposes and after defecation or urination.

(2) The following table must be used to determine the adequacy of washing facilities (twenty four inches of trough or circular wash basin is considered the equivalent of one wash basin):

Number of Employees	Minimum Number of Facilities
1 to 10	1 basin
11 to 24	2 basins
25 to 49	3 basins
50 to 100	5 basins
Over 100	5 basins plus 1 more for each additional 25 employees

(3) At least one wash basin must be located in or adjacent to each toilet room.

(4) Wash basins or lavatories must be made of smooth finished material, impervious to moisture.

(5) Supplies for wash basins or lavatories must include:

(a) Hot and cold running water to wash basins.

(b) Mechanical drying facilities or individual towels, either paper or cloth. The use of common towels is prohibited.

(c) Waste receptacles for used paper towels.

(d) Soap or other suitable cleansing agent at each wash basin.

PROPOSED

NEW SECTION

WAC 480-66-320 Showers. Showers must be required when the commission determines that they are necessary at a specific location to protect employees whose work involves exposure to poisonous, infectious or irritating material or to excessive dirt, heat fumes, vapors, or other materials or substances injurious to health. Adequate locker and dressing room facilities will be provided with showers. Specifications for showers will be determined for each location when the need for showers is established.

NEW SECTION

WAC 480-66-330 Dressing rooms and lockers. (1) Separate dressing rooms must be provided for men and women in all places of employment where it is necessary for employees to change clothing. Dressing rooms must be separated from toilet rooms by solid partitions and doors. Dressing rooms must have at least eighty square feet of floor space. If more than ten employees, at least an additional four square feet must be provided for each additional employee. Benches must be provided. Dressing rooms must be properly lighted, heated to a minimum of 65 degrees Fahrenheit, and adequately ventilated. Where practicable, cross-ventilation must be provided.

(2) Individual metal lockers must be provided where dressing rooms are required. Lockers must also be provided for each employee who must store work-related items at any time. Lockers must be convenient for employee access and must be provided where needed, even if one locker must be provided to an employee at each end of a run. Lockers must be at least twelve inches wide, eighteen inches deep and seventy-two inches high, exclusive of legs or other base. The lockers must be equipped with a shelf and with at least one clothes hook for each side or equivalent hanger bar, and also with sufficient openings in the door for purposes of ventilation.

PART 4 - TOILETSNEW SECTION

WAC 480-66-400 General. (1) Where running water and sewer or septic tank connections are reasonably available, flush-type toilets and urinals must be maintained.

(2) Chemical toilets or privies may only be used where it is impractical to install inside toilet and urinal facilities.

(3) No privy, urinal, cesspool, septic tank or other receptacle for human excrement must be used which directly or indirectly drains or discharges over, into or upon the surface of the ground or into the waters of the state.

NEW SECTION

WAC 480-66-410 Water closets. (1) Every flush toilet must have a rim flush bowl or be so constructed as to prevent the accumulation of fecal matter on the bowl. The bowl must be constructed of a smooth finished material impervious to moisture.

(2) Every bowl must be installed in a manner which allows surroundings and floor space to be easily cleaned.

(3) No pan, plunger or wash-out water closets are permitted except that pan or double-pan types are permitted for movable facilities.

(4) Every flush toilet must have a separate hinged seat made of a smooth finished material, other than metal, impervious to moisture.

NEW SECTION

WAC 480-66-420 Urinals. (1) Every urinal must be made of a smooth finished material impervious to moisture.

(2) Every urinal must be located within a toilet room.

(3) Twenty-four inches of trough urinal is equivalent to an individual urinal.

(4) Wherever a slab urinal is installed, the floor must be sloped toward the urinal drain for a distance of at least twenty-four inches in front of the urinal. Adequate splash guards must be installed.

(5) Every urinal must be flushed from a water-supplied tank or through valve, and flush valves must be installed with an approved back-flow preventer. Every tank must furnish an adequate quantity of water for each discharge for every fixture. In place of discharge from a tank or flush valve, water may be allowed to run continuously over slab or trough urinals.

(6) Clear floor space for each urinal or its equivalent must be at least two feet in width.

NEW SECTION

WAC 480-66-430 Chemical toilets. All chemical toilets installed must be of a type approved by the commission. Containers must be charged with chemical solution of proper strength and their contents must be agitated daily with proper devices provided for that purpose. When containers are more than two-thirds full the contents must be disposed of in an approved manner. The stacks connecting the seats with the containers must be cleaned as often as is necessary to keep them in a clean and sanitary condition.

NEW SECTION

WAC 480-66-440 Incinerator toilets. (1) All incinerator toilets used on railroad equipment in the state of Washington must be of a type approved by the commission.

(2) The installation and method of venting must be approved by the commission.

(3) Clear and concise instructions must be provided by the railroad company to insure that the units are operated correctly.

NEW SECTION

WAC 480-66-450 Privies. (1) All privies must be located, constructed, and maintained to avoid contaminating any water of the state.

(2) A suitable approach, such as concrete, gravel or cinder walk must be provided.

(3) Privies must be constructed and maintained to be insect and rodent proof.

(4) Every privy must be provided with a door that is self-closing.

(5) The lids over the seats must be constructed to fall into a closed position when the seat is not occupied.

(6) The pit, or vault must be ventilated to the outside air by means of a stack protected at its outlet by screens.

NEW SECTION

WAC 480-66-460 Specifications for toilet rooms. (1) Separation.

(a) No toilet room must have direct communication with any room in which unwrapped food products are prepared, stored, handled, or sold, unless separated by a self-closing door maintained in operating condition.

(b) Separate toilet facilities must be provided for men and women, and each toilet room must be plainly marked by a sign reading "men" or "women." However, where toilet rooms will be occupied by no more than one person at a time, can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided. Where a single occupancy room has more than one toilet, only one of them may be counted for the purpose of the table in WAC 480-66-470.

(c) There must be no direct connection between toilet rooms for men and women. Each must have a separate entrance, and each entrance door must have an automatic closing device maintained in operating condition.

(2) In toilet rooms containing more than one water closet, each water closet must be in an individual compartment.

(3) Every toilet room must be adequately ventilated.

(4) All toilet facilities must be clearly lighted at all times during working hours.

(5) Every toilet room other than privies must be kept adequately heated.

(6) All windows, ventilators, and other openings, must be screened to prevent the entrance of insects. Toilet rooms must be kept free of insects and vermin.

NEW SECTION

WAC 480-66-470 Number of toilets required. General.

(1) Adequate toilet facilities must be provided for all employees, and for each sex. Facilities must be conveniently located and accessible, and must be maintained at all times in a usable and sanitary condition and in a condition which is not offensive to a reasonable person.

(2) The following table must be used as a guide in determining the adequacy of toilet facilities.

Number of Employees Minimum Number of Facilities

1 to 10 persons	1 toilet
11 to 25 persons	2 toilets
26 to 49 persons	3 toilets
50 to 100 persons	5 toilets

100 persons or over

5 toilets plus 1 more for each additional 25 employees

(3) Whenever urinals are provided, one urinal may be substituted for one toilet, provided the number of toilets must not be reduced to less than two-thirds of the number shown in the foregoing table.

NEW SECTION

WAC 480-66-480 Supplies for toilets. (1) An adequate supply of toilet paper with holder must be maintained.

(2) In all toilet rooms used by women dispensing machines for sanitary napkins must be provided if requested.

NEW SECTION

WAC 480-66-490 Location and types of toilets. (1) Movable facilities. Flush, chemical, or incinerator type toilets must be provided on the following movable facilities:

(a) The lead locomotive of all trains except when used in yard service.

(b) Baggage and express cars where employees are required to work en route.

(c) Caboose.

(2) Stationary facilities. Appropriate toilets, as required by these rules, must be provided and made accessible to all employees at all terminals, yards, stations, depots, office work areas, engine houses and shops, bunk or section houses, section headquarters, lunch rooms, and maintenance of way camps.

PART 5 - EATING FACILITIES

NEW SECTION

WAC 480-66-500 Eating places. (1) At all permanent and semi-permanent installations, an acceptable place with adequate space for eating meals must be provided for employees who bring their meals to their place of employment, or eat meals prepared at the camp facilities. An acceptable place with adequate space for eating meals must be provided at all other places whenever practicable.

(2) Eating places must be constructed to permit them to be readily cleaned. At all times, they must be kept clean and sanitary, in good repair, and free of rodents, insects and vermin.

(3) Kitchen cars or other camp facilities must have adequate equipment for the sanitary preparation, cooking and refrigeration of food.

(4) If employees are allowed or required to eat in a locomotive, the eating area must be kept clean and sanitary at all times.

NEW SECTION

WAC 480-66-510 Lunch rooms. (1) In lunch rooms where food is served for employees, the food, equipment, and facilities are subject to the rules and regulations of the state

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department of health pertaining to public food establishments.

(2) Employees and workers handling and serving food are subject to those rules and regulations of the state department of health which are necessary to the sanitary handling of food.

(3) Concessionaire facilities provided by the company in lieu of direct company operations must comply with the regulations in these rules with respect to adequate space, adequate food handling facilities, sanitation and cleanliness.

(4) Adequate table and seating facilities must be provided for the maximum number of employees using the room at any one time.

NEW SECTION

WAC 480-66-520 Specifications for lunch rooms and eating places. (1) General. The minimum area of lunch rooms, or the amount of space to be added to that required for a locker room where a lunch room is not provided, must be based upon the maximum number of employees using the room or added space at any one time, in accordance with the following table:

Number of Employees	Square Feet Per Employee
10 to 25	8
26 to 74	7
75 to 149	6
150 to 499	5
500 and more	4

(2) Every eating place and lunch room must be adequately ventilated. Where practicable cross-ventilation must be provided.

(3) All lunch rooms must be clearly lighted at all times during hours of use.

(4) Every lunch room must be kept reasonably heated at all times.

(5) The windows, ventilators and doors opening to the outside of all lunch rooms must be properly screened during the season when insects are prevalent.

(6) One or more covered receptacles, as needed, must be furnished in lunch room and eating places for the disposal of waste food and other waste matter. The containers must be emptied regularly and cleaned as often as needed. The area where the receptacles are kept must be maintained free of litter overflowing the receptacles.

PART 6 - SLEEPING ACCOMMODATIONS

NEW SECTION

WAC 480-66-600 Specifications for all accommodations. (1) Walls, floors and ceilings must be constructed to permit them to be readily cleaned.

(2) Exterior windows and doors must be weather stripped during cold weather.

(3) Screens must be provided for outer doors and windows during any season when insects are prevalent.

(4) Heating facilities and adequate fuel must be provided with which employees may maintain a comfortable temperature as weather conditions may require.

(5) Lighting, by windows and/or acceptable artificial illumination, must be provided.

(6) Ventilation must be provided by windows opening directly to the outside air.

(7) Beds, bunks or cots with proper mattresses must be provided. The beds, bunks or cots must be raised at least twelve inches above the floor and be located two feet or more from the side of any other bed, bunk or cot located in the same room, and have at least twenty-seven inches of clear space above it.

NEW SECTION

WAC 480-66-620 Stationary facilities. Dormitories or bunk rooms must be large enough to provide at least fifty square feet of floor area for each person. However, where double bunks are used at least thirty square feet of floor space must be provided for each person using a double bunk. The headroom of dormitories or bunk rooms must be at least seven feet.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-66-010	Definitions.
WAC 480-66-020	Water supply.
WAC 480-66-030	Toilets.
WAC 480-66-040	Eating places and lunch rooms.
WAC 480-66-050	Sleeping accommodations.
WAC 480-66-060	Cleanliness and maintenance.
WAC 480-66-070	General.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-60-010 Application of rules. (1) ~~((Subsequent to December 1, 1950, in all construction and reconstruction of tracks or structures adjacent thereto, on all railroads over which freight cars are transported or proposed to be transported, the following minimum clearances shall be allowed.))~~ The rules in this chapter apply to all common carrier railroad companies operating within the state of Washington, including any facilities or structures owned or operated by the railroad.

(2) A railroad company ~~((shall))~~ **must** not operate ~~((freight cars, locomotives or other rolling))~~ **any** equipment over tracks ~~((constructed subsequent to December 1, 1950, or tracks adjacent to buildings and structures constructed or~~

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reconstructed subsequent to that date, wherein)) where the clearances are less than those ~~((prescribed in))~~ required by these rules, unless a commission order has been entered granting an exemption or an exemption is contained in these rules.

(3) ~~((Where specific authority has been issued for deviation from these clearances for construction occurring subsequent to December 1, 1950, but prior to the effective date of the order in Cause No. T-8499 amending clearance rules of December 1, 1950, authority so issued shall remain in effect.~~

(4) ~~Overhead clearances authorized in these rules are applicable to tracks on which freight cars having a height to running board of fifteen feet six inches or less are transported. In the case of cars or loads exceeding fifteen feet six inches, WAC 480-60-070 and 480-60-080 must be complied with.~~

~~(5)) Side clearances ((authorized in these rules are applicable to tracks on which freight cars having an overall width)) are based on the assumption that equipment used on tracks is not greater than ten feet ten inches ((are transported)) wide. Height clearances are based on the assumption that equipment used on tracks is not higher than fifteen feet six inches. ((In the case of cars or loads exceeding)) If equipment exceeds ten feet ten inches in width, the railroad must comply with WAC ~~((480-60-070 and))~~ 480-60-080 ~~((must be complied with)).~~~~

NEW SECTION

WAC 480-60-012 Contacting the commission. You may contact the commission in writing, in person, by telephone, by e-mail, or by facsimile. The commission's location, mailing address, e-mail address and telefax number are found in WAC 480-09-100. The commission's internet home page address is found in WAC 480-04-050.

NEW SECTION

WAC 480-60-014 Rules of practice and procedure. The commission's rules governing administrative practices and procedures are in chapter 480-09 WAC. When a rule in this chapter conflicts with a rule in chapter 480-09 WAC, the rule in this chapter applies to railroad companies.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-60-020 Exemptions. (1) When the overhead or side clearances between a track and any building, structure, or facility are less than the minimum ~~((prescribed in))~~ required by these rules, but where lawfully created prior to ~~((the effective date thereof))~~ October 9, 1969, the minimum clearances ~~((prescribed herein shall))~~ required by these rules must be provided whenever the building, structure, or facility is relocated or reconstructed~~((;))~~. However, the ~~((Washington utilities and transportation))~~ commission will consider specific requests for the future continuance of ~~((heretofore))~~ these previously lawful clearances ((at such reconstructed building, structure or facility when application thereof has been made as provided in subsection (3))) when the railroad

or owner or manager of the building, structure, or facility applies for an exemption under the provision set forth below.

(2) Where restricted clearances are ~~((necessary nothing herein shall be construed as preventing))~~ unavoidable, the following moves are allowed without requesting an exemption from the commission:

(a) The movement of material over tracks when ((such)) the material is ((necessary in)) needed for the construction or maintenance of ((such)) the tracks((, nor in));

(b) The movement of special work equipment used in the construction, maintenance or operation of the railroad((, provided such movements shall be carried on under the conditions as are necessary to provide for the safety of all concerned; nor shall these rules be applicable, provided reasonable safety precautions are observed;));

(c) Movements during periods of actual emergency due to wrecks, derailments, washouts and like conditions((:

(3) If in any particular case, exemption from any of the requirements herein is deemed necessary by the carrier or industry concerned, the Washington utilities and transportation commission will consider the application of such carrier or industry for such exemptions when accompanied by a full statement of the conditions existing and the reason why such exemption is asked. Any exemption so granted will be limited to the particular case covered by the application.

(4) The Washington utilities and transportation commission reserves the right to modify any of the provisions of these regulations in specific cases, when, in its opinion, safety of railroad employees, public safety, convenience or necessity would be served by so doing.

~~(5));~~

(d) All movements authorized in this subsection may be made only after all reasonable steps are taken to provide for the safety of all who could be harmed by the move.

(3) The commission may grant an exemption of any rule in this chapter, when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(4) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, and giving a full explanation of the reason the exemption is requested.

(5) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(6) The commission will enter an order granting or denying the request, or setting it for hearing pursuant to chapter 480-09 WAC.

(7) Logging railroads, or any operation directly incident to logging, now subject to the provisions of the safety standards for logging operations in chapter 296-54 WAC, published by the division of safety of the department of labor and industries of the state of Washington, are exempted from these rules.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

~~WAC 480-60-030 Definitions. ((1) The overhead clearance is that distance measured along a line which is perpendicular to and joins a horizontal plane passing through the top of the highest rail and the lowest point of the overhead structure or obstruction.~~

~~(2) The side clearance is the shortest distance from centerline of track to a structure or appurtenances such as downspouts, ladders, or other obstructions at the side of the track.~~

~~(3) The track clearance is the shortest distance between the centerlines of adjacent tracks.~~

~~(4) Height of a freight car is the distance between the top of rail and the top of running board.~~

~~(5) Width of a freight car is twice the distance from the centerline of the car to the extreme outside part thereof.~~

~~(6) Icing platforms: The term "icing platform" shall include structures used in performing the service of icing, precooling, heating, ventilating and servicing of cars used in the handling of commodities requiring the above services.~~

~~(7) Constituted authority shall mean the commission.~~

~~(8) Overcrossing when used in this order means any point or place where a highway crosses a railroad by passing above the same. Clearances shall be as specified in WAC 480-60-040 (1) and (3).~~

~~(9) Undercrossing when used in this order means any point or place where a highway crosses a railroad by passing under the same. Existing laws pertaining to highways shall prevail.) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.~~

Car width - twice the distance from the centerline of the car to its extreme outside part.

Commission - the Washington utilities and transportation commission.

Icing platforms - include structures used in performing the service of icing, precooling, heating, ventilating and servicing of cars used in the handling of commodities requiring those services.

Overcrossing - any point or place where a highway crosses a railroad by passing above it.

Overhead clearance - the distance measured along a line which is perpendicular to and joins a horizontal plane passing through the top of the highest rail and a horizontal plane passing through the lowest point of the overhead structure or obstruction.

Side clearance - the shortest distance from centerline of track to a structure or appurtenances such as downspouts, ladders, or other obstructions at the side of the track.

Track clearance - the shortest distance between the centerlines of adjacent tracks.

Walkways - pathways located alongside or in the vicinity of a railroad track, or on a trestle or bridge, that provide an area for a railroad employee to perform duties associated with the track, trestle or bridge.

NEW SECTION

WAC 480-60-035 Walkways. (1) Walkways must be provided in yards where employees regularly work on the

ground, and for a minimum distance of one hundred twenty-five feet on each side of every switch stand or other trackside switch-throwing mechanism.

(2) The surface of walkways required in subsection (1) of this section must be covered with crushed material not to exceed one and one-half inch in size, or with asphalt, concrete, planking, grating, or similar material.

(3) Walkways required in subsection (1) of this section must not have a grade and slope in excess of one inch of elevation per each eight inches of horizontal length in any direction, unless the geography of the area makes this not possible.

(4) Walkways must be kept clear of vegetation, debris, and other obstructions which constitute a hazard to railroad employees working on the ground. Standing water must be removed from walkways as soon as practicable.

(5) When walkways required in subsection (1) of this section are removed or damaged due to construction or emergencies, they shall be restored within ten days after construction is completed or the emergency ends.

(6) Whenever walkways are provided, they must be sufficiently wide to allow employees to safely perform all duties associated with the use of the walkways.

(7) Walkways on bridges and trestles existing on (effective date of rule), must not be removed without approval from the commission. Permission must be obtained by the process set forth in WAC 480-60-020.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-60-040 Overhead clearances.

~~((1) Overhead clearance in general 22'6"~~

~~(2) Overhead clearance in buildings 18'0")~~

(1) General rule. Overhead clearances shall be at least twenty-two feet six inches unless one of the provisions in this section applies.

(2) Buildings.

The overhead clearance inside of entirely enclosed buildings may be reduced to eighteen feet, ~~((provided that this clearance shall apply only to tracks terminating))~~ if the tracks terminate within the building ~~((, and further provided, that when)),~~ When an overhead clearance of less than twenty-two feet six inches is established ~~((therein))~~ in a building, all cars, locomotives or other equipment ~~((shall be brought to a))~~ must stop before entering ~~((such enclosed building, the))~~ it. The conditions provided to require ~~((such))~~ the stop ~~((to be approved by constituted authority))~~ must be approved by the commission. Engine houses and car shops are exempt from these regulations.

~~((Note: Engine houses and car shops are exempt from these regulations.))~~

(3) ((Overhead clearance)) Trains in tunnels, under overcrossings, and on bridges.

Minimum overhead clearance in tunnels ~~((and through)),~~ under overcrossings, and on bridges may be decreased to the extent defined by the half-circumference of a circle having a radius of eight feet and tangent to a horizontal line twenty-

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two feet six inches above top of rail at a point directly above the centerline of track.

(4) ~~((Overhead clearance--))~~ All other structures.

Minimum overhead clearance ~~((as prescribed in subsection (1) above))~~ may be decreased to the extent defined by the half-circumference of a circle having a radius of eight feet six inches and tangent to a horizontal line twenty-two feet six inches above top of rail at a point directly over the centerline of track.

(5) Overhead clearance of wires.

All overhead wires ~~((in general shall))~~ must have a minimum vertical clearance of not less than that specified by the safety rules for the installation and maintenance of electric supply and communication lines as provided by the rules for electrical construction and the electrical and communication workers safety rules of the state of Washington.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-60-050 Side clearances. (1) ~~((Side clearance in general- 8'6"~~

Note: ~~To further reduce operational hazards, it is recommended that, wherever practicable, all posts, pipes, warning signs and other small obstructions be given a side clearance of ten feet.~~

~~Side clearance at platforms:))~~ General rule. Side clearances must be at least 8 feet 6 inches unless one of the provisions below applies. If exceptions in subsections (2) through (5) or (7) of this section apply, full side clearance of 8 feet 6 inches shall be provided on the opposite side of the track from the platform.

(2) Platforms - 8" or less above top of rail 4'8"

(3) Platforms - 4'0" or less above top of rail 7'3"

(Note: ~~Full side clearance of 8'6" must be provided on the opposite side of the service track from the platform.))~~

(4) Platforms - 4'6" or less above top of rail - when used principally for loading or unloading refrigerator cars . . . 8'0"

(5) Icing platforms and supports 7'3"

(Note: ~~Full side clearance of 8'6" must be provided on the opposite side of the service track from the platform.))~~

(6) ~~((Platforms other than above 8'6"~~
Note:)) A retractable platform ~~((s, either sliding or hinged,))~~ which ~~((are))~~ is attached to a permanent structure ~~((shall))~~ must be ~~((so))~~ designed so that when it is not in use no part of ~~((such retractable platform))~~ it shall fall within the clearance limits herein prescribed for a platform of that height above the top of the rail.

(7) Platforms - combinations of any above.

(Note:)) Platforms defined under (2) above may be combined with either (4) or (3) ~~((provided that))~~ if the lower platform ~~((presents))~~ has a level surface from a point not more than four feet eight inches from centerline of track to the face of the wall of the platform with which it is combined. No other combinations will be permitted.

(8) ~~((Platforms extension of existing platforms.~~

Note: ~~Platforms which were constructed at lawful clearances prior to the effective date of this order may be extended at existing clearances upon approval of constituted authority.~~

~~((9) Side clearance--))~~ Bridges and tunnels 8'0"
~~((10))~~ (9) Bridges and tunnels - upper section (see WAC 480-60-040(3)).

Side clearance ~~((in through))~~ on bridges and in tunnels may be decreased to the extent defined by the half circumference of a circle having a radius of eight feet and tangent to a horizontal line twenty-two feet six inches above top of rail directly above centerline of track.

~~((11))~~ (10) Bridges - lower section and structures 4' high or less. ~~((Through))~~ Bridges ~~((supporting track affected)),~~ hand rails, water barrels and refuge platforms on bridges and trestles, water columns, oil columns, block signals, cattle guards and cattle chutes, or portions ~~((thereof))~~ of those items, four feet or less above top of rail may have clearances decreased to the extent defined by a line extending diagonally upward from a point level with the top of rail and five feet distant laterally from centerline of track to a point four feet above top of rail and eight feet distant laterally from centerline of track: Provided, That the minimum clearance for hand rails and water barrels ~~((shall))~~ must be seven feet six inches and the minimum clearance for fences of cattle guards ~~((shall))~~ must be six feet nine inches.

(Note:)) Unless previously approved, the clearances authorized in this subsection, except as provided for hand rails and water barrels, are not permitted on ~~((through))~~ bridges where the work of trainmen or yardmen requires them to be upon the decks of such bridges for the purpose of coupling or uncoupling cars in the performance of switching service on a switching lead.

~~((12) Side clearance-- cattle guards and cattle chutes. (See subsection (11))~~

~~(13)(a) Side clearance-- warehouse doors 8'6"~~

~~(b))~~ (11) Side clearance - engine house and car repair shop doors 7'6"

~~((14) Side clearance-- hand rails on bridges and trestles. (See subsection (11))~~

~~(15))~~ (12) Side clearance - interlocking mechanism, switch boxes, ~~((ete))~~ and other similar devices projecting 4" or less above the top of the rail 3'0"

~~((Switch boxes, switch operating mechanism necessary for the control and operation of signals and interlockers projecting four inches or less above top of rail.~~

~~(16) Side clearance-- mail cranes and train order stands when not in operative position 8'6"~~

~~(17) Side clearance-- oil columns (see subsection (11)) 8'0"~~

~~(18))~~ (13) Side clearance - poles supporting trolley contact 8'3"

~~((Conductors supplying motive power to track affected of bracket construction.~~

~~(19) Side clearance-- poles other than trolley poles 8'6"~~

(20)) (14) Side clearance - signals and switch stands 3' high or less when located between tracks where not practicable to provide clearances otherwise prescribed in these rules 6'0"

~~((21))~~ (15) Side clearance - signals and switch stands other than above 8'0"

~~((22) Side clearance-- tunnels. (See subsection (10)) 8'0"~~

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~~(23) Side clearance—water barrels on bridges (see subsection (11)).~~

~~(24) Side clearance—water columns. (See subsection (11)).~~ 8'0"

~~(25)) (16) Side clearances on curved track. ((Note:))~~ Side clearances adjacent to curved track shall be increased as necessary to give the equivalent of tangent track clearances. As a general rule, the side clearance on curved track should be increased 1-1/2" for each degree of curvature.

~~((26)) (17) Side clearances - material or merchandise adjacent to tracks, ((~~ 8'6"

~~Note:))~~ No merchandise, material or other articles shall be placed or stored on ground or platforms adjacent to any track at a distance less than eight feet six inches from the centerline of track, except in cases of maintenance or emergency when such material is to be used within a reasonable period of time or where local conditions make compliance with this ~~((note))~~ rule impossible.

~~((27)) (18) Clearances - car puller units and appurtenances.~~

~~((Note:))~~ Clearances ~~((shall be only as))~~ for car puller units and appurtenances must be approved ~~((on application to))~~ by the commission through the process set forth in WAC 480-62-020.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-60-060 Track clearances. (1) Track clearances - in general 14' 0"

The minimum distance between the centerlines of parallel standard gauge railroad tracks, which are used or proposed to be used for transporting cars, engines, motors, or like equipment, ~~((shall))~~ must be fourteen feet, except as ~~((herein after prescribed))~~ set forth below.

(2) Track clearances - main and subsidiary tracks 15' 0"

The centerline of any standard gauge track, except a main track or a passing track, parallel and adjacent to a main track or a passing track, ~~((shall))~~ must be at least fifteen feet from the centerline of ~~((such))~~ the main track or passing track ~~((:—Provided,))~~ however, ~~((That))~~ where a passing track is adjacent to and at least fifteen feet distant from the main track, any other track may be constructed adjacent to ~~((such))~~ the passing track with 14 feet clearance ~~((prescribed in subsection (1))~~.

(3) Track clearances - parallel team, house, or industry tracks 13' 0"

Minimum clearances between centerlines of parallel team, house, or industry tracks ~~((shall))~~ must be thirteen feet.

(4) Track clearances - parallel ladder or ladder and other track 20' 0"

The minimum clearance between centerlines of any standard gauge ladder track, constructed parallel to any other track, ~~((shall have a clearance of not less than))~~ must be twenty feet ~~((from the centerline of such other track))~~.

(5) Track clearances - existing tracks.

~~((Note:))~~ Tracks existing ((tracks)) prior to October 9, 1969, may be extended at clearances lawfully prescribed prior to ~~((the effective date of this order))~~ that date.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-60-080 Operation of excess dimension loads. (1) ~~((Cars containing lading in excess of 15'6" high and/or 5'5" from centerline of ear.~~

Each open top car containing lading of a height exceeding fifteen feet six inches above top of rail, or which extends laterally more than five feet five inches from the centerline of the car, the movement of which is hereby authorized, shall be marked, stenciled or placarded, and such markings maintained in a legible condition to read:

"This car		"This car
EXCESS-	of	EXCESS-
HEIGHT"		WIDTH"

The words "EXCESS HEIGHT" or "EXCESS WIDTH" to occupy the greater portion of a space 7" x 10" enclosed within a 3/4" solid border. Letters and border to be of contrasting colors. All such required markings and placarding shall be placed on the side adjacent to the ladder or handholds near the floor line of the car at each of the four corners where practicable, and in addition one each of such signs shall be placed on each side of the load in a conspicuous position.

(2) Cars containing lading which extends laterally in excess of 5'5".

The movement of open top cars containing lading which extends laterally in excess of five feet five inches is hereby authorized only if the lading is of such a nature that it cannot practically be reduced in dimensions.

(3) Lading higher than 15'6" or extending laterally more than 5'5-1/2".

The movement of all open top cars having lading in excess of fifteen feet six inches in height, or which extends laterally in excess of five feet five and one-half inches from centerline of ear will be authorized by written notice stating the total number of such cars and advising that no member of the train crew is required to ride on top of such high ear or the side of any such wide ear.

(4) A written notice shall be delivered to every train containing any ear, the lading of which extends laterally in excess of 5'5-1/2" from the centerline of the ear or in excess of 15'6" in height above top of rails, informing the crew of the train that the train includes such ear or ears, stating the total number thereof and advising that no member of the train crew is required to ride on the side of any such wide ear or top of any such high ear.

(5)) No person may ride on the top of any car, or on the side of an excess width car, or the side of a car with a load that extends more than 5'5" from centerline.

(2) The railroad company must provide written notice to the train stating the total number of cars with excess height or width.

(3) Notice to yard supervisors. Yard supervisors ~~((shall))~~ must be ~~((given notification))~~ notified sufficiently in advance of the arrival of ~~((such wide loads as described in subsection (3) as))~~ cars with excess height or width to enable them to take necessary precautions to safeguard employees in yard.

~~((6))~~ Loads which cannot be passed over by employees.

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~~Open top cars containing lading having an overall height in excess of fifteen feet six inches above top of rail, if otherwise in compliance with these requirements, and the nature of which precludes the possibility of employees passing over the cars, are exempt from the provisions of subsections (3), (4) and (5), but written notice must be given to all members of train crew informing them of the presence of such loads.~~

~~(7) Exemptions:~~

~~The common carrier railroads are hereby authorized to move excess height loads and width loads, as described in subsection (1) over roads or portions thereof, without complying with the provisions of WAC 480-60-080, provided that clearances equivalent to the minimum herein prescribed for cars having a height of fifteen feet six inches and width of ten feet ten inches are maintained.))~~

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-60-090 Narrow gauge railroads transporting freight cars. (1) ~~((Overhead and))~~ Side clearances.

For the operation of equipment on narrow gauge tracks, ~~((the minimum overhead clearance shall provide a distance above the top of the highest car operated not less than that provided in these rules for cars fifteen feet six inches in height operated on standard gauge tracks;))~~ the side clearances and distances between centerlines of tracks ~~((shall))~~ must provide a distance from the sides of cars, or between the widest cars operated, not less than those distances ~~((herein))~~ provided by these rules for cars ten feet ten inches in width operated on standard gauge tracks.

(2) All other requirements of these rules, where applicable ~~((shall))~~, must be observed by narrow gauge railroads.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 480-60-070 Marking of cars.
- WAC 480-60-99002 Table—Class of highway.
- WAC 480-60-99003 Diagram—Clearance diagram for underpasses two-way highway traffic.

WSR 99-15-084
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed July 20, 1999, 4:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-10-070.

Purpose: The running start program, chapter 250-79 WAC.

Statutory Authority for Adoption: RCW 28A.600.390.

Statute Being Implemented: Chapter 250-79 WAC.

Summary: Clarifying enrollment and tuition rates pertaining to the running start program.

Reasons Supporting Proposal: Response (partly) to legislative changes. Rules will be adopted jointly by the Superintendent of Public Instruction, State Board for Community and Technical Colleges, and Higher Education Coordinating Board.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Doug Scrima, Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504-3430, (360) 753-7824.

Name of Proponent: Higher Education Coordinating Board (HECB), Superintendent of Public Instruction (SPI), and the State Board for Community and Technical Colleges (SBCTC), governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules will clarify enrollment portions of the running start program, as well as changes in tuition rates. For more specific information, contact Doug Scrima at (360) 753-7824 or by e-mail dougs@hecb.wa.gov.

Proposal Changes the Following Existing Rules: Rules are amended in order to make it clear that:

1. Running start students may not be charged tuition until a student's enrollment exceeds eighteen credits for a quarter or semester; and
2. The fifteen hour definition of "full time equivalent enrollment" only applies to the allocation of state funding.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Higher Education Coordinating Board, 3rd Floor Conference Room, 917 Lakeridge Way, Olympia, WA 98504, on August 27, 1999, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Belma Villa, TDD (360) 753-7809, or (360) 753-7810.

Submit Written Comments to: Doug Scrima, dougs@hecb.wa.gov, (360) 753-7824, fax (360) 753-7808, by August 27, 1999.

Date of Intended Adoption: September 15, 1999.

July 20, 1999

Belma Villa

Executive Assistant

NEW SECTION

WAC 250-79-030 Adoption by reference. Adopting running start rule revisions by reference to amended sections WAC 392-169-025; 392-169-030; 392-169-055; 392-169-057; and 392-169-060, filed by the office of the superintendent of public instruction by WSR 99-13-124, filed 6/16/99.

PROPOSED

WSR 99-15-086
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 20, 1999, 4:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-040, on February 26, 1999.

Title of Rule: Standards updates for first-aid (chapters 296-36, 296-59, 296-78, 296-155, and 296-301 WAC).

Purpose: The Department of Labor and Industries is proposing state-initiated amendments to first-aid requirements in industry-specific standards. These standards address the first-aid requirements unique to some industries across the state. On March 2, 1998, first-aid rules were adopted in chapter 296-24 WAC. Those rules provided employers with greater flexibility in meeting first-aid requirements as performance-based rather than specification-based rules. These proposed rules would ensure that first-aid requirements in industry-specific standards relating to first-aid are consistent with the previously adopted general industry requirements in chapter 296-24 WAC. The changes proposed would add references to chapter 296-24 WAC in the industry-specific standards, or ensure that the industry-specific requirements are consistent with the general requirements in chapter 296-24 WAC. No new requirements are proposed.

Existing WAC Sections Proposed to be Repealed

WAC 296-59-040 First-aid kits and supplies, this section is proposed to be repealed and will not be replaced by a new section, proposed amendments to WAC 296-59-035 make it redundant.

WAC 296-78-555 First-aid room, this section is proposed to be repealed and will not be replaced by a new section. First-aid rooms are no longer required in the general safety and health standards.

WAC 296-155-135 First-aid room, this section is proposed to be repealed and will not be replaced by a new section. First-aid rooms are no longer required in the General Safety and Health Standards.

Existing WAC Sections Proposed to be Amended

Chapter 296-36 WAC, Compressed air work: WAC 296-36-210 Medical supervision and medical and first-aid facilities—Medical supervision, state-initiated proposed amendments are made to:

- Clarify language.
- Add a reference to the first-aid requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.

Chapter 296-301 WAC, Safety standards for the textile industry: WAC 296-301-215 First aid, state-initiated proposed amendments are made to add a reference to the first-aid requirements located in chapter 296-24 WAC, General Safety and Health Standards, Part A-1.

Chapter 296-59 WAC, Safety standards for ski area facilities and operations: WAC 296-59-035 First-aid, state-initiated proposed amendments are made to add a reference to the first-aid requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.

Chapter 296-78 WAC, Safety standards for sawmills and woodworking operations: WAC 296-78-540 First-aid training and certification, state-initiated proposed amendments are made to add a reference to the first-aid requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.

WAC 296-78-545 First-aid supplies, state-initiated proposed amendments are made to remove outdated language relating to WAC 296-24-070 and to add a reference to the first-aid requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.

WAC 296-78-550 First-aid station, state-initiated proposed amendments are made to add a reference to the first-aid requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.

Chapter 296-155 WAC, Safety standards for construction work: WAC 296-155-120 First-Aid training and certification, state-initiated proposed amendments are made to:

- Clarify language.
- Add a reference to the first-aid requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.

WAC 296-155-125 First-aid supplies, state-initiated proposed amendments are made to:

- Add a reference to the first-aid supply requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.
- Clarify the requirement that vehicles used for transporting work crews must have first-aid supplies.
- Clarify that, if practical, a poster with phone numbers of emergency medical responders will be maintained in each first-aid kit and at or near all phones.
- Clarify that requirements of WAC 296-62-130 Emergency washing facilities, apply within the scope of chapter 296-155 WAC.
- Clarify and renumber subsections.
- Delete specific requirements for having wool blankets and a stretcher in addition to first-aid kits.

WAC 296-155-130 First-aid station, state-initiated proposed amendments are made to:

- Add a reference to the first-aid station requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.
- Delete specific requirements for having wool blankets and a stretcher in addition to first-aid kits.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040 and [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

PROPOSED

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 department has determined that the proposed rule will not place more than a minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. Since the proposed rule only corrects typographical errors, makes address or name changes, or clarifies language of the rule without changing its effect, in accordance with RCW 34.05.328 (5)(b)(iii) and (iv), RCW 34.05.328 does not apply.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on August 24, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by August 17, 1999, at (360) 902-5484.

Submit Written Comments to: Tracy Spencer, Standards Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, by 5:00 p.m. on August 31, 1999. In addition to written comments, the department will accept comments submitted to fax (360) 902-5529. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: September 30, 1999.

July 15, 1999

Gary Moore

Director

AMENDATORY SECTION (Amending Order 74-19, filed 5/6/74)

WAC 296-301-215 First aid. The first-aid provisions of ~~((WAC 296-24-015 through 296-24-070,))~~ chapter 296-24 WAC, Part A-1 of the general safety and health standards, ~~((shall))~~ apply ~~((to the textile industry))~~ within the scope of chapter 296-301 WAC.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-120 First-aid training and certification. This section is designed to assure that all employees in this state are afforded quick and effective first-aid attention in the event of an on the job injury. To achieve this purpose the presence of personnel trained in first-aid procedures at or near those places where employees are working is required. Compliance with the provisions of this section may require the presence of more than one first-aid trained person.

(1) The first-aid training requirements of the general safety and health standards, chapter 296-24 WAC, Part A-1 apply within the scope of chapter 296-155 WAC.

(2) Each employer ~~((shall))~~ must have available at all worksites, at all times, a person or persons holding a valid certificate of first-aid training ~~((from the department of labor and industries or other organization, association or agency that has been approved by the department)).~~

~~((a))~~ A valid first-aid certificate is one which is less than three years old.

~~((b))~~ (3) All crew leaders, supervisors or persons in direct charge of crews ~~((shall))~~ must have a valid first-aid certificate.

~~((c))~~ (4) For the purposes of this section, a crew ~~((shall))~~ means a group of two or more employees working at any worksite.

Note: In emergencies, crew leaders will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another crew leaders in the immediate work area has the necessary certificate.

~~((2))~~ Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter:

~~Bleeding control and bandaging-~~

~~Cardio-pulmonary resuscitation "C.P.R."~~

~~Poisons-~~

~~Shock, unconsciousness, stroke-~~

~~Burns, scalds-~~

~~Sunstroke, heat exhaustion-~~

~~Frostbite, freezing, hypothermia-~~

~~Strains, sprains, hernias-~~

~~Fractures, dislocation-~~

~~Proper transportation of the injured-~~

~~Bites, stings-)~~

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-125 First-aid ~~((kit))~~ supplies. (1) ~~((All employers who employ men and women covered by the act shall furnish first-aid kits as required by the department of labor and industries, (RCW 51.36.030).~~

(2) ~~First-aid supplies shall be readily accessible when required by this section.~~

(3) ~~In the absence of readily accessible first-aid supplies such as first-aid kits, first-aid stations, first-aid rooms or their equivalent, all crew trucks, power shovels, cranes, locomotives, loaders, dozers, logging trucks, speeders, freight trucks and similar equipment shall be equipped with not less than a ten package weather-proof first-aid kit.~~

(4) ~~All crew vehicles used for transporting workers shall be equipped with not less than a ten package weather-proof first-aid kit. When more than five employees are being transported on any one trip, the kit shall be increased in size to comply with a~~

~~16-, 24-, or 36 package kit depending upon the number of personnel normally being transported.~~

(5) ~~At least one weather-proof first-aid kit shall be available on construction jobs, line crews, and other transient or short duration jobs.~~

(6) ~~The size and quantity of first-aid kits, required to be located at any site, shall be determined by the number of personnel normally dependent upon each kit as outlined in the following table:~~

PROPOSED

Number of Personnel Normally Assigned To Worksite	Minimum First Aid Supplies Required At Worksite
1 - 50 persons	First-aid kit
1 - 5	10 package kit
6 - 15	16 package kit
16 - 30	24 package kit
31 - 50	36 package kit
51 - 200	First-aid station
51 - 75	One 36 and one 10 package kit
76 - 100	One 36 and one 16 package kit
101 - 150	One 36 and one 24 package kit
151 - 200	Two 36 package kits
Over 200 persons	First-aid room

Refer to
WAC 296-24-070

(7) Employers shall establish a procedure to ensure that first-aid kits and required contents are maintained in a serviceable condition.

(8) First-aid kits shall contain at least the following items, in a weatherproof container with individual sealed packages for each type of item:

10 package kit

- 1 Pkg. adhesive bandages, 1" (16 per pkg.)
- 1 Pkg. bandage compress, 4" (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 1 Pkg. triangular bandage, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 5 Pkgs. of consulting physician's choice**

16 package kit

- 1 Pkg. absorbent gauze, 24" x 72" (1 per pkg.)
- 1 Pkg. adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. bandage compresses, 4" (1 per pkg.)
- 1 Pkg. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 2 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 7 Pkgs. of consulting physician's choice**

24 package kit

- 2 Pkgs. absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. bandage compresses, 4" (1 per pkg.)

- 1 Pkg. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 6 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 9 Pkgs. of consulting physician's choice**

36 package kit

- 4 Pkgs. absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. adhesive bandages, 1" (16 per pkg.)
- 5 Pkgs. bandage compresses, 4" (1 per pkg.)
- 2 Pkgs. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 8 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 13 Pkgs. of consulting physicians choice**

* Scissors shall be capable of cutting 2 layers of 15 oz. cotton cloth or its equivalent.

** First-aid kits shall be maintained at the ten, sixteen, twenty-four or thirty-six package level. In the event the consulting physician chooses not to recommend items, the department shall be contacted for recommended items to complete the kit.

(9) When practical, a poster shall be fastened and maintained either on or in the cover of each first-aid kit and at or near all phones plainly stating worksite address or location, the phone numbers of available doctors, hospitals, and ambulance services within the district of the worksite.

Note: Preprinted Form No. FSPD 900-001-1 is available from all department offices. First-aid kit Form No. FSPD 005-000 is also available.

(10) Where the eyes or body of any person may be exposed to injurious chemicals and/or materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided, within the work area, for immediate emergency use.

(11) When required by the department, two wool blankets or two fire retardant blankets, capable of supporting 250 pounds each, and a stretcher shall be available in addition to first-aid kits. The first-aid kits and supplies requirements of the general safety and health standards, chapter 296-24 WAC, Part A-1 apply within the scope of chapter 296-155 WAC.

(2) All vehicles used to transport work crews must be equipped with first-aid supplies.

(3) When practical, a poster must be fastened and maintained either on or in the cover of each first-aid kit and at or near all phones plainly stating the worksite address or location, and the phone numbers of emergency medical responders for the worksite.

(4) Requirements of WAC 296-62-130, Emergency washing facilities, apply within the scope of chapter 296-155 WAC.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-130 First-aid station. ((1) First-aid stations shall be well marked and located as close as practical to the highest concentration of employees.

~~(2) One person holding a valid first-aid certificate shall be responsible for the proper use and maintenance of the first-aid station.~~

~~(3) First-aid stations shall be equipped with a minimum of two first-aid kits, the size of which shall be dependent upon the number of personnel normally employed at the worksite. One first-aid kit may be a permanent wall-mounted kit, but in all cases the station shall be equipped with at least one portable first-aid kit.~~

~~(4) The first-aid station shall be equipped with two wool blankets, or two fire retardent blankets capable of supporting 250 pounds each, and a stretcher in addition to first-aid kits.~~

~~(5) A roster, denoting the telephone numbers and addresses of doctors, hospitals and ambulance services available to the worksite, shall be posted at each first-aid station.)) Employers with fifty or more employees per shift at one location must establish a first-aid station in accordance with the requirements in chapter 296-24 WAC, Part A-1.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-155-135 First-aid room.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-035 First-aid ((training and certification)). ((The "first-aid training and certification" requirements of the general safety and health standards, WAC 296-24-060, shall be applicable within the scope of chapter 296-59 WAC.)) The first-aid provisions of chapter 296-24 WAC, Part A-1 of the general safety and health standards apply within the scope of chapter 296-59 WAC.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-59-040 First-aid kits and supplies.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-540 First-aid training and certification. ((The purpose of this section is to assure that all employees of this state can be afforded quick, and effective first-aid attention in the event that an injury occurs on the job. The means of achieving this purpose is to assure the presence of personnel trained in first-aid procedures at or near those places where employees are working. Compliance with the provisions of this section may require the presence of more than one first-aid trained person.

(1) In addition to RCW 51.36.030, every employer shall comply with the department's requirements for first-aid training and certification.

(2) There shall be present or available at all times, a person or persons holding a valid certificate of first-aid training.

(A valid first-aid certificate is one which is less than three years old.)

(3) Compliance with the requirements of subsection (2) of this section may be achieved as follows:

(a) All foremen, supervisors, or persons in direct charge of crews working in physically dispersed operations, shall have a valid first-aid certificate. Provided, That if the duties or work of the foreman, supervisor or person in direct charge of a crew, is absent from the crew, another person holding a valid first-aid certificate shall be present. For the purpose of this section, a crew shall mean a group of two or more employees working at a work site separate and remote from the main office or fixed work place (such as occurs in construction, logging, etc.). In emergencies, foremen will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.

(b) In fixed establishments, all foremen, supervisors, or persons in direct charge of a group or groups of employees shall have a valid first-aid certificate. Provided, That in fixed establishments where the foreman, supervisor, or person in charge has duties which require his absence from the work site of the group, another person holding a valid first-aid certificate shall be present or available to the groups. Foremen, supervisors or persons in direct charge of a group or groups of employees will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.

(c) In fixed establishments organized into distinct departments or equivalent organizational units such as department stores, large company offices, etc., a person or persons holding a valid first-aid certificate shall be present or available at all times employees are working within that department or organizational unit.

(d) In small businesses, offices or similar types of fixed workplaces, compliance may be achieved by having a number of such small businesses, offices, etc., combined into a single unit for the purpose of assuring the continued presence or availability of a person or persons holding a valid first-aid training certificate. A plan for combining a number of small businesses, etc., into such a group shall be submitted to the division of industrial safety and health, safety education section, for approval. That section is also available to assist employers who wish to develop such a plan. Criteria for approval by the division shall include:

(i) The businesses within the group must not be widely dispersed;

(ii) The name(s) of the person or persons holding the first-aid certificate, their usual places of work, their work phone numbers, and other appropriate information shall be posted in each establishment which is a member of the group, in a place which can reasonably be expected to give notice to employees of that establishment;

(iii) First-aid kits shall be available and maintained as required by WAC 296-24-065.

(e) Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter:

PROPOSED

Bleeding control and bandaging.
 Practical methods of artificial respiration including mouth to mouth to nose resuscitation.
 Closed chest heart massage.
 Poisons.
 Shock, unconsciousness, stroke.
 Burns, scalds.
 Sunstroke, heat exhaustion.
 Frostbite, freezing, hypothermia.
 Strains, sprains, hernias.
 Fractures, dislocations.
 Proper transportation of the injured.
 Bites, stings.
 Subjects covering specific health hazards likely to be encountered by co-workers of first-aid students enrolled in the course.

(4) Industrial first-aid course instructors will, upon request, be furnished by the division of industrial safety and health, department of labor and industries, either directly or through a program with the community colleges or vocational education.

(5) Employers of employees working in fixed establishments, meeting the following criteria, are exempt from the requirements of this section: Provided

(a) They can submit written evidence to the department upon request, that the worksite of their employees is within a two minute time frame of response by an aid car, medic unit or established ambulance service with first-aid trained attendants.

(b) There is a back-up aid car, medic unit or established ambulance service within the two minute response time; or that a first-aid trained person with readily available transportation is on the site of the posted emergency phone number for immediate dispatch in the event the primary unit is not available.

(c) There are no traffic impediments, such as draw bridges, railroad tracks, etc., along the normal route of travel of the aid car, medic unit or established ambulance service that would delay arrival beyond the required two minute time frame.

(d) Emergency telephone numbers are posted on all first-aid kits and at all telephones on the worksite.

(e) The above services are available or exist at all times when more than one employee is on the worksite.

Note: A construction site that will be of more than six months duration, such as a large building, shall be considered a fixed establishment for the purposes of this section. Doctor's offices and clinics are not to be considered as alternates due to the fact that very often doctor's schedules require them to be away from their offices.)

The employer must ensure that first-aid trained personnel are available to help employees who are injured or who become acutely ill on the job. The employer must meet this requirement by maintaining first-aid trained staff on the job site. The employer must ensure that:

(1) Each person in charge of employees has first-aid training; or another person with first-aid training is present or available to the employees. Such training must be successfully completed every two years as required in chapter 296-24 WAC, Part A-1;

(2) Documentation of first-aid training is kept as required in chapter 296-24 WAC, Part A-1;

(3) Emergency telephone numbers are adequately posted;

(4) First-aid training includes the core elements contained in chapter 296-24 WAC, Part A-1.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-545 First-aid ((~~kit~~) supplies. ~~((1) All employers who employ men and women covered by the Industrial Safety and Health Act shall furnish first-aid kits as required by the division of industrial safety and health, department of labor and industries, (RCW 51.36.030).~~

~~(2) First-aid supplies shall be readily accessible when required.~~

~~(3) In the absence of readily accessible first-aid supplies such as first-aid kits, first-aid stations, first-aid rooms or their equivalent, all crew trucks, power shovels, cranes, locomotives, loaders, dozers, logging trucks, speeders, freight trucks and similar equipment shall be equipped with not less than a ten package first-aid kit.~~

~~(4) All crew vehicles used for transporting workers shall be equipped with not less than a ten package first-aid kit. When more than five employees are being transported on any one trip, the kit shall be increased in size to comply with a 16, 24, or 36 package kit depending upon the number of personnel normally being transported.~~

~~(5) At least one first-aid kit shall be available on construction jobs, line crews, and other transient or short duration jobs. The size and quantity of first-aid kits, required to be located at any site, shall be determined by the number of personnel normally dependent upon each kit as outlined in the following table:~~

NUMBER OF PERSONNEL NORMALLY ASSIGNED TO WORKSITE	MINIMUM FIRST-AID SUPPLIES REQUIRED AT WORKSITE
1- 50 persons	First Aid Kit
1- 5	10 package kit
6- 15	16 package kit
16- 30	24 package kit
31- 50	36 package kit
51- 200 persons	First Aid Station
51- 75	One 36 and one 10 package kit
76- 100	One 36 and one 16 package kit
101- 150	One 36 and one 24 package kit
151- 200	Two 36 package kits
Over 200 persons	First Aid Room
	Refer to WAC 296-24-070

~~(6) Employers shall establish a procedure to assure that first-aid kits and required contents are maintained in a serviceable condition.~~

~~(7) First-aid kits shall contain at least the following items:~~

10 Package Kit

- 1 Pkg. adhesive bandages, 1" (16 per pkg.)
- 1 Pkg. bandage compress, 4" (1 per pkg.)

PROPOSED

- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 1 Pkg. triangular bandage, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 5 Pkgs. of consulting physician's choice**

16 Package Kit

- 1 Pkg. absorbent gauze, 24" x 72" (1 per pkg.)
- 1 Pkg. adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. bandage compresses, 4" (1 per pkg.)
- 1 Pkg. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 2 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 7 Pkgs. of consulting physician's choice**

24 Package Kit

- 2 Pkgs. absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. bandage compresses, 4" (1 per pkg.)
- 1 Pkg. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 6 Pkgs. triangular bandages (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 9 Pkgs. of consulting physician's choice**

36 Package Kit

- 4 Pkgs. absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. adhesive bandages, 1" (16 per pkg.)
- 5 Pkgs. bandage compresses, 4" (1 per pkg.)
- 2 Pkgs. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 8 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 13 Pkgs. of consulting physician's choice**

* Scissors shall be capable of cutting 2 layers of 15 oz. cotton cloth or its equivalent.

** First aid kits shall be maintained at the ten, sixteen, twenty four or thirty six package level. In the event the consulting physician chooses not to recommend items, the department of labor and industries shall be contacted for recommended items to complete the kit.

~~(8) Where the eyes or body of any person may be exposed to injurious chemicals and/or materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided, within the work area, for immediate emergency use.~~

~~(9) When practical, a poster shall be fastened and maintained either on or in the cover of each first-aid kit and at or near all phones plainly stating, the phone numbers of available doctors, hospitals, and ambulance services within the district of the worksite.~~

~~(10) When required by the department, in addition to the first-aid kit which must be kept on the equipment or at the place of work, there shall be available within the closest practicable distance from the operations (not to exceed one-half mile) the following items:~~

- ~~1 set of arm and leg splints.~~
- ~~2 all wool blankets or blankets equal in strength and fire resistant (properly protected and marked).~~

~~1 stretcher.))~~

The first-aid kits and supplies requirements of the general safety and health standards, chapter 296-24 WAC, Part A-1 apply within the scope of chapter 296-78 WAC.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-550 First-aid station. ~~((1) First-aid stations shall be located as close as practicable to the highest concentration of personnel:~~

~~(2) First-aid stations shall be well marked and available to personnel during all working hours:~~

~~(3) One person holding a valid first-aid certificate shall be responsible for the proper use and maintenance of the first-aid station:~~

~~(4) First-aid stations shall be equipped with a minimum of two first-aid kits, the size of which shall be dependent upon the number of personnel normally employed at the worksite. One first-aid kit may be a permanent wall-mounted kit, but in all cases the station shall be equipped with at least one portable first-aid kit.~~

~~(5) When required by the department, the station shall be equipped with two wool blankets and a stretcher in addition to first-aid kits:~~

~~(6) A roster, denoting the telephone numbers and addresses of doctors, hospitals and ambulance services available to the worksite, shall be posted at each first-aid station.))~~
Employers with fifty or more employees per shift at one location must establish a first-aid station in accordance with the requirements in chapter 296-24 WAC, Part A-1.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-78-555 First-aid room.

AMENDATORY SECTION (Amending Order 90-10, filed 8/13/90, effective 9/24/90)

WAC 296-36-210 Medical supervision and medical and first-aid facilities—Medical supervision. (1) **Appointed physician.** Where workmen are employed in compressed air, their employer shall make arrangements for their medical supervision by one or more licensed physicians trained in the physical requirements and the medical aspects of compressed air work and the treatment of decompression illness. The employer shall arrange for medical examination of all workmen employed in compressed air at a suitable place or places by the appointed physician in accordance with these regulations. The appointed physician or physicians shall be immediately available in case of emergency or accident. Each appointed physician shall be physically qualified to subject himself to a compressed air environment.

(2) **Appointed physician's duties and responsibilities.**

(a) General. All matters on the job pertaining to the health of employees, treatment on the job of illness and injuries, special first-aid and nursing personnel or assistants, lock

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attendants, and medical and first-aid equipment shall be under the supervision of the appointed physician.

(b) He shall make all required physical examinations.

(c) He shall make and sign all required reports of such examinations using the forms provided by the department of labor and industries.

(d) He shall make at least one inspection on the job every day of all treatment records and the required decompression record and he shall inspect or inquire into conditions which may constitute a potential hazard to the health of any employee.

(3) **Certified medical attendant.** There shall be on every job a certified medical attendant trained to the satisfaction of the appointed physician in administering first aid on compressed air jobs, and who shall be in attendance in the first-aid room while work in compressed air is going on and at such other times as the physician may direct. The medical attendant shall be in personal charge of the administration of first aid and such other duties as physician may direct. Under no circumstances shall female medical attendants be subjected to a compressed air environment.

(4) **First-aid personnel.**

(a) The superintendent and every foreman and at least one additional designated person on each shift below ground shall be trained to the satisfaction of the appointed physician in administering first aid.

(b) Where more than 10 but less than 50 men are employed per shift underground, there shall be at least 2 such additional designated trained persons on the job and available on call.

(c) Where more than 50 men are employed per shift underground, the designated trained personnel shall include all shift bosses and time keepers in addition to those required in subsection (b) above.

(d) All designated first-aid personnel ~~((shall))~~ **must** have in their possession current first-aid certificates ~~((acceptable to the department of labor and industries))~~ **that meet certificate requirements stated in chapter 296-24 WAC, Part A-1.**

(5) **First-aid meetings.** All designated first-aid personnel shall meet at least once in each 3 months or oftener if directed by the physician for further first-aid instruction by the physician.

(6) **First-aid room and equipment.** The employer ~~((shall))~~ **must** provide a first-aid room properly heated and maintained within 100 yards of the principal entrance to the underground work. It ~~((shall))~~ **must** be equipped with a first-aid kit, medical supplies and equipment consisting of not less than the minimum requirements listed in chapter ~~((296-155 WAC, Part B-1))~~ **296-24 WAC, Part A-1.**

(7) **First-aid equipment underground.** All the equipment and supplies which the appointed physician may deem necessary for first-aid underground shall be provided and maintained readily available in a suitable cabinet or cabinets. A list of the contents signed by the appointed physician shall be permanently attached to the inside of the cabinet door or cover. The cabinet shall be plainly marked with a red cross and the words "first aid."

In caissons, one such cabinet shall be conveniently located in the working chamber.

In tunnels where a bulkhead is installed, one such cabinet shall be located on each side of the bulkhead near the entrance to the man lock.

In tunnels having no bulkhead, one such cabinet shall be located within 100 yards of the working face.

WSR 99-15-090
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY
[Filed July 21, 1999, 9:52 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: Amend Regulation I - Sections 1.01, 1.03, 1.05, 1.07, 3.01, 3.03, 7.03, 8.07, 8.08, 13.01; Regulation II - Sections 1.01, 1.02, 1.03, 1.05; and Regulation III - Section 1.02.

Purpose: To update the regulations with the agency's new name.

Other Identifying Information: Regulation I: Article 1 - Policy, Short Title, and Definitions; Article 3 - General Provisions; Article 7 - Operating Permits; Article 8 - Outdoor Fires; Article 13 - Solid Fuel Burning Device Standards. Regulation II: Article 1 - Purpose, Policy, Short Title, and Definitions. Regulation III: Article 1 - General Requirements.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

Summary: Our agency board of directors has elected to change the name of the agency from Puget Sound Air Pollution Control Agency to Puget Sound Clean Air Agency.

Reasons Supporting Proposal: This is a technical change to update our regulations with the new name of the agency.

Name of Agency Personnel Responsible for Drafting: Lynn Hughes, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4067; 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 Clean Air 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 update the regulations with the new name of the agency.

Proposal does not change existing rules.

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 Clean Air Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on September 9, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by September 2, 1999, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, #500, Seattle, WA 98101, fax (206) 343-7522, by August 30, 1999.

Date of Intended Adoption: September 9, 1999.

July 20, 1999

David S. Kircher
Manager - Engineering

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 99-16 issue of the Register.

WSR 99-15-096
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed July 21, 1999, 11:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-08-127.

Title of Rule: WAC 308-78-020, 308-78-030, 308-78-040, 308-78-045, 308-78-050, 308-78-060, 308-78-070, 308-78-080 and 308-78-090, Aircraft fuel tax.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 82.42.040.

Summary: Amending WAC 308-78-020 Bond requirements and collection, 308-78-030 Required reports, 308-78-040 Tax exempt transactions and invoice requirements, 308-78-045 Tax exempt use, 308-78-050 Supporting documents for tax exempt transactions, 308-78-060 Tax exempt losses, 308-78-070 Records, 308-78-080 Refunds, and 308-78-090 Mitigation of penalties and/or interest.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Thao Pham-Manikhoth, 2424 Bristol Court S.W., 664-1844; Implementation and Enforcement: Betty Mickelson, 2424 Bristol Court S.W., 664-1843.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business eco-

nomonic 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 rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on September 3, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Mark Roberts by September 2, 1999, TDD (360) 664-8885, or (360) 902-3759.

Submit Written Comments to: Mark Roberts, Rules Coordinator, Prorate and Fuel Tax Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by September 2, 1999.

Date of Intended Adoption: September 18, 1999.

July 21, 1999

Thao Pham-Manikhoth
Tom Brewer, Administrator
Prorate and Fuel Tax Services

AMENDATORY SECTION (Amending Order MV 696, filed 10/6/82)

WAC 308-78-020 (~~License and~~) Bond requirements and collection. (1) (~~Every distributor shall be licensed and bonded as is provided in chapter 82.36 RCW.~~

(2) ~~Any person, other than a distributor, whose major use of aircraft fuel is for a tax exempt use specified in RCW 82.42.020 or 82.42.030, may be issued an aircraft fuel user license as authority to purchase the fuel without payment of the tax imposed by RCW 82.42.020 at time of purchase. Verification by the aeronautics division of the Washington department of transportation of the tax exempt usage will be required.)~~ **As an aircraft fuel tax distributor must I be bonded in order to receive a license? Yes, every aircraft fuel tax distributor must be licensed and bonded as is provided in chapter 82.36 RCW.**

(2) Can the department collect on bonds for unpaid aircraft fuel taxes? Yes, the department may execute bonds on file under the provisions of chapter 82.36 RCW for unpaid taxes owing under chapter 82.42 RCW.

AMENDATORY SECTION (Amending Order PFT 90-05, filed 6/14/90, effective 7/15/90)

WAC 308-78-030 Required reports. (1) (~~Every licensed distributor and user of aircraft fuel shall submit to the department of licensing, on or before the 25th day of each month, on forms furnished by the department:~~

(a) ~~A signed statement showing the total number of gallons of aircraft fuel acquired, sold, delivered, and used during the preceding calendar month;~~

(b) ~~A report of the number of gallons of aircraft fuel resulting in an increase or decrease of stock in bulk and/or mobile storage facilities;~~

(c) ~~Such other data as necessary to support the various entries on the reports. The format of the Uniform Motor Fuel~~

Tax Multiple Schedules shall be used for the supporting data unless a different format is specifically required by the department.

(2) A report shall be rendered each month regardless of whether fuel has been received or dispensed during the immediately preceding calendar month. The department may permit a user whose sole use of aircraft fuel is for tax exempt purposes to submit one annual report in lieu of monthly reports.

(3) Reports required by subsection (1) of this section may be submitted on computer-generated forms in lieu of the forms furnished by the department provided that the format is identical to the report forms preprinted by the department.)

What reports are required by the department for aircraft fuel tax and when are they due? Every licensed distributor of aircraft fuel shall submit signed tax returns and schedules to the department of licensing, on or before the 25th day of each month, or as required by the department. Forms shall be furnished or approved by the department.

(2) Is a report due if I have no activity for the month? Yes, a report shall be filed with the department for each calendar month even when no aircraft fuel was sold or used.

(3) Can tax return information be made available to other government agencies? Yes, the department routinely furnishes copies of schedules to government agencies or foreign jurisdictions.

AMENDATORY SECTION (Amending Order PFT 90-05, filed 6/14/90, effective 7/15/90)

WAC 308-78-040 Tax exempt transactions and invoice requirements. ((See WAC 308-78-080—Refunds) A distributor may sell aircraft fuel without collecting aircraft fuel tax when delivery is made by the distributor:

- (1) To a buyer at a point outside the state; or
- (2) To a common or contract carrier under a bill of lading naming the distributor as consignor to the buyer outside the state; or
- (3) To United States or foreign government agencies; or
- (4) To aircraft fuel users licensed by the department; or
- (5) Directly into the aircraft fuel tanks of equipment operated by air carriers, supplemental air carriers, and foreign flag carriers operating under part 121 of the Federal Aviation Regulations, and local service commuters; or
- (6) To another licensed distributor; or
- (7) To a person who purchases and exports the fuel under the provisions of RCW 82.42.030. The fuel is considered sold for export under the provisions of RCW 82.42.030 if the fuel is delivered in the state into the transportation equipment of the purchaser or a common or contract carrier employed by the purchaser, and the purchaser transports the fuel and unloads it at a location outside the state. The selling distributor must issue to the purchaser an invoice which shall contain at least the following details:
 - (a) Name and address of seller;
 - (b) Name and address of purchaser;
 - (c) The date of delivery (month, day, and year);
 - (d) The location of the point of shipment, in words;
 - (e) The place of delivery, in words, if different from shipping point;

(f) Purchaser's method of transporting fuel (either customer equipment, common carrier, or pipeline, if by common carrier, common carrier's name);

(g) State or foreign jurisdiction of destination;

(h) Name of product sold;

(i) The quantity, in gallons, of product sold;

(j) The price per gallon and total amount charged; and

(k) The statement: "Ex Washington State Fuel Tax."

The original copy of the invoice must be furnished the purchaser; a copy of the invoice must be kept by the selling distributor as required by RCW 82.42.040 and WAC 307-78-070.

These sales shall be supported by Schedule 10, Uniform Motor Vehicle Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841), a separate schedule for each state of destination. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.) (1) **When may a licensed distributor sell aircraft fuel without collecting the aircraft fuel tax?** A licensed distributor may sell aircraft fuel without collecting the aircraft fuel tax, when delivery is made by the distributor to one of the following:

(a) A destination outside the state;

(b) United States or foreign government agencies;

(c) Directly into the aircraft fuel tanks of equipment operated by air carriers, supplemental air carriers, and foreign flag carriers operating under part 121 of the Federal Aviation Regulations, and local service commuters;

(d) Another licensed distributor; or

(e) To a purchaser who delivers the fuel for export purposes (fuel must be unloaded at a location outside the state) under RCW 82.42.030 in the state into:

(i) Purchaser's transportation equipment; and/or

(ii) A common/contract carrier employed by the purchaser at a location outside the state.

(2) What invoices are required and how are they distributed? An original invoice must be furnished to the purchaser; the selling distributor as required by RCW 82.42.040 and WAC 308-78-070 must keep a copy of the invoice.

(3) What information must an invoice include? The selling distributor must issue to the purchaser an invoice, which shall contain at least the following:

(a) Name and address of seller;

(b) Name and address of purchaser;

(c) The date of delivery (month, day, and year);

(d) The location of the point of shipment, in words;

(e) The place of delivery, in words, if different from shipping point;

(f) Purchaser's method of transporting fuel (either customer equipment, common carrier, or pipeline, if by common carrier, common carrier's name);

(g) State or foreign jurisdiction of destination;

(h) Name of product sold;

(i) The quantity, in gallons, of product sold;

(j) The price per gallon and total amount charged; and

(k) The statement: "Ex Washington State Fuel Tax."

AMENDATORY SECTION (Amending Order PFT 85-001, filed 1/31/85)

WAC 308-78-045 Tax exempt use. What are the conditions under which I can claim an exemption of aircraft fuel tax? Exemption from the aircraft fuel tax may be claimed for the uses specified in RCW 82.42.020 and 82.42.030 subject to the following conditions:

(1) Operation of aircraft by air carriers, supplemental air carriers, and foreign flag carriers, operating under part 121 of the Federal Aviation Regulations, and local service commuters.

(2) (~~Exemption from the aircraft fuel tax~~) For testing and experimental purposes (~~shall be granted only to persons primarily engaged~~) in the manufacture or remanufacture of aircraft and (~~only~~) for flight operations of (~~an~~) experimental (~~aircraft or an aircraft being tested~~) testing following manufacture (~~or~~), repair prior to delivery to a customer (~~Fuel used in the operation of an aircraft which is necessary to the conduct of a test~~) or experimental (~~flight~~) testing of another aircraft (~~is also tax exempt~~).

(3) (~~Aircraft fuel used in connection with~~) For aircraft crew training (~~shall be exempt from the aircraft fuel tax when: (a) The personnel receiving training are the crews of a) in Washington state for certified air carriers; (b) the aircraft used for training purposes may appropriately be used to train crews to operate the type of aircraft purchased by the air carrier; (c) the crew training occurs in Washington state; and (d) the primary purpose of the flight is for crew training and not for an otherwise taxable purpose~~).

(4) (~~Exemption from the aircraft fuel tax for application of~~) When applying pesticides, herbicides or other agricultural chemicals (will be allowed only for fuel consumed while the chemicals are being applied and for flight operations attendant thereto) and for flight operations as defined in RCW 82.42.020.

AMENDATORY SECTION (Amending Order PFT 85-001, filed 1/31/85)

WAC 308-78-050 Supporting documents for tax exempt transactions. What types of supporting documents must be retained for tax exempt transactions? The distributor shall retain sales invoices, contracts, purchase orders, bills of lading and other documents in support of the tax exemption claimed. (~~Records must be kept in original form for three years~~.)

AMENDATORY SECTION (Amending Order MV 696, filed 10/6/82)

WAC 308-78-060 Tax exempt losses. (~~Exemption from the aircraft fuel tax shall be allowed a licensed distributor or user for fuel lost or destroyed through fire, lightning, flood, wind storm, explosion, accident, or other casualty, or verified leakage of five hundred gallons or more. Proof of loss must be submitted consisting of documentation substantiating the circumstances surrounding the loss, ownership of the fuel, the exact quantity of the loss, and other documents required by the department to establish the validity of the~~

~~claim. Exemption from the tax will not be allowed on losses claimed from evaporation, shrinkage, or unknown causes~~.)
(1) If aircraft fuel is destroyed can I still claim an exemption? You may claim an exemption if fuel is destroyed through fire, lightning, flood, wind storm, explosion, accident, or other casualty.

(2) May I claim an exemption for losses due to leakage? Yes, if verified leakage is five hundred gallons or more.

(3) What supporting documents are needed for this aircraft fuel tax exempt loss? Losses of aircraft fuel must be substantiated by submitting documentation identifying the circumstances surrounding the loss, ownership of the fuel, the exact quantity of the loss, and other documents required by the department to establish the validity of the claim.

(4) May I claim an exemption for losses of aircraft fuel due to evaporation, shrinkage or unknown causes? No, aircraft fuel losses due to evaporation, shrinkage or unknown causes will not be permitted.

AMENDATORY SECTION (Amending Order PFT 90-05, filed 6/14/90, effective 7/15/90)

WAC 308-78-070 Records. (1) (~~Stock records. Every distributor and user shall maintain a complete stock summary of the gallons of aircraft fuel handled each month which reflects inventories, receipts, sales, use, transfers, loss or gain, and other distribution. The stock summary shall be supported by:~~

(a) Physical inventories of bulk storage facilities and mobile storage facilities taken at the close of each calendar month;

(b) A record of fuel receipts together with invoices, bills of lading, transfer documents, and other documents relative to the acquisition of fuel;

(c) A record of fuel disbursements supported by sales invoices and other documents relative to the disbursements of fuel.

(2) Invoices. An original invoice shall be issued at the time of each sale, or delivery, and shall show:

(a) The name of the distributor;

(b) The date of delivery;

(c) The name and address of the purchaser (address not required on credit card deliveries);

(d) The location of the storage facility from which the fuel was withdrawn;

(e) The type or grade of fuel;

(f) The number of gallons sold or delivered;

(g) The price per gallon and the total amount charged;

(h) The statement: "Ex Washington Aircraft Fuel Tax" for tax exempt sales. The distributor or user license number must be shown for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers.

(3) Own use. Every distributor and user shall maintain a withdrawal record covering their own total usage during the month. The withdrawal record shall contain the date of withdrawal, the location of the storage facility from which the fuel was withdrawn, the type or grade of fuel, and the number of gallons withdrawn.

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(4) Each person claiming an exemption from the aircraft fuel tax shall keep records in a form convenient to the operator, of each flight or series of flights for which tax exempt use is claimed. Such records shall include:

- (a) Flight or block time of each flight or series of flights;
- (b) Type of aircraft;
- (c) Purpose of each flight or series of flights;
- (d) Dates;
- (e) Gallons consumed for each flight or series of flights.

(5) Maintenance and audit of records. Every distributor and user shall maintain and keep for a period of not less than three years in their original form such records as the department may require. The department may make such examinations of the records, stocks, facilities, equipment, and aircraft of distributors and users as necessary in carrying out the provisions of chapter 10, Laws of 1967 ex. sess., as amended. If such examination or investigations disclose that any reports filed with the department have shown incorrectly the gallonage of aircraft fuel or the tax accruing thereon, the department may make such changes in subsequent reports and payments as necessary to correct the errors disclosed.) **What records must a distributor, certified user, or consumer of aircraft fuel maintain?** The following records must be maintained:

(a) Physical inventories of bulk storage facilities and mobile storage facilities taken at the close of each calendar month;

(b) A record of fuel receipts together with invoices, bills of lading, transfer documents, and other documents relative to the acquisition of fuel;

(c) A record of fuel disbursements supported by sales invoices and other documents relative to the disbursements of fuel;

(d) An original invoice shall be issued at the time of each sale, or delivery, and shall show:

(i) The name of the distributor;

(ii) The date of delivery;

(iii) The name and address of the purchaser (address not required on credit card deliveries);

(iv) The location of the storage facility from which the fuel was withdrawn;

(v) The type or grade of fuel;

(vi) The number of gallons sold or delivered;

(vii) The price per gallon and the total amount charged;

(viii) The statement: "Ex Washington Aircraft Fuel Tax" for tax exempt sales. The distributor or user license number must be shown for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers;

(e) A withdrawal record covering their own total usage during the month. The withdrawal record shall contain the date of withdrawal, the location of the storage facility from which the fuel was withdrawn, the type or grade of fuel, and the number of gallons withdrawn;

(f) Each person claiming an exemption from the aircraft fuel tax shall keep records of each flight or series of flights for which tax exempt use is claimed. Such records shall include:

(i) Flight or block time of each flight or series of flights;

(ii) Type of aircraft;

(iii) Purpose of each flight or series of flights;

(iv) Dates;

(v) Gallons consumed for each flight or series of flights.

(2) How long must I retain my records? Records shall be maintained and kept for a period of not less than five years in their original form. The department may make such examinations of the records, facilities, equipment, and aircraft of distributors, certified users and consumers of aircraft fuel as necessary in carrying out the provisions of this chapter.

AMENDATORY SECTION (Amending Order PFT 85-001, filed 1/31/85)

WAC 308-78-080 Refunds. (1) ((Any person claiming a refund for aircraft fuel tax shall file a claim upon forms provided by the department in the same manner and under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.310.

(2) A refund of aircraft fuel tax, which has been collected, may be claimed on aircraft fuel which has been:

(a) Used for purposes exempted under RCW 82.42.020 or 82.42.030;

(b) Exported from this state for use outside this state under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.300. Any aircraft fuel carried from this state in the fuel tank of an aircraft shall not be considered as exported from this state;

(c) Used in equipment, other than aircraft, not licensed to be operated over and along any public highway as provided for refund of motor vehicle fuel in RCW 82.36.280;

(d) Lost or destroyed under the same conditions as provided for tax exempt losses in WAC 308-78-060;

(e) Sold by a dealer who has paid the aircraft fuel tax, to the United States or foreign government agencies. The dealer shall file an exemption certificate, which shall contain an assignment to the dealer of the purchaser's right to a refund, and each invoice covering such sale shall have the statement: "Ex Washington Aircraft Fuel Tax" clearly marked thereon.

(3) Claims for refund may be filed at any time but not later than thirteen months from the date of purchase of such aircraft fuel under the same conditions as provided for motor vehicle fuel in RCW 82.36.330.

(4) The department may examine the books and records of the claimant in order to establish the validity of any claim for refund under the same conditions as provided for motor vehicle fuel in RCW 82.36.340.)

What do I have to do to claim a refund for aircraft fuel? In order to claim a refund for aircraft fuel tax, you shall file a claim upon forms provided by the department in the same manner and under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.310.

(2) What is considered a tax exempt refund? A refund of aircraft fuel tax, which has been collected, may be claimed on aircraft fuel that has been:

(a) Used for purposes exempted under RCW 82.42.020, or 82.42.030 and WAC 308-78-040, 308-78-045 and 308-78-060;

(b) Exported from this state for use outside this state under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.300. Any aircraft fuel carried

from this state in the fuel tank of an aircraft shall not be considered as exported from this state:

(c) Used in nonhighway equipment, other than aircraft, as provided for refund of motor vehicle fuel in RCW 82.36.280;

(d) Sold to United States or foreign government agencies by a dealer who has paid the aircraft fuel tax. The dealer shall file an exemption certificate provided by the department. This certificate shall contain an assignment to the dealer of the purchaser's right to a refund. Each invoice covering such sale shall clearly state the fuel has been sold without the aircraft fuel tax.

(3) Is there a time limit to claim an aircraft fuel tax refund? Yes, claims for refund may not be filed later than thirteen months from the date of purchase of such aircraft fuel under the same conditions as provided for motor vehicle fuel in RCW 82.36.330.

(4) Can the department verify the validity of refund claims? Yes, the department may examine the books and records of the claimant in order to establish the validity of any claim for refund under the same conditions as provided for motor vehicle fuel in RCW 82.36.340.

AMENDATORY SECTION (Amending WSR 92-01-015, filed 12/6/91, effective 1/6/92)

WAC 308-78-090 Mitigation of penalties and/or interest. ((The department, in its discretion, may mitigate, extinguish or adjust penalties and interest arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records to support reported fuel usage, or license revocation penalties, when reasonable cause is shown by the taxpayer or as indicated from the records on file with the department that failure to comply with the requirements of this chapter was not intentional or unreasonable.

The department, after review of records furnished and/or tax returns available, may take into consideration a taxpayer's history of underpayments and overpayments, late payment(s), late filing of tax returns, or incomplete records in arriving at its decision to mitigate.

Taxpayers who fail to pay assessed taxes on a timely basis may have late payment penalties and interest mitigated if the individual, partnership or corporation is able to establish that failure to take such payment action within a 30 day period after service of an assessment was based upon an internal business or employee oversight, or other unavoidable reasonable circumstance.)) **(1) Under what circumstances may a penalty and/or interest be waived?** The department, in its discretion, may mitigate, extinguish or adjust penalties and/or interest arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records to support reported fuel usage, or license revocation penalties, when reasonable cause is shown by the taxpayer or as indicated from the records on file with the department that failure to comply with the requirements of this chapter was not intentional or unreasonable.

(2) How will the department determine whether penalties and/or interest will be mitigated? The department, in its discretion, and after review of records furnished and/or tax returns available, may take into consideration a taxpayer's

history of underpayments and overpayments, late payment(s), late filing of tax returns, or incomplete records in arriving at its decision to mitigate.

(3) What happens if I do not pay my tax assessment on time? You will be assessed additional penalties and/or interest.

(4) Under what circumstances may assessed late payment penalties and/or interest be mitigated? The department, in its discretion, may mitigate late payment penalties and/or interest if the taxpayer provides reasonable cause for failure to make payment within a thirty-day period after service of an assessment.

WSR 99-15-097

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed July 21, 1999, 11:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-24-004.

Title of Rule: Chapter 308-93 WAC, Vessel registration and certificates of title.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 88.02.070 and 88.02.100.

Summary: Amending WAC 308-93-079 Government exempt vessels, 308-93-090 Rented or leased vessels and 308-93-160 Excise tax exemptions—Indians; and repealing WAC 308-93-100 Retention of registration certificate for leased or rented vessels and 308-93-340 Commercial fishing vessels.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, (360) 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

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 rules are explicitly and specifically dictated by statute.

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Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on August 25, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by August 24, 1999, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by August 24, 1999.

Date of Intended Adoption: September 20, 1999.

July 21, 1999

Deborah McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending Order TL/RG 25, filed 5/7/86)

WAC 308-93-079 Government exempt vessels. ((Any vessel owned by the state of Washington or by any county, city, town or other political subdivision of the state of Washington, clearly identifiable as such and used exclusively by that agency, may obtain a title and valid annual registration upon payment of all fees required under chapter 88.02 RCW but shall be exempt from payment of the excise tax. The department may assign a registration number and issue a decal, which must be displayed as prescribed under WAC 308-93-140.)) **(1) If a government agency chooses to display current vessel decals in addition to being clearly identifiable as a government vessel, what fees are required?** Government agencies are required to pay filing and registration fees. Excise tax is not required.

(2) If the department issues a Washington registration number and current decals, is the government agency required to display them? Yes, if a registration number and decals are issued, they must be displayed as prescribed in WAC 308-93-140.

AMENDATORY SECTION (Amending Order TL-RG 8, filed 9/13/84)

WAC 308-93-090 Rented or leased vessels. ((If the owner of the vessel is a Washington resident, and the vessel is leased and operated in Washington, it must be titled and registered in Washington. If the owner is a resident of another state and the vessel is leased and operated in Washington, the reciprocity provisions in WAC 308-93-640 apply.

(1) Rented and leased vessels must be separately registered and titled and display the registration number and decals assigned to the vessel. A dealer's registration number does not cover a rented or leased vessel.

(2) If the vessel is leased for a period of less than one year the lessor's name may appear on the certificate of title as the sole registered owner with any secured party being shown as the legal owner.

(3) If the vessel is leased for a period of one year or more or if there is an option to purchase the vessel, the application for certificate of title shall be completed with the name of the lessee as registered owner, followed by the word "lessee." The lessor's name will appear as the legal owner. If the vessel

is subject to a security agreement, the application will be completed with the lessor's name appearing immediately below the lessee's name and will be identified by the word "lessor." The address shown will be the lessee's. The secured party's name and address will be shown in the legal owner's space.)) **(1) How does the department differentiate between rented and leased vessels? For the purposes of this section a vessel lease is for a period of one year or more or there is an option to purchase. A vessel rental is for a period of less than one year with no option to purchase.**

(2) When must rented or leased vessels be titled and registered in Washington? A rented or leased vessel must be titled and registered in Washington if:

- (a) The owner of the vessel is a Washington resident; and
- (b) The vessel is operated in Washington.

(3) Must a Washington resident who rents or leases a vessel from a nonresident and operates the vessel on Washington waters obtain a Washington registration for the vessel? If the owner is a resident of another state and the vessel is operated in Washington by a Washington resident, the reciprocity provisions in WAC 308-93-640 and 308-93-056 apply.

(4) Whose name must be shown on the application for certificate of ownership and registration when the vessel is rented? Rented vessels are titled and registered in the name of the owner not the operator. Any secured party is shown as the legal owner.

(5) What documents must a Washington resident carry with them when they rent or lease a Washington registered vessel and operate the vessel on Washington waters?

(a) When the vessel is less than twenty-six feet and rented or leased for less than seven days, the following documents are required to be carried on the vessel:

(i) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel and shall contain at least the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(ii) A copy of the current registration certificate.

(b) When the vessel is less than twenty-six feet and rented or leased for seven days or more, the following documents are required to be carried on the vessel:

(i) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel and shall contain at least the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(ii) The original current registration certificate.

(c) When the vessel is twenty-six feet or more and is rented or leased, the following documents are required to be carried on the vessel:

(i) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel and shall contain at least the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(ii) The original current registration certificate.

(6) Whose name must be shown on the application for certificate of ownership and registration when the vessel is leased?

(a) The application for certificate of ownership shall show the name of the lessee as registered owner, followed by the lessee designation. The name of the lessor shall be shown as the secured party or legal owner, followed by the lessor designation.

(b) If the vessel is subject to a security agreement, the application shall be completed as above with the lessor's name immediately below the lessee's name as second registered owner and shall be followed by the lessor designation. The address shown for the registered owner shall be the lessee's. The secured party's name and address shall be shown as the legal owner.

(7) Do I need to surrender my out-of-state certificate of ownership to the department when I register my leased vessel in Washington? If there is a secured party on the out-of-state certificate of ownership and shows lessee and lessor designations as required by Washington state law or rule, the certificate of ownership need not be surrendered. A certificate of registration will be issued, however, a Washington certificate of ownership will not. If the out-of-state certificate of ownership does not show a secured party or is not in name agreement or does not show lessee and lessor designations as required by Washington law or rule, the out-of-state certificate of ownership shall be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

AMENDATORY SECTION (Amending Order TL-RG-2, filed 6/21/84)

WAC 308-93-160 Excise tax exemptions—Indians.

(1) What definitions does the department apply to this section? For the purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the ((exclusive)) use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

((The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis, Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Ozette, Port Gamble, Port Madison, Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Spokane, Squaxin Island, Swinomish, Tulalip, and Yakima.))

(b) "Indian tribe" means ((any organized)) an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means persons ((duly registered)) on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) ((Vessels owned by an Indian tribe occupying a recognized Washington Indian reservation are exempt from payment of the excise tax imposed by chapter 82.49 RCW.

(3) Vessels owned by Indians having their principal residence within the recognized Washington Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the excise tax imposed by chapter 82.49 RCW.

~~(4) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each vessel's registration application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary.)~~ **What Indian reservations in Washington are recognized by the United States Department of Interior?** The following are the only Washington "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis, Clallam (Jamestown Council), Clallam (Port Gamble Council), Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Puyallup, Quileute, Quinault, Sauk-Suiattle, Shoalwater, Skagit, Skokomish, Spokane, Squaxin, Stillaguamish, Suquamish, Swinomish, Tulalip, and Yakama.

(3) How does an Indian qualify for a vessel excise tax exemption? To qualify for a vessel excise tax exemption, an Indian shall:

(a) Be enrolled as a tribal member of a recognized Washington tribe;

(b) Have their principal residence within the boundaries of the Indian reservation of the tribe of which they are a member;

(c) Be a registered owner of the vessel for which the exemption is requested.

(4) Are vessels owned by or leased to a governing body of an Indian tribe subject to vessel excise tax? No. Vessels owned by or leased to a governing body of an Indian tribe are not subject to vessel excise tax. However, tribal treaty fishing vessels are exempt excise tax and registration as described in WAC 308-93-700 through 308-93-770.

(5) What documentation does the department require from a tribal member to qualify for a vessel excise tax exemption? The department requires a properly completed affidavit of exemption on a form supplied or approved by the department. An affidavit for each vessel must be submitted at the time the exemption is established and at the time of renewal if there is a change of address. The department may require such other proof of qualification for exemption as it deems necessary.

(6) What information must be contained within the affidavit of exemption described in subsection (5) of this section? At the minimum, the affidavit of exemption must include the following:

(a) Description of the vessel including the year and make and either the Washington registration number or the hull identification number;

(b) The registered owner's name, tribe, reservation and enrollment or Bureau of Indian Affairs number;

(c) The principal address of the registered owner as will be shown on the vessel registration certificate;

(d) Signature of the registered owner;

(e) A certification of an authorized tribal authority representing the Indian reservation of the tribe of which the regis-

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tered owner is a member. The certification must include a statement that the registered owner is an enrolled tribal member and that the address provided by the registered owner is within the boundaries of their reservation;

(f) The position or title of the tribal authority, their telephone number and their signature.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-93-100 Retention of registration certificate for leased or rented vessels.
- WAC 308-93-340 Commercial fishing vessels.

**WSR 99-15-100
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed July 21, 1999, 11:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-22-106.

Title of Rule: Amendments to WAC 296-31-010 Mental health treatment overview, 296-31-060 Reporting requirements and 296-31-065 Ongoing treatment; and new sections WAC 296-31-012 What mental health treatment and services are not authorized? WAC 296-31-016 What treatment or services require authorization from the crime victims compensation program? WAC 296-31-067 When is concurrent treatment allowed? WAC 296-31-068 When can a client transfer providers?

Purpose: A task force was formed to develop guidelines for mental health treatment of crime victims. These amendments are made to implement the recommendations from the Mental Health Treatment Guidelines Task Force. Other sections of the rules affected have been rewritten for more clarity in connection with Executive Order 97-02 on regulatory improvement. New sections were added to separate out topics into separate rules.

Statutory Authority for Adoption: For WAC 296-31-010 is RCW 7.68.030, 7.68.130, 51.04.030, 51.36.010; for WAC 296-31-060 is RCW 7.68.030, 51.04.030, 51.36.060; for WAC 296-31-065, 296-31-016 and 296-31-067 is RCW 7.68.030, 51.04.030; for WAC 296-31-012 is RCW 7.68.030, 51.04.030, 51.36.010 and for WAC 296-31-068 is RCW 7.68.030, 7.68.130, 51.36.010.

Statute Being Implemented: Chapter 7.68 RCW, Crime Victims Act.

Summary: Changes were made to implement the recommendations from the Mental Health Treatment Guidelines Task Force regarding authorization of treatment and reporting requirements

Reasons Supporting Proposal: Task force recommendations to the department.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cletus Nnanabu, CVC Program Manager, 7273 Linderson Way, Tumwater, WA, (360) 902-5340.

Name of Proponent: Washington State Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules are being amended to implement guidelines recommended by the Mental Health Treatment Guidelines Task Force. The treatment guidelines recommended changes the reporting requirements of mental health providers by reducing the number of reports they must file. The reporting structure provides the opportunity for clinicians to conduct through diagnostic assessments and develop comprehensive treatment plans, while allowing more freedom to treat within thirty sessions for adults or forty session for children.

Other sections of the affected rule were rewritten in clearer language and the new sections were established to separate out other topics that were also covered in these rules.

Proposal Changes the Following Existing Rules: The amendments allow mental health therapists more freedom to treat victims without requesting authorization as frequently as the previous rules required. This will allow them to determine the frequency of sessions and the combination of treatment modalities to best suit their clients. The amendments also reduce the frequency of reports required by the department.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendments do not impose more than a minor impact on small businesses. The amendments will give providers more freedom in treating crime victims and require less reporting. There are no additional compliance requirements creating costs to businesses.

RCW 34.05.328 does not apply to this rule adoption. The amendments do not make significant regulatory changes on providers. They lessen the frequency of the reporting requirements currently in place and reduce the requirement of requesting authorization to provide treatment to victims.

Hearing Location: Department of Labor and Industries, Room S119, 7273 Linderson Way S.W., Tumwater, WA, on August 24, 1999, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Nancy Reubens, by August 10, 1999, TDD (360) 902-4974, or 1-800-762-3716.

Submit Written Comments to: Valerie Estes, Crime Victims Compensation Program, P.O. Box 44520, Olympia, WA 98504-4520, e-mail ests235@lni.wa.gov, fax (360) 902-5333, by August 30, 1999.

Date of Intended Adoption: September 29, 1999.

July 15, 1999

Gary Moore
Director

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AMENDATORY SECTION (Amending WSR 97-02-090, filed 12/31/96, effective 1/31/97)

WAC 296-31-010 (~~(Mental health treatment overview.)~~ **What mental health treatment and services are available?**) (1) The crime victims compensation program provides payment for mental health treatment and services to victims of crime (~~(, except for the provisions of WAC 296-30-025 (6)(b), secondary to treatment available from any other public or private insurance,)~~) who are eligible for compensation under (~~(the provisions of)~~) chapter 7.68 RCW, the Crime Victims' Act. (~~(Eligible claimants are entitled to receive proper and necessary mental health treatment.)~~)

EXCEPTION: Benefits under the crime victims compensation program are secondary to services available from any other public or private insurance.

(2) Services and treatment are limited to (~~(those)~~) procedures (~~(which are proper and necessary, and at the least cost, consistent with accepted standards of mental health care which will enable the claimant to obtain maximum recovery and/or:~~

(3) In the case of a permanent partial disability, treatment or services are not to extend beyond the date when permanent partial impairment or disability compensation is awarded. No treatment or services will be authorized beyond the point that the accepted condition is fixed and stable.

(4) In the case of a permanent total disability, treatment is not to extend beyond the date on which the claimant is placed upon a permanent pension roll except that in the sole discretion of the department continued treatment for conditions previously accepted by the department may be allowed when such treatment is deemed necessary to protect the claimant's life or to provide for the administration of therapeutic measures. This includes payment of prescription medications necessary to alleviate continuing pain resulting from the accepted condition but does not include those controlled substances scheduled by the state board of pharmaceuticals as schedule I, II, III, IV substances under chapter 69.50 RCW.

(5) ~~Mental health treatment requiring preauthorization:~~
~~Inpatient hospitalization;~~
~~Individual therapy exceeding one hour per week;~~
~~Group therapy exceeding one session per week;~~
~~Concurrent treatment;~~
~~Family therapy to family members of sexual assault victims beyond twelve sessions;~~
~~Therapy for survivors of victims of homicide beyond twelve sessions;~~
~~Electroconvulsive therapy;~~
~~Neuropsychological evaluation (testing);~~
~~Day treatment for seriously ill persons less than eighteen years of age;~~
~~Referrals to special programs.~~
~~Requests for authorization must be in writing and include a statement of:~~

- (a) ~~The condition(s) diagnosed;~~
 (b) ~~ICD-9-CM and/or DSM-III-R or DSM-IV codes;~~

(c) ~~The relationship of the condition(s) diagnosed to the assault, if any;~~

(d) ~~An outline of the proposed treatment program, its length and components, procedure codes, and expected prognosis;~~

(6) ~~Rejected and closed claims. Therapy for eligible survivors of victims of homicide can be provided on closed claims.~~

~~No payment will be made for treatment or medication on rejected claims or for services rendered after the date of closure of a claim.~~

~~When the department has denied responsibility for an alleged crime victim injury or condition, the only services which will be paid are those which were carried out at the specific request of the department and/or those assessment or diagnostic services which served as a basis for the adjudication decision. Following the date of the order and notice of claim closure, the department will be responsible only for those services specifically requested or those assessments and/or diagnostic services necessary to complete and file a reopening application) that are:~~

(a) Proper and necessary for the diagnoses of an accepted condition;

(b) Available at the least cost;

(c) Consistent with accepted standards of mental health care; and

(d) Will enable the client to reach maximum recovery.

NEW SECTION

WAC 296-31-012 What mental health treatment and services are not authorized? (1) The crime victims compensation program will not authorize services and treatment:

(a) Beyond the point that the accepted condition becomes fixed and stable (i.e., maintenance care);

(b) After the date a permanent partial disability award is made;

(c) After a client is placed on a permanent pension roll, except as allowed in RCW 51.36.010;

(d) After consultation and advice to the department, any treatment deemed to be dangerous or inappropriate; or

(e) When treatment is defined as unnecessary or prohibited in WAC 296-31-020.

(2) We will not pay for services or treatment, including medications:

(a) On rejected claims;

EXCEPTION: We will pay for assessments or diagnostic services used as a basis for the department's decision.

(b) After the date a claim is closed.

EXCEPTION: Therapy for eligible survivors of victims of homicide can be provided on closed claims.

NEW SECTION

WAC 296-31-016 What treatment or services require authorization from the crime victims compensation program? (1) The program must authorize the following mental health services and/or treatment:

- (a) Treatment beyond thirty sessions for adults or forty sessions for children;
- (b) Treatment beyond fifty sessions for adults or sixty sessions for children;
- (c) Consultations beyond what are allowed in WAC 296-31-065;
- (d) Inpatient hospitalization;
- (e) Concurrent treatment with more than one provider;
- (f) Electroconvulsive therapy;
- (g) Neuropsychological evaluation (testing);
- (h) Day treatment for seriously ill children under eighteen years old;
- (i) Referrals for services or treatment not in our fee schedule (see WAC 296-31-040).
- (2) Your request for authorization must be in writing and include:
- (a) A statement of the condition(s) diagnosed;
- (b) Current DSM or ICD codes;
- (c) The relationship of the condition(s) diagnosed to the criminal act; and
- (d) An outline of the proposed treatment program that includes its length, components, procedure codes and expected prognosis.

AMENDATORY SECTION (Amending WSR 95-15-004, filed 7/5/95, effective 8/5/95)

WAC 296-31-060 (~~(Reporting requirements.)~~) **What reports are required from mental health providers?** ((The department may require reports at any time as is necessary in order to determine initial or continued authorization of benefits or services. However, the department requires the following reports at various stages of a claim in order to authorize mental health treatment or services, time loss compensation, and bill payments for innocent victims of crime:

(1) ~~Initial report of injury:~~ To establish a claim, an application for benefits must be completed and submitted to the department. The provider may bill under code 1040M for the filing of the application. In addition, the examination or assessment charge may be billed. Reimbursement of these services will be paid if the claim is allowed by the department. Billing for an extended or comprehensive visit of more than one hour may require submission of additional reports.

(2) ~~Initial evaluation report:~~ This report must be submitted by the provider no later than thirty days from the date of first treatment or the date the claim is allowed, whichever is later. The report must include the preliminary diagnosis and symptoms, proposed treatment plan and treatment goals, including the treatment modality or modalities to be employed, and expected length of treatment. It must also include a diagnosis of any preexisting conditions and their potential effect on the condition resulting from the assault. Any change in the treatment plan must be addressed either in a modified treatment plan submitted to the department or in a ninety-day narrative report. Absence of a response from the department to the proposed treatment plan or modification within fourteen days shall constitute authorization to proceed with the plan as long as the treatment plan does not contain measures requiring preauthorization per WAC 296-31-010(5).

(3) ~~Office notes and follow-up visits:~~ Legible copies of office or progress notes or other work products may be, as determined by the department, required documentation to substantiate all follow-up visits or treatment following the initial evaluation. Office notes are not acceptable in lieu of requested narrative reports.

(4) ~~Ninety-day narrative reports:~~ When treatment is to continue beyond ninety days from the first date of treatment, submission of a narrative report is required every ninety days to substantiate the need for continued care. A narrative report must contain the basic information outlined in these rules. A narrative report should be billed under code 0100C and described as a ninety-day report. Treatment in excess of ninety days may be authorized by the department only after receipt and review of the ninety-day narrative report. Absence of a response from the department to a report shall constitute authorization for continued treatment. When treatment beyond ninety days will not be authorized or is authorized with limits on frequency or provider type, notification will be sent by the department giving a thirty-day transition period. In the case of a contested decision, a claimant or a provider may file a written protest to the department or appeal to the board of industrial insurance appeals. Ninety-day progress reports must include current DSM III, DSM IV, and/or ICD-9-CM diagnosis(es), their relationship (if any) to the conditions sustained as the result of the criminal act, a summary of the progress made toward therapy goals or issue resolutions established in the initial evaluation, an estimate of the duration and frequency of further sessions and an updated prognosis for recovery.

(5) ~~Hospital reports:~~ When the claimant is hospitalized, it is the responsibility of the attending mental health provider to submit his or her reports to the hospital for submission with the hospital billing. The attending mental health provider may bill for hospital visits without attaching copies of the reports.

(6) ~~Consultation reports:~~ To substantiate treatment of more than one hundred eighty days, a consultation with a consultant chosen by the attending mental health provider is required. The department may require the claimant to be examined by the consultant as part of the consultation process with supervisory approval. Although no prior authorization is required for such consultations, the consultant must meet crime victims compensation program's provider registration requirements and the department must be notified when such consultation is arranged. The consultant is responsible for submitting a copy of the report, following guidelines developed by the department, within fifteen days from the date of the consultation. Treatment may only be authorized to extend beyond one hundred eighty days in mental health cases after the department has received this report. Absence of response, by the department upon receipt of the report shall constitute authorization for additional treatment. When extended treatment will not be authorized or will be terminated, notification will be sent by the department giving a thirty-day transition period. The department may request additional consultations and/or independent assessments as warranted by the individual case.

(7) **Termination reports:** When a mental health practitioner discontinues treatment of a claimant because the condition for which treatment was provided is fixed and stable or for any other reason, a termination report shall be completed and provided to the program within sixty days of the last visit.

(8) **Reopening application:** On claims closed over sixty days, the department will pay for completion of a reopening application (Code 1041M), an office visit and diagnostic studies necessary to complete the application. No other benefits will be paid until the adjudication decision is rendered. When reopening is granted, the department can pay benefits for a period not to exceed sixty days prior to the date the reopening application is received by the department.) The crime victims compensation program requires the following reports from mental health providers:

(1) **Initial response and assessment: Form I:** This report is required if you are seeing the client for six sessions or less, and must contain:

- (a) The client's initial description of the criminal act for which they have filed a crime victims compensation claim;
- (b) The client's presenting symptoms/issues by your observations and the client's report;
- (c) An estimate of time loss from work as a result of the crime injury, if any. Provide an estimate of when the individual will return to work, why they are unable to work, the extent of impairment and the prognosis for future occupational functioning; and
- (d) What type of intervention(s) you provided.

EXCEPTION: If you will be providing more than six sessions it is not necessary to complete Form I, instead complete Form II.

(2) **Initial response and assessment: Form II:** This report is required if **more than six sessions** are anticipated. Form II must be submitted no later than the sixth session, and must contain:

- (a) The client's initial description of the criminal act for which they have filed a crime victims compensation claim;
- (b) A summary of the essential features of the client's symptoms related to the criminal act, beliefs/attributions, vulnerabilities, defenses and/or resources that lead to your clinical impression (refer to current DSM and crime victims compensation program guidelines);
- (c) Any preexisting or coexisting emotional/behavioral or health conditions relevant to the crime impact if present, and how they may have been exacerbated by the crime victimization;
- (d) Specific diagnoses with current DSM or ICD code(s), including axes 1 through 5, and the highest GAF in the past year;
- (e) Treatment plan based on diagnoses and related symptoms, to include:
 - (i) Specific treatment goals you and the client have set;
 - (ii) Treatment strategies to achieve the goals;
 - (iii) How you will measure progress toward the goals; and
 - (iv) Any auxiliary care that will be incorporated.
- (f) A description of your assessment of the client's treatment prognosis, as well as any extenuating circumstances and/or barriers that might affect treatment progress; and

(g) An estimate of time loss from work as a result of the crime injury, if any. Provide an estimate of when the individual will return to work, why they are unable to work, the extent of impairment and the prognosis for future occupational functioning.

(3) **Progress note: Form III:** This report must be completed **after session fifteen has been conducted**, and must contain:

- (a) Whether there has been substantial progress towards recovery for the crime related condition(s);
- (b) If you expect treatment will be completed within thirty visits (for adults) or forty visits (for children); and
- (c) What complicating or confounding issues are hindering recovery.

(4) **Treatment report: Form IV:** This report must be completed for authorization for **treatment beyond thirty sessions for adults or forty sessions for children**, and must contain:

- (a) The diagnoses at treatment onset with current DSM or ICD code(s), including axes 1 through 5, and the highest GAF in the past year;
- (b) The current diagnoses, if different now, with current DSM or ICD code(s), including axes 1 through 5, and the highest GAF in the past year; and
- (c) Proposed plan for treatment and number of sessions requested, and an explanation of:
 - (i) Substantial progress toward treatment goals;
 - (ii) Partial progress toward treatment goals; or
 - (iii) Little or no progress toward treatment goals.

(5) **Treatment report: Form V:** This report must be completed for authorization for **treatment beyond fifty sessions for adults or sixty sessions for children**, and must contain:

- (a) The diagnoses at treatment onset with current DSM or ICD code(s), including axes 1 through 5, and the highest GAF in the past year;
- (b) The current diagnoses, if different now, with current DSM or ICD code(s), including axes 1 through 5, and the highest GAF in the past year;
- (c) Proposed plan for treatment and number of sessions requested, and an explanation of:
 - (i) Substantial progress toward treatment goals;
 - (ii) Partial progress toward treatment goals; or
 - (iii) Little or no progress toward treatment goals.

(6) **Termination report: Form VI:** If you **discontinue treatment of a client** for any reason, a termination report should be completed within sixty days of the client's last visit, and must contain:

- (a) Date of last session;
- (b) Diagnosis at the time client stopped treatment;
- (c) Reason for termination (e.g., goals achieved, client terminated treatment, client relocated, referred to other services, etc.); and
- (d) At this point in time do you believe there is any permanent loss in functioning as a result of the crime injury? If yes, describe symptoms based on diagnostic criteria for a DSM diagnosis.

(7) **Reopening application:** This application is **required to reopen a claim** that has been closed more than

ninety days, to demonstrate a worsening of the client's condition and a need for treatment. We will reimburse you for filing the application, for an office visit, and diagnostic studies needed to complete the application. No other benefits will be paid until a decision is made on the reopening. If the claim is reopened, we will pay benefits for a maximum of sixty days prior to the date we received the reopening application.

AMENDATORY SECTION (Amending WSR 95-15-004, filed 7/5/95, effective 8/5/95)

WAC 296-31-065 (~~Ongoing treatment~~) Can my client be referred for a consultation? ((1) Cases that remain open more than one hundred eighty days: When the claimant requires treatment beyond one hundred eighty days, a consultation with another mental health provider who meets the department's provider registration requirements, is necessary to determine and/or establish the need for continued treatment and/or payment of time-loss compensation. A detailed consultation report must be provided to the department.

Three levels of consultation are recognized: Limited, extensive and complex. Detailed descriptions of each type of consultation are included under procedure codes 0108C, 0109C and 0110C in the publication entitled *Crime Victims Compensation Mental Health Treatment Rules and Fees*.

(2) ~~Procedures and/or continued treatment requiring consultation:~~ In the event of complication, controversy, or dispute over the treatment aspects of any claim, the department will not authorize continued treatment until the complication, controversy, or dispute has been resolved and the department has received notification of any findings and reviewed any recommendations:

(a) The department may consider claims as complicated, controversial or disputed when involving treatment or conditions as follows:

(i) All counseling or psychotherapy, pertaining to immediate family members, requiring treatment sessions of more than twelve visits.

(ii) All family therapy visits, not including the claimant, requiring more than twelve visits.

(iii) All conditions not related to the accepted condition involving emotional, psychiatric, or social problems which are likely to complicate recovery.

(iv) All therapeutic procedures of a controversial nature or type not in common use for the specific condition.

(v) Cases where there are complications or unfavorable circumstances such as age, preexisting conditions, or because of occupational requirements, etc.

(vi) Elective nonemergent hospital admission.

(vii) Any other circumstance that the department may define.

(b) The department may resolve issues of claim complication, controversy, or dispute using consultants, independent assessments and/or requesting a review of policies or procedures by the department's mental health advisory committee. The committee may recommend courses of action to resolve these issues to including, but not limited to, recommendation of an independent assessment.

(c) In cases presenting diagnostic or therapeutic problems difficult to resolve to the attending mental health pro-

vider (psychiatrist, psychologist and/or counselor), consultation with a specialist will be allowed without prior authorization. The consultant must submit his or her findings and recommendations immediately to the attending provider and the department.

(i) Whenever possible, the referring mental health provider should make his or her records available to the consultant to avoid unnecessary duplication. Consultants may proceed with indicated and reasonable diagnostic studies as permitted within their scope of practice.

(ii) Consultations must be held within the local geographic area of the claimant's residence, if possible, and with a consultant not having a mutual proprietary or business interest with the attending mental health provider. Exceptions to this requirement may be made only with department preauthorization. The department does not prohibit the use of members of the same professional or social associations.

(iii) The mental health provider will not arrange a consultation if notification has been received that an independent assessment is being arranged by the department. If a recent consultation has been completed and the attending mental health provider is notified that the department is arranging an assessment, the department must be advised immediately of the consultation.

(iv) The consultation fee will be paid only if a consultation report is complete and contains all psychological findings as well as all pertinent negative or normal findings. The report must be received in the department within fifteen days from the date of the consultation. No fee may be paid to the consultant, by the department, if the claimant misses/fails to attend the appointment. However, the claimant may be billed directly.

(v) The consultant may not order, prescribe, or provide treatment without the consent of the claimant. No transfer will be made to the consultant without the written request of the claimant.

(3) ~~Concurrent treatment:~~ In some cases, treatment by more than one provider may be allowed. The department will consider authorization of concurrent treatment when the accepted condition requires specialty or multidisciplinary care. (Individual and group counseling sessions provided by more than one provider is not concurrent treatment.) When requesting consideration of concurrent treatment, the attending mental health provider must provide the department with the following: The name, address, discipline, and specialty of all other providers requested to assist in the treatment of the claimant and an outline of their responsibility in the case and an estimate of the length of the period of concurrent care. When concurrent care is allowed, the department will recognize one primary attending mental health provider, who will be responsible for directing the over-all treatment program; providing copies of all reports and other data received from the involved providers and, in time loss cases, providing the adequate certification evidence of the claimant's inability to work. The department will approve concurrent care on an individual case basis.

(4) ~~Transfer of attending provider:~~ All transfers from one provider to another must be approved by the department. Normally transfers will be allowed only after the claimant has been under the care of the attending mental health pro-

PROPOSED

vider for sufficient time for the provider to: Complete the necessary diagnostic studies, establish an appropriate treatment regimen, and evaluate the efficacy of the therapeutic program. Under RCW 51.36.010 claimants are entitled to free choice of attending provider subject to the limitations of RCW 7.68.130. Except as provided under (a) through (g) of this subsection, no reasonable request for transfer will be denied. The claimant must be advised when and why a transfer is denied. The department reserves the right to require a claimant to select another provider for treatment, under the following conditions:

(a) When more conveniently located providers, qualified to provide the necessary treatment, are available.

(b) When the attending provider fails to cooperate in observance and compliance with the department rules.

(c) In time loss cases where reasonable progress towards return to work is not shown.

(d) Cases requiring specialized treatment, which the attending provider's authority is not qualified to render, or is outside the scope of the attending provider's authority to practice.

(e) Where the department finds a transfer of provider to be appropriate and has requested the claimant to transfer in accordance with this rule, the department may select a new attending provider if the claimant unreasonably refuses or delays in selecting another attending provider.

(f) In cases where the attending provider is not qualified to treat each of several accepted conditions. This does not preclude concurrent care where indicated.

(g) No transfer will be approved to a consultant without the written request of the claimant. Transfers will be authorized for the foregoing reasons or where the department in its discretion finds that a transfer is in the best interest of returning the claimant to a productive role in society.) (1) There may be instances when the client's accepted mental health condition presents a diagnostic or therapeutic challenge. In such cases, you or the department may refer the client for a consultation or you may ask the department for an independent mental health examination.

(2) There are two levels of consultations that can be performed: Limited and extensive. Descriptions and procedure codes are included in the Crime Victims Compensation Program Mental Health Treatment Rules and Fees.

(3) The consultant will be required to submit a report to the department that contains the following elements:

(a) The reason(s) for the consultation referral; and

(b) Consultants related recommendations.

(4) Authorization from the department is required for:

(a) More than two consultations before the thirtieth session for adults or fortieth session for children; and

(b) More than one consultation between thirty and fifty sessions for adults or between forty and sixty sessions for children.

(5) You may not make a referral for a consultation if:

(a) An independent mental health examination has been scheduled;

(b) Claim reopening is pending; or

(c) The claim is closed.

Note: The consultant must meet provider registration requirements per WAC 296-31-030.

NEW SECTION

WAC 296-31-067 When is concurrent treatment allowed? (1) In some cases, treatment by more than one provider may be allowed by the crime victims compensation program. We may authorize concurrent treatment on an individual basis:

(a) If the accepted condition requires specialty or multi-disciplinary care.

Note: Individual and group counseling sessions given by more than one provider is not concurrent treatment.

(b) If we receive and approve your written request that contains:

(i) The name, address, discipline, and specialty of each provider requested to assist in treating the client;

(ii) An outline of each provider's responsibility in the case; and

(iii) An estimated length for the period of concurrent treatment.

(2) If we approve concurrent treatment, we will recognize one primary attending mental health treatment provider. That provider will be responsible for:

(a) Directing the overall treatment program for the client;

(b) Providing us with copies of all reports received from involved providers; and

(c) In time loss cases, providing us with adequate evidence certifying the claimant's inability to work.

NEW SECTION

WAC 296-31-068 When can a client transfer providers? (1) RCW 51.36.010 provides that clients are entitled to a free choice of attending providers, subject to the limits of RCW 7.68.130 and the requirements of the claimant's public or private insurance. The provider must meet registration requirements of WAC 296-31-030.

(2) The department must be notified if a client changes providers.

(3) We may require a client to select another provider for treatment under the following conditions:

(a) When a provider, qualified and available to provide treatment, is more conveniently located;

(b) When the attending provider fails to comply with our rules;

(c) Subject to the limits of RCW 7.68.130 outlined in subsection (1) of this section.

WSR 99-15-104
PROPOSED RULES
DEPARTMENT OF HEALTH
(Podiatric Medical Board)
[Filed July 21, 1999, 11:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-22-085.

Title of Rule: WAC 246-922-300 Podiatric continuing education required and 246-922-310 Categories of creditable podiatric continuing education activities.

Purpose: The revisions would change the continuing education reporting period from one year to a two-year cycle.

Statutory Authority for Adoption: RCW 18.22.015.

Statute Being Implemented: Chapter 18.22 RCW.

Summary: The revisions will change the reporting of compliance for the continuing education requirements to every two years instead of the current one year.

Reasons Supporting Proposal: By increasing the reporting period, this permits podiatric physicians to claim hours of more extensive courses over a longer reporting period. The better quality courses are fifty hours long and the board would like to encourage podiatrists to attend these types of courses.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Arlene Robertson, Program Manager, 1300 Quince Street, Olympia, WA, (360) 236-4945.

Name of Proponent: Podiatric Medical Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules outline the acceptable types of continuing education requirements and the reporting period for maintaining a license. Continuing education is encouraged as one mechanism to maintain and enhance competence.

Proposal Changes the Following Existing Rules: The rules are being changed to require fifty hours continuing education every two years. Licensees would report compliance every other year at the time of renewal.

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

Small Business Economic Impact Statement

Individual providers qualify as small businesses since less than fifty people are employed. Since most providers qualify as small businesses, there is no disproportionate impact to small businesses. When there is no disproportionate impact, mitigation is not necessary.

An estimated two hundred and thirty credentialed providers will have to comply with the requirements of these rules.

Public involvement was solicited through mailings to interested parties and board meetings. This issue has also been discussed at the annual meeting of the Washington State Podiatric Medical Association and received positive support.

Opportunity for written comments was provided during different stages of the development of the rules. No comments have been received.

A copy of the statement may be obtained by writing to Arlene Robertson, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, phone (360) 236-4945, fax (360) 586-0745.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The rules will not adopt new or make

significant amendments to a policy or regulatory program. The agency has not conducted the additional analysis required under RCW 34.05.328.

Hearing Location: Department of Health, 1102 S.E. Quince, Olympia, WA 98506, on September 10, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact (360) 236-4945 by September 1, 1999, TDD 1-800-525-0127.

Submit Written Comments to: Arlene Robertson, Podiatric Medical Board, P.O. Box 47870, Olympia, WA 98504-7870, fax (360) 586-0745, by September 6, 1999.

Date of Intended Adoption: September 10, 1999.

June 30, 1999

Robert J. Nicoloff
Executive Director

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-922-300 Podiatric continuing education required. The podiatric medical board encourages licensees to deliver high-quality patient care. The board recognizes that continuing education programs designed to inform practitioners of recent developments within podiatric medicine and relative fields and review of various aspects of basic professional education and podiatric practice are beneficial to professional growth. The board encourages participation in podiatric continuing education as a mechanism to maintain and enhance competence.

(1) ~~((Twenty-five))~~ Fifty contact hours of scientific podiatric continuing education ~~((shall be))~~ is required ~~((annually))~~ every two years when the license is renewed to maintain a current license as provided in chapter 246-12 WAC, Part 7.

Five credit hours may be granted for one hour of course instruction. A maximum of ~~((five))~~ ten hours may be claimed per ~~((renewal))~~ reporting period.

(2) Approved courses shall be scientific in nature designed to provide information and enhancement of current knowledge of the mechanisms of disease and treatment, which may include applicable clinical information.

(a) Serving as a resident in an approved post-graduate residency training program shall satisfy the continuing education credit for ~~((license renewal))~~ the reporting period.

(b) Continuing education activities which do not affect the delivery of patient care, (e.g., marketing and billing), may not be claimed for continuing education credit.

AMENDATORY SECTION (Amending WSR 94-05-051, filed 2/10/94, effective 3/13/94)

WAC 246-922-310 Categories of creditable podiatric continuing education activities. The following categories of creditable podiatric continuing education activities sponsored by the following organizations are approved by the board. The credits must be earned in the ~~((twelve-))~~ twenty-four month period preceding ~~((application for renewal of license))~~ the licensee's reporting period. One contact hour is defined as a typical fifty-minute classroom instructional session or its equivalent.

(1) Scientific courses or seminars approved by the American Podiatric Medical Association and its component societies and affiliated and related organizations.

(2) Scientific courses or seminars offered by accredited, licensed, or otherwise approved hospitals, colleges, and universities and their associated foundations and institutes offering continuing education programs in podiatric medicine.

(3) Scientific courses or seminars offered by recognized nonpodiatric medical and health-care related societies (e.g., the American Medical Association, the American Physical Therapy Association) offering continuing education programs related to podiatric medicine.

(4) Scientific courses or seminars offered by other non-profit organizations, other proprietary organizations, and individuals offering continuing education in podiatric medicine.

(5) A post-graduate residency training program accredited by the council on podiatric medical education.

WSR 99-15-106

PROPOSED RULES

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed July 21, 1999, 11:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-10-067.

Title of Rule: Chapter 365-170 WAC, State funding for local early childhood education and assistance programs.

Purpose: To amend rules governing the early childhood education and assistance program (ECEAP).

Statutory Authority for Adoption: RCW 43.63A.060.

Statute Being Implemented: RCW 28A.215.110.

Summary: The purpose of this amendment is to comply with SHB 1935, and the amendment will also reflect changes in ECEAP program performance standards.

Reasons Supporting Proposal: Proposal will expand the eligibility criteria, in compliance with SHB 1935. Amendment will also allow the enhancement of the quality of ECEAP services state-wide.

Name of Agency Personnel Responsible for Drafting: Cinque' R. Finnie, Department of Community, Trade and Economic Development, (360) 753-4377; Implementation and Enforcement: Garrison Kurtz, Department of Community, Trade and Economic Development, (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: Rule change will amend the income eligibility requirements for ECEAP. Change will also align chapter 365-170 WAC more closely with the ECEAP performance standards.

Proposal Changes the Following Existing Rules: Major changes are identified in the program design section of the rule. This will allow ECEAP programs, state-wide, more

flexibility in designing program models. Staff qualifications have been amended to increase the level and expertise of ECEAP staff. Current educational and safety trends have been incorporated to increase the quality of the overall program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule makes administrative changes in how ECEAP can be managed on a state-wide basis. Proposed rule will not impose more than minor costs on businesses.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Community, Trade and Economic Development, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, on August 24, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Garrison Kurtz by August 19, 1999, (360) 586-2469.

Submit Written Comments to: Garrison Kurtz, Department of Community, Trade and Economic Development, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, fax (360) 546-0489, by August 19, 1999.

Date of Intended Adoption: September 18, 1999.

July 21, 1999

Jean L. Ameluxen, Director
Intergovernmental Relations

AMENDATORY SECTION (Amending Order 87-02, filed 1/23/87)

WAC 365-170-020 Purpose. The purpose of this chapter is to set forth the conditions and procedures under which state funding ~~((with))~~ may be made available to assist local early childhood education and assistance programs.

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

WAC 365-170-030 Definitions. (1) "Applicant" means a public or private nonsectarian organization which applies for state early childhood education and assistance program ~~((assistance))~~ funds.

(2) "At risk" means ~~((children residing in low income families who are))~~ by virtue of ~~((their))~~ socio-economic, or developmental or environmental status at risk of failure in the common school system.

(3) "Contract year" means the period July 1 through June 30 in which the program must operate.

(4) "Department" means the department of community, trade and economic development.

(5) "Direct service" means any educational, health, or social service for children which is designed to meet the ~~((program))~~ early childhood education assistance program performance standards.

(6) "Director" means the director of the department of community, trade and economic development.

(7) "Early childhood education and assistance program" means the state-wide administrative activities carried out within the department of community, trade and economic development to allocate, award, and monitor state funds

appropriated to assist local early childhood education and assistance programs.

(8) ("~~Family~~" means ~~all persons living in the same household who are (a) supported by the income of the parent(s) or guardian(s) of the child enrolling in the early childhood education and assistance program, and (b) related to the parent(s) or guardian(s) by blood, marriage, adoption, or legal obligation to provide support.~~

(9)) "Enrolled child(ren)" means participant(s) in the early childhood education and assistance program.

(9) "Family" means all persons living in the same household who are supported by the income of the parent(s) or guardian(s) of the child enrolling in the early childhood education and assistance program, and related to the parent(s) or guardian(s) by blood, marriage, adoption, or legal obligation to provide support.

(10) "Contractor" means an applicant which has been awarded state funds under the early childhood education and assistance program, and which has entered into a contract with the department of community, trade and economic development to provide an early childhood education and assistance program. Contractors may be local public or private organizations which are nonsectarian in their delivery of services.

~~((10))~~ (11) "Like educational services" means comprehensive programs providing educational, ~~((social, parent involvement))~~ family support, and health services funded by other sources.

~~((11))~~ (12) "Low-income family" means a family whose total income before taxes for the previous twelve months or full calendar year, whichever period better reflects the current income of the family, ~~((prior to the enrollment of their child in the early childhood education and assistance program))~~ is equal to, or less than, one hundred ten percent of the federally established poverty guidelines as defined by the department of health and human services. ~~((The term also includes a family receiving aid to families with dependent children or participating in the family independence program under chapter 74.21 RCW.~~

(12)) Recipients of cash benefits under the temporary assistance to needy families program are included in this definition.

(13) "Nonsectarian" means that no aspect of early childhood education and assistance services will include any religious orientation.

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

WAC 365-170-050 Eligibility criteria for funding applicants. (1) Public or private nonsectarian organizations are eligible to apply for funding as early childhood education and assistance programs.

(2) A consortium of public or private nonsectarian organizations, or both, are eligible to apply.

(3) Organizations must have established appropriate internal fiscal controls and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds provided.

(4) Using a form provided by the department, organizations must obtain acknowledgement of their application from local school districts within the proposed service area.

~~((5) Programs shall neither deny service to, nor otherwise discriminate in the delivery of services against, any person who otherwise meets the eligibility criteria for the program on the basis of race, color, religion, sex, age, national origin, citizenship, ancestry, physical or mental handicap or because such person is a recipient of federal, state, or local public assistance.~~

~~(6) Not less than ten percent of the available slots statewide shall be reserved for children of migrant families, seasonal farmworker families, and Native American families living on or off reservation.))~~

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

WAC 365-170-070 Use of funds. (1) Department funds ~~((shall))~~ must not be used to supplant other existing funding sources.

(2) Contracting agencies receiving early childhood education assistance program funds must provide comprehensive early education and family support services free of charge to enrolled families.

(3) Early childhood education assistance program funds must be used as dollars of last resort for medical, dental, nutrition and mental health services.

(4) Administrative costs under this program are limited to fifteen percent of the total award.

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

WAC 365-170-080 ~~((Eligibility criteria for clients.))~~ Recruitment, eligibility and enrollment of children. (1) Nondiscrimination. Programs must neither deny service to, nor otherwise discriminate in the delivery of services against, any person who otherwise meets the eligibility criteria for the program on the basis of gender, race, color, religion, age, national origin, citizenship, ancestry, physical or mental disability, family configuration, culture, or because such person is a recipient of federal, state, or local public assistance. Services must comply with ADA and the Family Policy Initiative principles defined in RCW 74.14A.025.

(2) Recruitment.

(a) Policies and procedures must be in place to systematically recruit, document eligibility, and enroll children who reflect the low-income population in the service area of the program. Ongoing recruitment activities must be conducted to ensure that eligible families in the community are aware of services.

(b) Recruitment efforts must be made to ensure enrollment at one hundred percent of the funded enrollment level within thirty calendar days of the first date of service. Daily attendance at eighty-five percent of the funded enrollment level must be maintained. Efforts to recruit eligible children and maintain waiting lists for filling vacancies as they occur must continue until forty-five calendar days from the end of the program year.

(c) Not less than ten percent of the available slots state-wide shall be reserved for children of migrant families, seasonal farmworker families, and native American families living on or off reservation.

(d) As many as ten percent of the available funded enrollment slots may be filled with children who do not meet income eligibility requirements if the child is determined to be "at-risk" due to developmental or environmental factors.

(3) Eligibility. A child is eligible if:

(a) The child is not eligible for kindergarten as of August 31 of the contract year; and

(b) The child would benefit from a preschool program designed to help prepare children to enter the school system. (—Consistent with the intent to prepare children for the common school system, priority shall be given on a state-wide basis to serving eligible four year old children.)

(2) A child must be a member of a low-income family as defined under WAC 365-170-030(11).

(3) A child may not otherwise be a participant in a federal or state program providing like educational services as defined under WAC 365-170-030(10).

(4) As many as ten percent of the available funded enrollment slots may be filled with children who do not meet the eligibility requirements under subsection (2) or (3) of this section but due to circumstances in their environment or in their performance need the program and would benefit from the program.

(5) Participants in the early childhood education and assistance program will not be charged fees for any services provided; and

(c) The child is not otherwise a participant in a federal or state program providing like educational services as defined under WAC 365-17-030(10);

(d) The child:

(i) Is a member of a family with an income level that, as defined by the Department of Health and Human Services, is at or below one hundred ten percent of the U.S. Poverty Guidelines for family size. Verification and documentation of family income must be obtained for the previous calendar year or twelve months which precede the child's enrollment date, whichever is more reflective of current circumstances; or

(ii) Is a member of a family which receives cash benefits under the Temporary Assistance to Needy Families program; or

(iii) Occupies one of the slots of ten percent which may be filled with children who do not meet income eligibility requirements but are determined to be at-risk due to developmental or environmental factors; or

(iv) Occupies one of the slots of ten percent of slots available state-wide which shall be reserved for children of migrant families, seasonal farmworker families, and native American families living on or off reservation who are otherwise eligible.

(4) Enrollment.

(a) Enrolled children and their families must not be charged fees for any services provided.

(b) Programs must develop an enrollment process that addresses identification of age eligible and income eligible children and prioritization within that same population. Pri-

ority must be given to children from families with the lowest income or to eligible children from families with multiple needs. Criteria for prioritizing child eligibility must address the various factors in WAC 365-17-080(3) and must at minimum prioritize as follows:

(i) First priority for enrollment, consistent with the intent to prepare children for the common school system, must be given to four year olds who are not eligible for kindergarten as of August 31 of the contract year and are considered to be at-risk;

(ii) Second priority must be given to three-year-olds if local program priorities determine the child would benefit from a comprehensive early education program.

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

WAC 365-170-090 Program design. ((Standards for program design are based on a model of comprehensive services to participating children. These include educational services, health services (including medical, dental, nutrition, and mental health), and social services to families. Parents shall be given the opportunity to be involved in every aspect of the planning and implementation of services. Specific program requirements are contained in the program standards publication available from the department.

(1) Education component:

(a) Activities in the classroom, home visits, and group experiences will be planned and implemented to ensure that a supportive social and emotional climate exists, intellectual skills are developed, and physical growth is promoted.

(b) Activities in the classroom, home visits, or group experience will be individualized through the development of a curriculum which is developmentally appropriate and is relevant to and reflective of the needs of the population served.

(c) At a minimum, when the majority of the children speak a common language other than English, at least one teacher or aide who speaks their language must be available when children participate in classroom or group experiences.

(d) There will be a mental health professional to advise and assist in developmental screenings and assessments and observe children in the classroom setting and consult with teachers and other appropriate staff at least twice a year.

(e) The program will provide methods for enhancing the knowledge and understanding of both staff and parents of the educational and developmental needs and activities of children in the program.

(f) Staff and parents participating in the program shall be trained for and will use positive techniques of guidance, including redirection, anticipation, elimination of potential problems, positive reinforcement and encouragement during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(g) Corporal punishment or other humiliating or frightening discipline techniques shall not be used during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(2) Health component:

(a) There will be a health advisory committee composed of local medical, dental, and nutrition providers, program

parents and staff to advise in program planning, implementing, and evaluating program procedures and operations for medical, dental, mental health, and nutrition services. Existing committees may be modified or combined to carry out these activities:

(b) There will be informed prior written parent consent prior to the provision of any health (medical, dental, nutrition, or mental health) services.

(c) The program will provide for an organized health education program for staff, parents, and children which will be integrated into instructional activities in home-based and center-based programs.

(d) Food will be provided which will help meet a portion of the child's daily nutritional needs, recognizing individual differences and cultural patterns. The food service system, including the menus, shall be approved by a certified dietician or nutritionist as defined in chapter 18.138 RCW. The certified dietician or nutritionist shall be available to provide consultation and education on the nutritional needs of enrolled children.

Programs will participate in the United States Department of Agriculture Child Food and Nutrition Program and shall comply with applicable local, state, and federal sanitation laws and regulations for storage, preparation, and service of food and health of food handlers.

(3) Social services component:

(a) Age and income-eligible children will be recruited for enrollment taking into account the demographic make-up of the community and the needs of the children and families according to approved written recruitment procedures that address both the identification of age and income-eligible children and local priorities within that same population.

(b) Needs will be assessed to assist families in identifying and using appropriate and available community resources.

(c) Programs will coordinate with existing community resources, including existing head start and other preschool programs.

(4) Parent involvement component:

(a) The program will provide for parental involvement at a level not less than that provided under the federal head start program criteria which includes, but is not limited to, parents working with children in cooperation with staff, parents participating in the program, and parents planning for the operation of the program.

(b) The program will install a policy council composed of parents of children who are enrolled in the program, at a level not less than fifty percent and community representatives--)) (1) Standards for program design are based on a model of comprehensive services to enrolled children and their families. These include educational and health services, including medical, dental, nutrition, mental health, and family support services. Parents must be given the opportunity to be involved in every aspect of the planning and implementation of services.

(2) Programs must support and demonstrate parent/guardian leadership and involvement throughout all levels of a comprehensive early childhood education and assistance program. This must include development of systems for feedback and program performance.

(3) A community needs assessment which involves staff, parents/guardians and other community group(s) must be conducted in accordance with early childhood education and assistance program performance standards. The results of a community needs assessment must be the basis for the development of service delivery options. Service delivery models must meet the following criteria:

(a) Thirty-two weeks of direct services per program year; and

(b) A minimum of two hundred forty hours of child direct services over thirty weeks; and

(c) A minimum of one peer experience per week, no less than four hours and no more than six hours per session; multiple peer experiences in a week must be no less than two and one-half hours per session; and

(d) Three hours of educational planning meetings per year; and

(e) Three hours of adult contact per child's family per year to provide family support services; and

(f) 1:6 adult/child ratio with at least one adult being a lead teacher for classroom/group activities. Programs must develop services according to this ratio and make reasonable efforts to maintain this ratio on a regular basis. In no case shall the ratio fall below 1:9; and

(g) No more than eighteen children per group setting. Where a group size of eighteen children cannot be maintained, the design must maintain a group setting no larger than twenty-four and maintain an adult child ratio of 1:6.

(4) Educational services.

(a) Programs must provide educational services using a developmentally appropriate approach. Services must provide individual and age appropriate learning experiences, curricula, environments, guidance, direct child supervision and strategies that support all enrolled children's social-emotional, physical, and intellectual development. Environments must reflect the cultural and linguistic backgrounds of enrolled children.

(b) The program must provide methods for enhancing the knowledge and understanding of staff and parents of the educational and developmental needs and activities of enrolled children.

(c) Corporal punishment or other humiliating or frightening discipline techniques must not be used. Staff and parents participating in the program must be trained for and must use positive techniques of guidance, including redirection, anticipation, elimination of potential problems, positive reinforcement and encouragement during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(5) Family support services. Programs must provide family support services using an approach that builds from parent/guardian strengths and involvement and supports parent empowerment and family advocacy. Needs must be assessed to assist families in identifying and using appropriate and available community resources. Programs must coordinate with existing community resources, including existing head start and other preschool programs. Staff and families must work together to develop reciprocal relationships. Family support practices must address family assets and needs through a variety of service strategies such as:

(a) Acknowledge parents/guardians as resources to themselves and others;

(b) Reflect family support principles in delivery of services to families;

(c) Develop family services that are responsive to economic circumstances, individual cultures, languages and child rearing techniques;

(d) Facilitate the family's access to economic, social and health resources to support family self-sufficiency;

(e) Develop communication systems with families that increase their involvement in their child's healthy development;

(f) Build environments that are culturally and linguistically relevant and that encourage self-advocacy within the community;

(g) Involve families in shared decision-making activities

(h) Develop activities to ease transitions for enrolled children and their families between preschool and elementary schools and from home to other care settings; and

(i) Promote and support the family's role as advocates for their children.

(6) Health services and safety.

(a) Programs must provide health services using an approach that addresses individual child health issues and makes appropriate referrals for family members. Staff and families must work together to remove obstacles to the healthy and safe development of each child. Health practices must address family needs through a variety of service strategies as outlined in the early childhood education and assistance program performance standards.

(b) A health advisory committee (HAC), composed of medical, dental, nutrition, public and mental health providers, parents/guardians of enrolled and/or past enrolled young children, and staff, must be established to advise the program. Existing committees may be modified to accomplish this. The health advisory committee must:

(i) Provide input on health, nutrition, and mental health services planning and policies;

(ii) Address service delivery implementation issues, concerns and procedures; and

(iii) Provide a forum for parent empowerment and leadership skill development.

(c) Programs must obtain parent/guardian consent before any screenings, assessments or the procurement of any medical, dental, nutrition and mental health services for their child or before taking the child off premises. Staff must inform parents/guardians when health issues or developmental concerns are suspected or identified in their child. Programs must facilitate safe and timely responses to medical emergencies as outlined in the early childhood education assistance program performance standards. Programs must ensure the confidentiality of all medical, dental, nutrition, and mental health records. Records and results of diagnostic and follow-up procedures must be shared with parents/guardians, and may be released to other providers only with informed, written consent.

(d) Programs must ensure that all children receive a medical and dental exam as outlined in the early childhood education assistance program performance standards. Programs must ensure that all children are immunized in accordance

with WAC 246-100-166. Children can attend group settings on a conditional basis when a schedule of immunizations is developed and near completion, or when a written medical or personal exemption is documented according to WAC 246-100-166.

(e) Programs must provide for an organized health education program for staff, parents, and children which must be integrated into instructional activities in programs.

(f) Programs must ensure that a mental health professional is available to work collaboratively with parents/guardians to address children's mental health issues and other concerns. Mental health services to screen and identify the emotional needs of children must be provided as needed in a systematic manner that addresses early identification, ongoing progress, follow-up and assessment, as indicated in the early childhood education and assistance program performance standards.

(g) Programs must have access to a health professional that provides consultation regarding individual children's needs and development of health education programming for children and families.

(h) Suspected abuse: Suspected incidents of child abuse and/or neglect by parents, staff, or others must be reported by program staff within forty-eight hours to an appropriate law enforcement agency or the department of social and health services in accordance with RCW 26.44.030.

(i) Programs must have access to a certified dietician that provides consultation regarding development of nutrition services for children and their families as defined in chapter 18.138 RCW.

(j) Food must be provided which help meet one-third of the child's daily nutritional needs, recognizing individual differences and cultural patterns. The food service system, including the menus, must be approved by a certified dietician. The certified dietician must be available to provide consultation and education concerning the nutritional needs of enrolled children.

(k) Contracting agencies must apply for and participate in federally funded food service/food reimbursement programs under the USDA child food and nutrition program and/or the child and adult care food program through the office of the superintendent of public instruction.

(l) Programs must establish policies and practices to safeguard against children's exposure to and transmission of, infectious diseases in accordance with the office of the superintendent of public instruction infectious disease control guide for school staff developed by the Washington state department of health. Programs must follow universal safety precautions and follow local requirements for reporting of communicable diseases. Sufficient toilet and handwashing facilities that are readily available and reachable by children must be maintained.

(m) Contractors must comply with state and local sanitation laws and regulations for food preparation and handling, storage, and service.

NEW SECTION

WAC 365-170-095 Staffing. (1) A system must be developed for the recruitment and selection of early child-

hood education and assistance program staff. The system must:

(a) Meet state and relevant federal laws that ensure equity;

(b) Advertise and describe position qualifications and requirements to the public;

(c) Use a selection and hiring process which involves parents, guardians and appropriate staff;

(d) Requires background reference check, criminal record clearance, and finger printing of any staff or volunteers who have unsupervised contact with children;

(e) Prevents hiring of staff whose health or behavior presents a threat to children's safety.

(2) A description of how specific staff classifications will be used to deliver services in each distinct model must be maintained in program planning records. Programs must make concerted efforts to recruit and hire qualified staff that reflects the diversity of culture, ethnicity, language and physical abilities of the service population.

(3) Staff hired into lead teacher and family educator positions must meet the standard qualifications for their position within five years of appointment or by July 1, 2004, whichever is later. Staff hired into positions of assistant teacher, family advocate, family service worker and health aide after June 30, 1999, must meet the standard qualifications for their position within five years of appointment or by July 1, 2004, whichever is later.

(4) Early childhood education or special education degrees from out-of-state may be accepted on par with Washington state degrees. Out-of-state teaching certificates must be validated by an endorsement obtained through the office of the superintendent of public instruction.

(5) Clock hours accumulated through June 30, 1999, may be credited towards quarter credit requirements of positions at the rate of ten clock hours to one credit hour.

(6) Staff not meeting standard qualifications may be hired if they meet provisional qualifications and program records document planning for progression to the standard qualifications within five years.

(7) An exception to minimum qualifications may be requested of the department to retain or appoint a person who does not meet the standard or provisional qualifications but has other education and experience in the applicable field. Any necessary approvals for existing staff must be obtained by August 31, 1999.

(8) Programs unable to hire staff meeting standard qualifications must document written plans and efforts for professional development. Planning documents must show how staff will progress to the standard qualifications of their position(s) within five years of appointment, or by July 1, 2004, whichever is later.

(9) The following standard and provisional staff qualifications are required for program positions.

(a) Standard lead teacher qualifications:

(i) A four-year degree from an accredited public or private institution of higher education in the field of early childhood education or child development and two years of successful work experience with adults/parents and young children; **or**

(ii) Three years of successful, relevant, documented work experience in a preschool, child care or kindergarten setting; **and**

(A) A two-year or four-year degree in any field from an accredited public or private institution of higher education, and at least thirty quarter units or equivalent semester hours in the field of early childhood education or child development; **or**

(B) A valid Washington state elementary education teaching certificate with an endorsement in early childhood education (pre-K-Grade 3) or special education with an emphasis in early childhood education.

(b) Provisional lead teacher qualifications. Three years of successful, relevant, documented work experience in a preschool, child care or kindergarten setting; **and**

(i) A child development associate certificate (CDA); **or**

(ii) A two-year or four-year degree in any field from an accredited public or private institution of higher education; **or**

(iii) A valid Washington state teaching certificate, which does not include an endorsement in early childhood education or early childhood special education.

(c) Standard assistant teacher qualifications. One year of successful, relevant, documented work experience in a preschool or child care setting; **and**

(i) A one year certificate in the field of early childhood education or child development from an accredited public or private technical college or institution of higher education; **or**

(ii) A high school diploma and child development associate (CDA) certificate.

(d) Provisional assistant teacher qualifications. One year of successful, relevant, documented work experience in a preschool or child care setting.

(e) Standard family educator qualifications:

(i) A two-year or four-year degree in the field of adult education, human development, human services, social work, early childhood education, child development, psychology, or a related field from an accredited public or private institution of higher education and two years of successful work experience with adults/parents and young children; **or**

(ii) Three years of successful, relevant, documented work experience with adults/parents of young children; **and**

(A) A two-year or four-year degree in any field from an accredited public or private institution of higher education **and** thirty quarter units or the equivalent semester hours in adult education, human development, human services, social work, early childhood education, child development, or a related field; **or**

(B) A valid Washington state elementary education teaching certificate with an endorsement in early childhood education (pre-K-Grade 3) or special education with an emphasis in early childhood education.

(f) Provisional family educator qualifications. Three years of successful, relevant, documented work experience in a preschool, child care, kindergarten or social work setting; **and**

(i) A child development associate certificate (CDA); **or**

(ii) A two-year or four-year degree in any field from an accredited public or private institution of higher education; or

(iii) A valid Washington state teaching certificate, which does not include an endorsement in Early childhood education or early childhood special education.

(g) Standard family advocate, family service worker, and health aide qualifications:

(i) A two-year or four-year degree in the field of adult education, human development, human services, public health, health education, nursing, social work, early childhood education, child development, psychology, or a related field from an accredited public or private institution of higher education and a minimum of two years of successful, relevant, documented work experience with adults/parents and young children; or

(ii) A two-year degree in any field from an accredited public or private institution of higher education, and at least thirty quarter units or the equivalent semester hours in the fields of adult education, human development, human services, social work, nursing, public health, health education, early childhood education, child development or a related field and three years of successful work experience with adults/parents of young children.

(h) Provisional family advocate, family service worker, and health aide qualifications. Two years or more of successful, relevant, documented work or volunteer experience working with families of young children in an early childhood family support program setting.

(i) Standard health professional qualifications:

(i) Four-year degree in the field of public health, nursing, or health education and two or more years experience in public health, nursing, health education, or management of a health program serving children and families; or

(ii) A registered nurse with a two-year degree in nursing, health education, or the management of health programs, and two or more years experience in health programs serving children and families.

(j) Standard dietician qualifications. Two years successful, relevant, documented work experience in a community nutrition program serving children and families and a four-year degree in nutrition science, public health nutrition, dietetics, or other related fields **and** current registration with the American Dietetic Association as dietician.

(k) Standard mental health professionals qualifications:

(i) Certified mental health professional or school counselor; or

(ii) Licensed psychologist with experience and expertise serving young children and their families.

(10) Programs must implement and maintain a system for training and development of staff and families of enrolled children. Staff and families must be involved in the system design and implementation process.

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

WAC 365-170-100 (~~Administrative component,~~)
Administration. (1) (~~Services to children and their families~~

will be delivered through one or more of the following options:

~~(a) Center base option: Children will participate in center activities ten or more hours per week distributed over three or more days. One and one-half hours of contact between parents and staff will be completed each month. At least two education related home visits to families will be completed during the year. Class unit size will not exceed eighteen children with an adult:child ratio of 1:6. There shall be a lead teacher for every class unit.~~

~~(b) Home base option: Children will participate in weekly group experiences not to exceed four hours per session. Families will receive weekly one and one-half hour home visits by a home base educator. The case load for home base educators will not exceed twelve children. The adult:child ratio for group experiences will not exceed 1:6.~~

~~(c) Locally designed option: Local programs may elect to design and propose other program options which would better meet the needs of individual children and families in their communities. A locally designed option must: Contain rationale as to why the center based and home based options in (a) and (b) of this subsection would not be practicable; must represent a more effective approach to meeting the needs of children in the specific community; be consistent with sound child development practices; and be consistent with described standards to ensure that all components of the early childhood education and assistance program are delivered. The department will determine whether the locally designed option is acceptable on a case-by-case basis.~~

~~(2) The following staff qualifications are required for lead teachers in a center based program:~~

~~(a) For lead teachers, experience with low-income families is desirable. Lead teachers shall meet the following qualifications except as provided in (b) of this subsection:~~

~~(i) At least a four-year degree in the field of early childhood education or child development from an accredited public or private institution of higher education and a minimum of one year of successful experience working in a preschool or kindergarten; or~~

~~(ii) A two-year degree in the field of early childhood education or child development from an accredited public or private institution of higher education with a minimum of two years of successful experience working in a preschool or kindergarten; or~~

~~(iii) A valid Washington state elementary teaching certificate with an endorsement in early childhood education or early childhood special education or a person with a valid Washington state teaching certificate who would meet the qualifications for an endorsement in early childhood education or early childhood special education.~~

~~(b) If the organization is unable to find a lead teacher with the qualifications required under (a)(i), (ii), or (iii) of this subsection due to a local labor pool shortage documented by the organization, the organization may employ a lead teacher with the following qualifications:~~

~~(i) A teaching certificate and a minimum of one year of successful experience working with preschool age children; or~~

~~(ii) A minimum of a two-year degree from an accredited public or private institution of higher education and a mini-~~

imum of two years successful experience working with preschool age children; or

(iii) A child development associate credential.

(c) The organization shall establish a written professional development plan for each lead teacher who does not meet the qualifications under (a) of this subsection. The plan shall also provide for observation of such lead teacher by a person meeting the qualifications of (a) of this subsection for a minimum of one class period a month, consultation, and advice and assistance regarding the observation and consultation as needed. The plan shall be completed within three years. Implementation of the plan and progress made towards completion of the plan will be reviewed by the organization.

(3) The following staff qualifications are required for home base educators in a home base program:

(a) For home base educators, successful experience pertinent to direct involvement with low income families is desirable. Home base educators shall meet the following qualifications except as provided in (b) of this subsection:

(i) At least a four-year degree in the field of adult education or development, social work, psychology, early childhood education, or child development from an accredited public or private institution of higher education and a minimum of one year of successful relevant experience; or

(ii) A two-year degree in the field of adult education or development, social work, psychology, early childhood education, or child development from an accredited public or private institution of higher education and demonstrated ability to work with groups of preschool age children and a minimum of two years of successful relevant experience; or

(iii) A valid Washington state elementary teaching certificate with an endorsement in early childhood education or early childhood special education or a person with a valid Washington state teaching certificate who would meet the qualifications for an endorsement in early childhood education or early childhood special education.

(b) If the organization is unable to find a home base educator with the qualifications required under (a)(i), (ii), or (iii) of this subsection due to a local labor pool shortage documented by the organization, the organization may employ a home base educator with the following qualifications:

(i) A teaching certificate and demonstrated experience in working with preschool age children; or

(ii) A minimum of a two-year degree from an accredited public or private institution of higher education and a minimum of two years of successful relevant experience; or

(iii) A child development associate credential.

(c) The organization shall establish a written professional development plan for each home base educator who does not meet the qualifications under (a) of this subsection. The plan shall also provide for observation of such home base educator by a person meeting the qualifications of (a) of this subsection for a minimum of one home visit or peer group experience period a month, consultation, and advice and assistance regarding the observation and consultation as needed. The plan shall be completed within three years. Implementation of the plan and progress made towards completion of the plan will be reviewed by the local organization.

(4) Criminal history checks including fingerprinting will be performed for all staff hired after January 1, 1988, and having unsupervised contact with children.

(5) Facility:

(a) Facilities will provide for a physical environment conducive to learning and reflective of the needs of children.

(b) Facilities will comply with an annual fire, health, and safety inspection by local officials.

(c) The outdoor play area of the facility will be fenced to prevent children from leaving the premises unless the organization can demonstrate that the outdoor play area does not present a hazard to children's welfare and that adequate supervision will be provided when children are in the outdoor play area.

(d) The facility will contain a minimum of thirty-five square feet of indoor space per child available for the care of children (exclusive of bathroom, hall, kitchen, and storage). There will be a minimum of seventy-five square feet per child outdoors.

(e) Adequate provision will be made to ensure the facility provides for accessibility, safety, and comfort of handicapped children.

(6) Transportation: Vehicles owned and/or operated by the program for the purposes of transporting children to and from program activities will meet all applicable local ordinances and state and federal laws, rules, and regulations.

(7) Suspected abuse: Suspected incidents of child abuse and/or neglect by parents, staff, or others must be reported by program staff within forty-eight hours to an appropriate law enforcement agency or the department of social and health services in accordance with RCW 26.44.030.

(8) The department may grant waivers for any of the provisions under subsections (1) through (3) and (5) of this section if a contractor can demonstrate that the intent of subsections (1) through (3) and (5) of this section will be met and can demonstrate that the requested waiver is consistent with the purposes of this chapter and chapter 28A.34A RCW. All requests for waivers shall be in writing and be granted on a case-by-case basis.) Facility:

(a) Facilities must provide a physical environment conducive to learning and reflective of the needs of children.

(b) Programs must conform to all applicable state, local and county laws and ordinances for fire, health, and safety.

(c) Indoor/outdoor facilities must be safe, in good repair, sanitary and barrier free for all children and adults. Appropriate provisions for safe storage of flammable, toxic and hazardous materials must be made. Facilities must include regularly updated and inspected smoke detectors and fire alarms. Flaking or deteriorating lead-based paint must be refinished with lead-free paint or other nontoxic materials. Emergency lighting must be available in each classroom. Spaces occupied by children must be accessible to adults at all times that children are present. Provisions must be made to fence or supervise outdoor play areas sufficiently to prevent children from leaving the premises and wandering into unsafe and unsupervised areas. Programs located in schools must adhere to the Washington state primary and secondary schools facility standards. All other program locations must follow DSHS child care center licensing guidelines. Pro-

grams must establish a systematic review of facilities for compliance with safety regulations.

(d) Sites must have a minimum of thirty-five square feet of indoor space and a minimum of seventy-five square feet of outdoor space. (exclusive of bathroom, hall, kitchen, and storage) per child.

(2) Transportation. Children must be transported to and from program activities as follows:

(a) One-way scheduled transportation time must be no more than one hour except in rural/remote areas where transportation time must be kept to a minimum:

(b) Buses used for transportation of children must meet child safety standards as set forth by the office of the superintendent of public instruction:

(c) Vans or other vehicles must meet child safety standards as set forth by the Washington state patrol:

(d) Alternative transportation may be used if all other transportation services have been investigated and are not available to the program. A system must be in place to ensure documentation and completion of routine vehicle safety inspections. Drivers of vehicles must have valid required licenses and insurance coverage. Copies of licenses and insurance records must be filed in program records:

(e) Vehicles must meet insurance requirements designated by the Washington department of licensing (DOL):

(f) Programs located within school districts that are eligible for school bus transportation must adhere to school busing regulations:

(g) Parental consent forms for transportation of children in a personal vehicle must be kept on file.

(3) Policy council:

(a) The program must provide for parental involvement at a level including, but not limited to, parents working with children in cooperation with staff, parents participating in the program, and parents planning for the operation of the program.

(b) A policy council, separate from an agency board of directors, must be established by every agency contracting to operate early childhood education and assistance program. The policy council is a decision-making body, which is responsible for initiating suggestions to the early childhood education and assistance program, its administration, and its parents, and for receiving reports on actions taken by the agency regarding its recommendations. Terms should be staggered to promote continuity and stability. Program staff must attend policy council meetings to provide support and/or consultation. The council must include community representatives and parents and guardians of current and past enrolled children. At least fifty percent of council positions must be held by parents of currently enrolled children. Membership must be:

(i) Proportionate to the relative funded enrollment level of the early childhood education and assistance program in joint policy councils:

(ii) Comprised of volunteers or representatives elected to serve by parents and guardians of currently enrolled children:

(iii) Approved by parent members if holding a community representative position:

(iv) And limited to three consecutive years for parent membership.



WSR 99-15-029
EXPEDITED ADOPTION
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT

[Filed July 13, 1999, 11:50 a.m.]

Title of Rule: Chapter 365-170 WAC, State funding for local early childhood education and assistance programs.

Purpose: To amend rules governing early childhood education assistance programs (ECEAP). Changes will be consistent with applicable changes in state statutes.

Statutory Authority for Adoption: RCW 43.63A.060.

Statute Being Implemented: RCW 28A.215.110.

Summary: The purpose of this rule amendment is to comply with SHB 1935, which expands income eligibility criteria, for ECEAP, from 100% to 110% of the federal poverty level.

Reasons Supporting Proposal: Changes in existing law will expand ECEAP eligibility criteria and allow services to be offered to a greater number of people.

Name of Agency Personnel Responsible for Drafting: Cinque' R. Finnie, Department of Community, Trade and Economic Development, (360) 753-4377; Implementation and Enforcement: Garrison Kurtz, Department of Community, Trade and Economic Development, (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: Rule change will amend income eligibility requirements of the ECEAP program. RCW 28A.215.110 previously stated that an "eligible child" means a child not eligible for kindergarten whose family income is at or below 100% of the federal poverty level. This has been amended from 100% to 110% of the federal poverty level by chapter 350, Laws of 1999.

This change in this rule will expand the pool of potentially eligible participants. Flexibility in enrollment will allow ECEAP to serve a greater number of low income children, and their families.

Proposal Changes the Following Existing Rules: Current RCW 28A.215.110 states: (3) "Eligible child" means a child not eligible for kindergarten whose family income is at or below one hundred percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a child whose family is eligible for public assistance, and who is not a participant in a federal or state program providing comprehensive services and may include children who are eligible under rules adopted by the department if the number of such children equals no more than ten percent of the total enrollment in the early childhood program. Priority for enrollment shall be given to children from families with the lowest income or to eligible children from families with multiple needs.

Definition of "eligible child" would change to: (3) "Eligible child" means a child not eligible for kindergarten whose family income is at or below one hundred and ten percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a

child whose family is eligible for public assistance, and who is not a participant in federal or state program providing comprehensive services and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Priority for enrollment shall be given to children from families with the lowest income or to eligible children from families with multiple needs.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Garrison Kurtz, Managing Director, Children Services Unit, Department of Community, Trade and Economic Development, P.O. Box 48300, Olympia, WA 98504-8300, AND RECEIVED BY September 20, 1999.

June 10, 1999

Jean L. Ameluxen, Director
Intergovernmental Relations

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

WAC 365-170-030 Definitions. (1) "Applicant" means a public or private nonsectarian organization which applies for state early childhood education and assistance program assistance.

(2) "At risk" means children residing in low income families who are by virtue of their socio-economic status at risk of failure in the common school system.

(3) "Contract year" means the period July 1 through June 30 in which the program must operate.

(4) "Department" means the department of community development.

(5) "Direct service" means any educational, health, or social service for children which is designed to meet the program standards.

(6) "Director" means the director of the department of community development.

(7) "Early childhood education and assistance program" means the state-wide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local early childhood education and assistance programs.

(8) "Family" means all persons living in the same household who are (a) supported by the income of the parent(s) or guardian(s) of the child enrolling in the early childhood education and assistance program, and (b) related to the parent(s) or guardian(s) by blood, marriage, adoption, or legal obligation to provide support.

(9) "Contractor" means an applicant which has been awarded state funds under the early childhood education and assistance program, and which has entered into a contract with the department of community development to provide an early childhood education and assistance program. Contractors may be local public or private organizations which are nonsectarian in their delivery of services.

(10) "Like educational services" means comprehensive programs providing educational, social, parent involvement, and health services funded by other sources.

(11) "Low-income family" means a family whose total income before taxes for the twelve months or full calendar year, whichever period better reflects the current income of the family, prior to the enrollment of their child in the early childhood education and assistance program is equal to, or less than, one hundred ten percent of the federally established poverty guidelines as defined by the Department of Health and Human Services. The term also includes a family receiving aid to families with dependent children or participating in the family independence program under chapter 74.21 RCW.

(12) "Nonsectarian" means that no aspect of early childhood education and assistance services will include any religious orientation.

WSR 99-15-033
EXPEDITED ADOPTION
DEPARTMENT OF AGRICULTURE
 [Filed July 14, 1999, 3:37 p.m.]

Title of Rule: General pesticide regulations, chemigation and fertigation regulations, wood destroying organism regulations.

Purpose: Revised WAC numbers to group related regulations, dropped unnecessary regulations, revised conflicting sections, made minor, nonsubstantive revisions to existing sections for clarity, made new WAC section for chemigation and fertigation regulations.

Other Identifying Information: Regulations contained in chapters 16-10, 16-228, and 16-200 WAC.

Statutory Authority for Adoption: Chapters 15.58, 17.21, and 15.54 RCW.

Statute Being Implemented: Same.

Summary:

EXPEDITED ADOPTION

New WAC Number	Old WAC Number	Content	Changes
16-228-1010	16-228-010 16-10-010 RCW 17.21.020(26)	Definitions	Insert "Complainant" (from WAC 16-10-010). Insert "Landscape Application" (as per RCW 17.21.020(26)). Insert "Person" (from WAC 16-10-010), Insert "Person Aggrieved" (from WAC 16-10-010), Re-sequence numbers.
16-228-1020	16-10-020	Rights of complainants	Leave as is for present, currently working with Attorney General (A.G.) for revision using full APA process.
16-228-1030	16-10-030	Rights of persons aggrieved	Leave as is for present, currently working with A.G. for revision using full process.
16-228-1040	16-228-233	Investigative response time	No changes.
16-228-1100	16-228-905	Statement of purpose - Penalty assignment	Leave as is for present, currently working with A.G. for revision using full process.
16-228-1110	16-228-910	Definitions - Penalty assignment	Leave as is for present, currently working with A.G. for revision using full process.
16-228-1120	16-228-915	Calculation of penalty	Leave as is for present, currently working with A.G. for revision using full process.
16-228-1130	16-228-920	Penalty assignment schedule - Table A	Leave as is for present, currently working with A.G. for revision using full process.
16-228-1140	16-228-925	Penalty assignment schedule - Table B	Leave as is for present, currently working with A.G. for revision using full process.
16-228-1150	16-228-930	Other dispositions of alleged violations	Leave as is for present, currently working with A.G. for revision using full process.
16-228-1200	16-228-160	Restriction on distribution, transportation, storage and disposal	No changes.

16-228-1220	16-228-185	Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers	Drop - monocrotophos (Azodrin), Dementon (Systox), Aldicarb (Temik), TEPP, Mevinphos (Phosdrin), Zinophos. Products either no longer allowed for any use or cannot be applied by air. Full adoption process for storage.
16-228-1230	16-228-164	State restricted use pesticides for use by certified applicators only	Moved subsection 4 to WAC 16-228-1300 and incorporated. Changed (2)(b) to "in quantities larger than one gallon." Add "for purposes of this section" to the end of (3)(d). Deleted dealer statement - covered in WAC 16-228-1300.
Deleted	16-228-155	Pesticides-not for distribution to home and garden users	Dropped DiNitro-O-Sec Butyl (DNOSBP), Ethion (26% and above), Hydrogen Cyanide (Hydrocyanic acid) (HCN). Products no longer allowed for use. Endothall, Guthion and Methyl Bromide federally restricted use. Moved Strychnine to WAC 16-228-1230(c).
16-228-1240	16-228-166	Aquatic pesticides	Change WAC reference number (in text) to WAC 16-228-1330(1).
16-228-1250	16-228-162	Phenoxy herbicide restrictions	Possible removal of "Provided" section on shaker cans - (no registrations).
16-228-1260	16-228-227	Tributyl tin	No changes.
16-228-1270	16-228-600	Use of pesticides on small seeded vegetable seed crops and seed alfalfa	No changes.
16-228-1300	16-228-161 16-228-155(2) 16-228-164(2)	Distribution records	Moved WAC 16-228-164 (4)(a-g) here. Moved WAC 16-228-155(2) here. Deleted WAC 16-228-161, moved sentence.
16-228-1320	16-228-190	Applicator requirements	Probable changes using full adoption process. Changed WAC reference to WAC 16-228-1320(1).
16-228-1330	16-228-195	Compliance with federal requirements	Combine with WAC 16-228-1560 (FAA Certificate).
16-228-1370	16-228-157	Waste pesticide disposal	No changes.
16-228-1380	16-228-225	Regulation of application of vertebrate control pesticides	(2) Moved requirement for dye/discolor for 1080 bait and solutions to WAC 16-228-1385, modify (to be consistent) - warehouse and size of letters and moved subsection (3)(c) to 16-228-1380, add "certified" to (3)(d).
	16-228-14501	Sale or possession of sodium floracetate, fluoracetamide, and phosphorus pastes	Dropped WAC - covered in WAC 16-228-1385.
16-228-1385	16-228-230	Special restrictions on the use of Compounds 1080, 1081, and phosphorus pastes	Changed WAC reference number to new WAC number, added dye/discolor wording, modified wording regarding warehouse/letter size to adopt newest regulation, corrected error in reference to WAC 16-228-255(10).

EXPEDITED ADOPTION

General Pesticide Regulations - Registration			
16-228-1400	16-228-115	Pesticide labeling requirements	No changes.
16-228-1410	16-228-117	Home and garden products-definition	Changed title - drop "fee." Dropped subsections (2) and (3) - No fees applied now.
16-228-1420	16-228-116	Complete pesticide formula	No changes.
16-228-1430	16-228-145	Adequate containers	No changes.
16-228-1440	16-228-120	Artificial coloring	No changes.
16-228-1450	16-228-130	Pesticide-fertilizer registration and-labeling	No changes.
16-228-1455	16-228-140	Pesticide-fertilizer mix restrictions	No changes.
16-228-1460	16-228-125	Experimental use permits	No changes.
General Pesticide Regulations - Licensing			
16-228-1500	<i>16-228-180</i>	License denied, revoked or suspended	Leave as is for now, significant changes - will require full adoption process.
16-228-1520	<i>16-228-210</i>	Financial responsibility insurance certificate (FRIC)	Leave as is for now, one significant change which will require full adoption process being proposed for Phase II.
16-228-1530	16-228-020	Application fee and pesticide licenses - Renewal dates - Penalties	Deleted (2) - These licenses are annual now, added WAC 16-228-215(1) here.
16-228-1540	<i>16-228-220</i>	Examination requirements	Leave as is for now, will require full adoption process for changes.
16-228-1550	16-228-214	Apparatus display signs	No changes.
16-228-1555	16-228-213	Requirements on placement of commercial applicator apparatus license plates and windshield identification	No changes.
16-228-1570	16-228-172	Permits	No changes.
16-228-1580	16-228-168	Change of exemptions	No changes.
16-228-1585	16-228-223	Ground maintenance on an occasional basis-exempt from licensing requirements	No changes.
16-228-1590	16-228-170	Pesticide dealer and dealer manager license	No changes.
Possible New WAC Section - New number 16-228-xxxx			
16-228-1545?	<i>New</i>	Examination categories minimum passing score	Possible new section using full APA adoption process.
16-228- xxxx	<i>New</i>	Schedule for sign removal and size	To implement RCW 17.21.410 (4) Landscape applications.
New WAC Section			
16-228-2000	16-228-400	Inspection and reporting criteria for complete wood destroying organism inspection	No changes.
16-228-2020	16-228-410	Inspection and report prerequisite to wood destroying organism treatment	No changes.
16-228-2030	16-228-420	Limited wood destroying organism inspections	No changes.

EXPEDITED ADOPTION

16-228-2040	16-228-430	Reporting criteria for limited wood destroying organism inspections	No changes.
New WAC - Application of Pesticides and Nutrients Through Irrigation Systems			
WAC 16-202			
16-202-1000	<i>16-228-232</i>	Chemigation	Possible significant changes, will need full adoption process.
16-202-2000	<i>16-200-742</i>	Fertigation	Possible significant changes, will need full adoption process.
DROPPED SECTIONS			
	16-228-143	PIRT Surcharge	No longer applies.
	16-228-117 (2)(3)	PIRT Surcharge	No longer applies.
	16-228-155	Not for distribution to home and garden	All products are restricted use Strychnine moved to WAC 16-228-1230(c).
	16-228-650	Declaration of an agricultural emergency	Adopted in chapter 16-233 WAC.
	16-228-655	Agricultural activities permitted under an agricultural emergency	Adopted in chapter 16-233 WAC.
	16-228-660	Record keeping required for an agricultural emergency	Adopted in chapter 16-233 WAC.
	16-228-14501	Compounds 1080,1081 and phosphorus	Adopted in WAC 16-228-1380.
	16-228-215	FAA certificate	Covered in WAC 16-228-1380. Pesticide exam form and fee moved to WAC 16-228-1530(8).

bold/italic - proposed for Phase II changes

Reasons Supporting Proposal: Rule revision mandate.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pesticide Management, Natural Resources Building, Olympia, Washington, (360) 902-2010.

Name of Proponent: Washington State Department of Agriculture, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Agency request.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Revision of general pesticide regulations for clarity. Delete old regulations and set up sections for wood destroying organisms and chemigation/fertigation. See Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF

YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Ann Wick, Washington State Department of Agriculture, P.O. Box 42589, Olympia, WA 98404-2589 [98504-2589], (360) 902-2051, fax (360) 902-2093, AND RECEIVED BY October 18, 1999.

July 13, 1999

Bob Arrington

Assistant Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 99-17 issue of the Register.

EXPEDITED ADOPTION



WSR 99-14-023
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 28, 1999, 3:18 p.m., effective July 1, 1999]

Date of Adoption: June 28, 1999.

Purpose: To revise the rules for the working connections child care (WCCC) program in compliance with Governor's Executive Order 97-02, with the goal of making them easier for clients to understand, and for field staff to apply consistently.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-290-020, 388-290-025, 388-290-030, 388-290-035, 388-290-050, 388-290-055, 388-290-060, 388-290-070, 388-290-080, 388-290-090, and 388-290-105; and amending WAC 388-290-010.

Statutory Authority for Adoption: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605.

Other Authority: 45 C.F.R. Parts 98 and 99 (Child Care and Development Fund rule).

Adopted under notice filed as WSR 99-08-121 on April 7, 1999.

Changes Other than Editing from Proposed to Adopted Version: There are two changes. The first expands the time a parent has to notify their child care provider of a change in circumstance from five days to ten days. The second increases the minimum amount for an overpayment from \$100 to \$300.

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 33, Amended 1, Repealed 11.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 33, Amended 1, Repealed 11.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Chapter 388-290 WAC is written in a manner that will make these rules simpler for clients to follow and easier for field staff to implement. There are several policy changes that are client-friendly: In particular, allowing workers to keep a client's copayment stable even if that client's income increases.

Effective Date of Rule: July 1, 1999.

June 28, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-21-005, filed 3/19/98 [10/9/98], effective 4/19/98 [11/9/98])

WAC 388-290-010 (~~Subsidized child care~~) **What is the purpose** (~~and income limit~~) **of the working connections child care program?** (~~The purpose of this program is to provide child care services necessary to assist~~) **Working connections child care (WCCC) helps low-income families with** (~~dependent~~) **children** (~~to become or remain employed. The department may provide subsidized child care services to families with incomes at or below one hundred seventy-five percent of the Federal Poverty Level (FPL) adjusted for family size~~) **pay for child care to find jobs, keep their jobs, and get better jobs.**

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

NEW SECTION

WAC 388-290-015 **What basic steps does the department take to decide if I'm eligible for WCCC?** We take the following basic steps to decide if you're eligible for WCCC:

"We," for the purposes of this chapter, means the department of social and health services.

(1) We determine:

(a) If you're participating in an approved activity (see WAC 388-290-125, 388-290-150, or 388-290-200);

(b) If you and your children are otherwise eligible for WCCC (see WAC 388-290-300);

(c) Your family size under WCCC guidelines (see WAC 388-290-400);

(d) Your countable income, which must be at or below one hundred seventy-five percent of the Federal Poverty Level (FPL) (see WAC 388-290-600);

(e) Your share of the child care cost, called a copayment (see WAC 388-290-650);

(2) After you make your own child care arrangements, we decide if we can pay your child care provider under WCCC guidelines (see WAC 388-290-850).

(3) We look at other WCCC program requirements, when needed (see WAC 388-290-900, 1000, 1050, 1100, 1150, 1200, 1250, and 1300).

NEW SECTION

WAC 388-290-075 **Who is a consumer in WCCC?** In WCCC, **consumer** means one of the following individuals who has parental control and applies for or receives WCCC for one or more children:

(1) Parents, stepparents, or legal guardians;

(2) Adult siblings or step-siblings, first cousins, nephews or nieces;

(3) Aunts, uncles, grandparents or any of these relatives with the prefix great, such as great-aunt.

NEW SECTION

WAC 388-290-125 **What activities can the department pay WCCC for if I get a temporary aid for needy families (TANF) grant?** (1) If you get TANF or SFA, we

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can pay WCCC for your hours of participation in the following activities:

(a) An approved WorkFirst activity under chapter 388-310 WAC;

(b) Employment or self-employment under WAC 388-290-200;

(c) Your education or training program if you have a prior approved JOBS plan for that program and you are:

(i) Making progress that is satisfactory or better, as defined by your program; and

(ii) Working twenty or more hours per week, or sixteen or more hours per week in a workstudy job.

(d) Your training program for up to twelve months if:

(i) You don't have a prior approved JOBS plan;

(ii) The program is adult basic education (ABE), English as a second language (ESL), high school/GED, vocational education or job skills training under chapter 388-310 WAC;

(iii) You're making progress that is satisfactory or better, as defined by your program;

(iv) You're working twenty or more hours per week, or sixteen or more hours per week in a workstudy job; and

(v) You're enrolled at least half-time in your program as defined in chapter 388-310 WAC.

(2) If required, we can also pay WCCC for:

(a) Transportation time between your place of employment or approved activity and the location of child care; and

(b) Sleep time directly related to your job, such as if you work nights and sleep days.

NEW SECTION

WAC 388-290-150 What activities can the department pay WCCC for if I don't get a TANF grant? If you don't get TANF, we can pay WCCC for your hours of participation in the following activities:

If you are:	Then to get WCCC you must be:
(1) Employed or self-employed.	Employed or self-employed under WAC 388-290-200
(2) In an education or training program.	(a) Enrolled in adult basic education (ABE), English as a second language (ESL), high school/GED, vocational education or job skills training under chapter 388-310 WAC; (b) Making progress that is satisfactory or better as defined by your program; (c) Working: (i) Twenty or more hours per week; or (ii) Sixteen or more hours per week in a workstudy job; and (d) Participating in the program for no longer than thirty-six months.
(3) In same-day job search.	A TANF applicant whom we have determined has potential for immediate employment or re-employment.

If you are:	Then to get WCCC you must be:
(4) In an employment retention activity under chapter 388-310 WAC.	Engaged in employment retention: (a) For no more than one year following your exit from TANF; and (b) Working: (i) Twenty or more hours per week; or (ii) Sixteen or more hours per week in a workstudy job.
(5) In a labor exchange activity under chapter 388-310 WAC.	Engaged in labor exchange: (a) For no more than two years following your exit from TANF; and (b) Working: (i) Twenty or more hours per week; or (ii) Sixteen or more hours per week in a workstudy job.
(6) A food stamp recipient.	Eligible for the food stamp employment and training program under chapter 388-444 WAC.
(7) In the re-employ Washington workers (RWW) program, operated by the employment security department.	Enrolled in the RWW program under chapter 388-310 WAC.

(8) If required, we can also pay WCCC for:

(a) Transportation time between your place of employment or approved activity and the location of child care; and

(b) Sleep time directly related to your job, such as if you work nights and sleep days.

NEW SECTION

WAC 388-290-200 Can the department pay WCCC if I'm self-employed? We can pay WCCC if you're self-employed, as follows:

(1) If you get TANF, you must have an approved self-employment plan under chapter 388-310 WAC. The amount of WCCC you can get for self-employment is equal to the number of hours in your approved plan.

(2) If you don't get TANF, for your first six months of self-employment starting from when you become eligible for WCCC, the amount of WCCC you can get each month is based on the greater of:

(a) A written statement from you on the number of hours you need based on the number of hours you work; or

(b) The number of hours equal to dividing your monthly self-employment income by the federal or state minimum wage, whichever is lower.

"Self-employment income" means your gross income from self-employment minus allowable business expenses in WAC 388-450-0085.

(3) After the first six months, the amount of WCCC you can get each month is based on the lesser of subsections (2)(a) or (b) of this section.

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(4) You must make available to the department records which show all your business expenses and income.

NEW SECTION

WAC 388-290-270 Can the department authorize WCCC if I'm not working or in an approved activity right now? (1) We can authorize WCCC payments for up to two weeks if you get TANF and you're waiting to enter an approved activity.

(2) We can authorize WCCC payments for up to four weeks if you experience a gap in employment, or approved activity, and you meet all the following conditions:

- (a) The gap happens for reasons out of your control, such as a layoff;
- (b) Employment, or the approved activity, will resume within that period or you're looking for another job; and
- (c) You received WCCC immediately before the gap in employment, or approved activity.

NEW SECTION

WAC 388-290-280 Can the department pay WCCC for activity fees or bonuses? (1) We can pay initial and ongoing annual registration fees up to fifty dollars per child to your child care provider, only if the fees are:

- (a) Required of all parents whose child(ren) are in care with that provider; and
- (b) Needed to maintain a child care arrangement.

(2) We can pay ongoing activity fees of up to twenty dollars per month per child to your child care provider if the conditions in subsections (1)(a) and (1)(b) of this section are met.

(3) We can pay child care providers a one-time bonus of up to two hundred fifty dollars for each infant they newly enroll in care if all the following conditions are met:

- (a) The child being cared for is less than twelve months of age;
 - (b) The child care provider is licensed or certified by the department; and
 - (c) We expect care to be provided for five days or more.
- (4) We can pay child care providers a nonstandard hour bonus under chapter 388-15 WAC.

NEW SECTION

WAC 388-290-300 Which children and consumers can and cannot get WCCC? Depending on your circumstances, or those of your child(ren), you might be eligible for WCCC as follows:

If this situation describes you:	Then am I or my children eligible for WCCC?
(1) You are: (a) An employee of the same child care facility where your child(ren) is receiving care; and (b) Caring for your own child(ren) during the time WCCC is authorized.	No. The child(ren) in this situation are not eligible for WCCC.

If this situation describes you:	Then am I or my children eligible for WCCC?
(c) In sanction status;	Yes, but you can only get WCCC: (i) For an activity needed to remove the sanction; or (ii) For employment.
(d) A parent in a two-parent family and the other parent is able and available to provide care for your child(ren) while you are working, looking for work, or preparing for work. "Able" means an adult physically, mentally, and emotionally capable of caring for a child in a responsible manner. "Available" means an adult able to provide care due to not participating in an approved work activity under WAC 388-290-125, 150, and 200 during the time you need child care.	No. You are not eligible for WCCC during the time the other parent is able and available to provide child care.
(2) Your child or children is: (a) Birth through twelve years old;	Yes. The child(ren) in this situation are eligible for WCCC. If the child(ren) has a special need it must be verified according to subsection (2)(b)(ii) of this section.
(b) Thirteen to nineteen years old;	Yes, but the child(ren) must be: (i) Under court supervision; or (ii) Physically, mentally, or emotionally incapable of self-care, as verified by a doctor, nurse, nurse practitioner, or masters-level or above mental health, education, or social service professional.
(c) Not legally residing in the country.	No. The child(ren) in this situation are not eligible for WCCC.

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NEW SECTION

WAC 388-290-350 If I'm in an approved activity, what are the steps the department takes to figure my WCCC copayment? If you're in an approved activity, we take the following steps to figure your WCCC copayment:

- (1) Determine your family size (see WAC 388-290-400);
- (2) Verify and calculate all nonexempt income that is received directly by your family (see WAC 388-290-450);
- (3) Figure your family's expected average monthly earned and unearned income (see WAC 388-290-500 and 525);
- (4) Figure your family's adjusted earned income based on your expected average monthly earnings (see WAC 388-290-550);
- (5) Add your expected average monthly unearned income and the result of subsection (4) of this section together to get your family's countable income (see WAC 388-290-600).
- (6) Use your family's countable income to figure your WCCC copayment (see WAC 388-290-650).
- (7) Assess the minimum copayment if:
 - (a) You're a minor parent and meet certain guidelines (see WAC 388-290-700); or
 - (b) You meet other guidelines not specifically for minor parents (see WAC 388-290-750).

NEW SECTION

WAC 388-290-375 How is the income that my family receives used in WCCC? All nonexempt income that your family receives directly is used to:

- (1) Determine your eligibility for WCCC;
- (2) Figure your expected average monthly income; and
- (3) Calculate your WCCC copayment.

NEW SECTION

WAC 388-290-400 What makes up a family in the WCCC program? "Family" in WCCC means one or more individuals who live together in the same household. Only you and the people living in your household can be included in family size, as follows:

If these are the people living in my household (including myself):	Then is my household considered a family in WCCC?
(1) Related adults, other than spouses; and their respective child(ren).	No, but see subsections (2) - (4), and (6) of this section, below.
(2) Unmarried parents and their mutual child(ren).	Yes.
(3) Married parents with or without a mutual child(ren).	Yes.
(4) Married or unmarried parents and their mutual and nonmutual children, if there is at least one mutual child.	Yes.
(5) Unmarried adults with no mutual child(ren).	No, but see subsection (6) of this section, below.
(6) An unmarried parent and their child(ren).	Yes.

(7) A non-TANF minor parent living independently with one or more children.	Yes.
(8) Child(ren) related by blood, marriage, or adoption who live with a WCCC consumer who is not legally and financially responsible for the child(ren).	No. Only the child(ren) are included in family size.
(9) Child(ren) not related by blood, marriage, or adoption who live in a situation described in subsection (8) of this section, above.	No. Each unrelated child(ren) is considered a separate family.
(10) A minor parent and the minor parent's children only, who are living in a situation described in WAC 388-290-700.	Yes.

NEW SECTION

WAC 388-290-450 What income does the department count in WCCC? (1) We count the following as earned income when figuring your copayment:

- (a) Earnings from employment or self-employment;
- (b) Military housing and food allowance;
- (c) Income in-kind.

"Income in-kind" means income received in a form other than cash, such as goods, services, or room and board.

(2) We count the following as unearned income when figuring your WCCC copayment:

- (a) Your TANF grant, except when exempt under WAC 388-290-475;
- (b) Child support payments;
- (c) General assistance;
- (d) Supplemental Security Income (SSI);
- (e) Other social security payments, such as SSA and SSDI;
- (f) Refugee assistance payments;
- (g) Payments from the Veterans' Administration, disability payments, or payments from labor and industries (L&I);
- (h) Unemployment compensation; and
- (i) Other types of unearned income not exempted in WAC 388-290-475.

NEW SECTION

WAC 388-290-475 What income does the department exempt in WCCC? We exempt the following when figuring your copayment:

- (1) Income types in WAC 388-450-0015, WAC 388-450-0035, WAC 388-450-0040, and WAC 388-450-0055;
- (2) The earned income of a child, unless otherwise indicated in WAC 388-290-400;

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(3) Compensatory awards, such as an insurance settlement or court-ordered payment for personal injury, damage, or loss of property;

(4) Reimbursements, such as an income tax refund;

(5) Diversion Cash Assistance; and

(6) The TANF grant for the first three consecutive calendar months after you start a new job. The first calendar month is the month in which you start working.

NEW SECTION

WAC 388-290-500 What are the different kinds of income in WCCC the department uses to get my expected average monthly income? (1) There are two kinds of income in WCCC that the department uses to get your expected average monthly income. They are:

(a) Ongoing income; and

(b) Lump sum payments.

(2) Ongoing income means:

(a) You expect to receive the income more than once, such as a paycheck;

(b) The income is not exempt in WCCC; and

(c) You have enough income history to make an accurate estimate of your future income; or

(d) Evidence of your income in the future is available, such as a letter from your employer.

(3) Lump sum payment means a one-time payment that is not exempt in WCCC, such as back child support, an inheritance, or gambling winnings.

(4) Expected average monthly income means the average monthly income amount used to figure your countable income.

NEW SECTION

WAC 388-290-525 How does the department figure my expected average monthly income? (1) If you have ongoing income, we figure your expected average monthly income by:

(a) Verifying that the income presented to us is an accurate amount;

(b) Dividing the amount in subsection (1)(a) of this section by the number of months it took your family to get the income; or

(c) Using the best available estimate of your family's current and expected nonexempt income, if:

(i) Multiple months of past income are not available; or

(ii) You don't have the income history to make an accurate estimate of your future income.

(2) If you get a lump sum payment during your WCCC authorization period, we:

(a) Verify that the income presented to us is an accurate amount;

(b) Divide the lump sum payment by twelve; and

(c) Count the result of subsection (2)(b) of this section as part of your expected average monthly income.

(4) If you have a combination of ongoing income and one or more lump sum payments, we use the appropriate guideline for each kind of income to figure your expected average monthly income.

NEW SECTION

WAC 388-290-550 How does the department figure my adjusted earned income? We figure your adjusted earned income as follows:

(1) If your family's gross expected average monthly earnings are at or below one hundred percent of the FPL, then...	We multiply gross earnings by ninety percent to get adjusted earned income.
(2) If your family's gross expected average monthly earnings are above one hundred percent of the FPL up to and including one hundred seventy-five percent of the FPL, then...	We multiply gross earnings by eighty-five percent to get adjusted earned income.

NEW SECTION

WAC 388-290-600 How does the department figure my countable income, and what is countable income used for? (1) To get your countable income, we add together the following kinds of expected average monthly income:

(a) Adjusted earned income; and

(b) Unearned income that is not exempt (see WAC 388-290-450).

(2) All countable income received directly by your family is used to calculate your WCCC copayment except if you automatically pay the minimum copayment under WAC 388-290-700 or 388-290-750.

NEW SECTION

WAC 388-290-650 How does the department figure my copayment, once my countable income is known?

If your family's countable income falls within this range...	...Then your copayment is...
(1) At or below seventy-four percent of the Federal Poverty Level (FPL).	Ten dollars.
(2) Above seventy-four percent and up to one hundred percent FPL.	Twenty dollars.
(3) Over one hundred percent of the FPL.	The greater of: (a) Twenty dollars, or; (b) Forty-seven percent of your countable income over one hundred percent of the FPL.

NEW SECTION

WAC 388-290-700 Does the department set the minimum copayment if I'm a minor parent? We set the minimum copayment if you are a minor parent, and

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- (1) Receiving TANF and living independently; or
- (2) Part of your parent or relative's TANF grant.

NEW SECTION

WAC 388-290-750 Are there other times when the department sets the minimum copayment? We also set the minimum copayment:

- (1) In the first full month following the month you get a job, if you get TANF at the time of application for WCCC;
- (2) In all the months you are a WCCC consumer, if your family's only source of income during this time is a TANF grant; or
- (3) In the first month you apply for WCCC, if you don't get TANF at the time of application for WCCC.

NEW SECTION

WAC 388-290-800 When does the department calculate copayments? We calculate your copayment:

- (1) At the time of the initial eligibility determination;
- (2) At least every six months, starting from the first month of eligibility;
- (3) When your monthly income decreases, except if your TANF grant goes down due to a sanction;
- (4) When your family size changes; or
- (5) When you are no longer eligible for:
 - (i) The three-month TANF grant exemption under WAC 388-290-475; or
 - (ii) The minimum copayment under WAC 388-290-700 or 750.

NEW SECTION

WAC 388-290-850 What child care providers can the department pay under the WCCC program? To receive payment under the WCCC program, your child care provider must fall into one of the following categories:

- (1) Licensed as required by chapter 74.15 RCW and chapters 388-73, 388-155 (Minimum licensing requirements for family child day care homes), or 388-150 WAC (Minimum licensing requirements for child day care centers).
- (2) Exempt from licensing but certified by the department, including:
 - (a) Tribal child care facilities meeting the requirements of tribal law;
 - (b) Child care facilities on a military installation;
 - (c) Child care facilities operated on public school property by a school district.
- (3) Exempt from licensing and certification, but the provider must:
 - (a) Be a U.S. citizen or legally residing in the country;
 - (b) Be one of the following adult relatives providing care in either the child's or relative's home:
 - (i) An adult sibling living outside the child's home; or
 - (ii) A grandparent, aunt, uncle, first cousin, or great-grandparent, great-aunt, or great-uncle; and
 - (iii) Not the child's biological, adoptive, or step-parent; or

(iv) An extended tribal family member under chapter 74.15 RCW.

(c) Be an adult friend or neighbor providing care in the child's own home; and

(d) Meet the in-home relative provider requirements in chapter 388-15 WAC. We can refuse to pay toward the cost of in-home/relative care if we have evidence your in-home/relative provider does not meet these requirements.

NEW SECTION

WAC 388-290-900 When can the department establish a protective payee to pay my in-home/relative provider? We can establish a protective payee to receive WCCC warrants for you when:

- (1) You do not pay your in-home/relative child care provider; and
- (2) We issued a child care warrant to the correct address and twelve or more working days have passed since the issuance date;
- (3) You have not reported the WCCC warrant lost, stolen, or destroyed; or
- (4) You have a history of failing to pay your in-home/relative provider(s).

NEW SECTION

WAC 388-290-905 What responsibilities does the department have under the WCCC program? We will:

- (1) Inform you of your rights and responsibilities under the WCCC program;
- (2) Inform you which child care providers we can pay;
- (3) Permit you to choose your own child care provider, as long as we can pay the provider under WAC 388-290-850;
- (4) Inform you of the community resources that can help you select child care, if needed;
- (5) Only authorize payment when no adult in your family is able and available to care for your children;
- (6) Only authorize payment to child care providers who allow you to see your children whenever they are in care;
- (7) Respond to you within ten days if you report a change of circumstance;
- (8) Provide prompt child care payments to your licensed or certified provider; and
- (9) Notify you whenever we establish or change your WCCC copayment.

NEW SECTION

WAC 388-290-910 What responsibilities do I have under the WCCC program? You will:

- (1) Be responsible to choose your provider and make your own child care arrangements;
- (2) Notify the department of any change in providers within five days;
- (3) Pay your in-home/relative provider after we send you a check for in-home/relative care;
- (4) Pay, or make arrangements to pay, your WCCC copayment directly to your child care provider;

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(5) Supply the department with necessary information to allow us to correctly determine your eligibility and make proper payment to your provider;

(6) Notify your provider within ten days when we change your child care authorization;

(7) Provide notice to the department within ten days of any change in family size or income level; and

(8) Assure your in-home/relative provider provides a valid social security number to the department, if you choose an in-home/relative provider.

NEW SECTION

WAC 388-290-915 When do WCCC payments start?

If you are eligible for WCCC, the department authorizes WCCC payments the date you apply for the program, or the date you choose a child care provider we can pay under WAC 388-290-850, whichever is later.

NEW SECTION

WAC 388-290-920 When does the department provide me with advance and adequate notice of WCCC payment changes? (1) We provide you with advance and adequate notice for changes in payment when the change results in a suspension, reduction, termination, or forces a change in child care arrangements, except as noted in WAC 388-290-1200, below.

(2) "Advance notice," means a notice of a WCCC reduction, suspension, or termination that is mailed at least ten days before the date of the intended action.

(3) "Adequate notice" means a written statement of the action the department intends to take, the facts relating to the decision, the Washington Administrative Code (WAC) supporting the action, and your right to request a fair hearing.

NEW SECTION

WAC 388-290-925 When do advance and adequate notice rules not apply? Advance and adequate notice requirements don't apply in the following circumstances:

- (1) You tell the department you no longer want WCCC;
- (2) Your whereabouts are unknown to the department;
- (3) You are receiving duplicate child care benefits; or
- (4) Your normal WCCC authorization period is scheduled to end.

NEW SECTION

WAC 388-290-930 Under what circumstances does my eligibility for WCCC end? Your eligibility for WCCC ends if:

- (1) Copayment fees assessed by the department are not paid; and
- (2) Mutually acceptable payment arrangements are not made with your child care provider; or
- (3) You don't meet other WCCC eligibility requirements.

NEW SECTION

WAC 388-290-935 When might I be eligible for WCCC again? You might be eligible for WCCC again when:

- (1) Back copayment fees are paid; or
- (2) Mutually acceptable payment arrangements are made with your child care provider(s); and
- (3) You meet other WCCC eligibility requirements.

NEW SECTION

WAC 388-290-940 Do I have the right to request a fair hearing? WCCC consumers and child care providers can request fair hearings under chapter 388-08 WAC on any action affecting WCCC benefits except for mass changes resulting from a change in policy or law.

NEW SECTION

WAC 388-290-945 Can I get WCCC pending the outcome of a fair hearing? (1) If you are a WCCC consumer, you can get WCCC pending the outcome of a fair hearing if you request the fair hearing:

- (a) On or before the effective date of an action; or
- (b) No more that ten days after the department sends you a notice of adverse action.

"Adverse action" means an action to reduce or terminate your WCCC, or to set up a protective payee to receive your WCCC warrant for you.

(2) If you lose the fair hearing, any WCCC you use between the date of the adverse action and the date of the fair hearing or fair hearing decision is an overpayment to you, the consumer.

NEW SECTION

WAC 388-290-950 When does the department collect overpayments? (1) In areas not covered by this section, WCCC consumers are subject to chapter 388-410 WAC (Benefit errors).

(2) When setting up an overpayment, we reduce the WCCC overpayment by the amount of the WCCC underpayment when applicable.

(3) We recover WCCC overpayments from you, regardless of whether you are a current or past WCCC consumer, if:

(a) The amount we overpay is more than three hundred dollars; and

(b) Your child(ren) attend child care when not authorized by the department to do so;

(c) A member of a different overpaid family later becomes a member of your family;

(d) Cost of recovery does not exceed the overpayment amount;

(e) You:

(i) Do not report a change of circumstance within ten days under WAC 388-290-1050; and

(ii) Use WCCC during a period of time when you would otherwise have been ineligible or eligible for a smaller amount of care; or

(f) You knowingly fail to give the department information that affects the amount of WCCC you are eligible for.

(4) Recovery of overpayments cannot force a change in your child care arrangements.

(5) We recover WCCC overpayments from child care providers, if:

(a) The amount we overpay is more than three hundred dollars;

(b) The provider receives payment for WCCC services not provided; or

(c) We pay the provider more than the cost of providing WCCC under chapter 388-15 WAC; and

(d) The cost of recovery does not exceed the overpayment amount.

(6) We set up overpayments starting the date that:

(a) You use WCCC when not authorized by the department to do so; or

(b) The child care provider provides care when not authorized by the department to do so.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-290-020 Subsidized child care—Definitions.
- WAC 388-290-025 Subsidy units and copayments.
- WAC 388-290-030 Responsibilities for the department, the consumer, and the provider under the subsidized child care program.
- WAC 388-290-035 Providers eligible for payment under the subsidized child care program.
- WAC 388-290-050 Eligible children and consumers under the subsidized child care program.
- WAC 388-290-055 Payment for subsidized child care.
- WAC 388-290-060 Adequate notice requirements and effective dates.
- WAC 388-290-070 Self-employment and subsidized child care.
- WAC 388-290-080 Subsidized child care—Fair hearings.
- WAC 388-290-090 Subsidized child care—Income eligibility, copayments rates, and when to calculate copayments.
- WAC 388-290-105 Subsidized child care—Overpayments.

WSR 99-14-039

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed June 30, 1999, 10:32 a.m., effective July 1, 1999]

Date of Adoption: June 30, 1999.

Purpose: To clarify terms and add previously undefined terms.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-1050 Hospital definitions.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.730, 42 U.S.C. 1395x(v), 42 C.F.R. 447.271, .11303 and .2652.

Adopted under notice filed as WSR 99-09-088 on April 21, 1999.

Changes Other than Editing from Proposed to Adopted Version: 1) Definition for "Inflation adjustment" changed from: "...means, for cost inflation, the hospital inflation ((factor determined by Data Resources, Inc., (DRI) and published in the DRI/McGraw Hill Report. See also "hospital market basket index.")) adjustment. This adjustment is the vendor rate increase identified by the legislature as the adjustment to be applied to payment rates used to reimburse vendors, including health care providers, that provide services to the state. If the legislature does not identify an inflation adjustment for the vendor rates for a given period, then there is no inflation adjustment for that period."

To: "...means, for cost inflation, the hospital inflation ((factor determined by Data Resources, Inc., (DRI) and published in the DRI/McGraw Hill Report. See also "hospital market basket index.")) adjustment. This adjustment is determined by using the inflation factor method and guidance indicated by the legislature in the budget notes to the biennium appropriations bill."

2) Definition for "Profitability factor" changed from: "...means a factor used to calculate a hospital's low income disproportionate share (LIDSH) payment. The methods used to determine the profitability factor are:

(1) Determine the net revenue of each LIDSH qualified hospital. The net revenue will be the "net revenue" figure identified on the MAA hospital disproportionate share application submitted by the hospital:..."

To: "...means a factor used to calculate a hospital's low income disproportionate share (LIDSH) payment. The methods used to determine the profitability factor are:

(1) Determine the net revenue of each LIDSH qualified hospital. The net revenue will be the "net revenue" figure identified on the MAA hospital disproportionate share application submitted by the hospital. (Net revenue may be calculated using a three year average net revenue using "net revenue" figures from the most recent three years' MAA hospital disproportionate share applications."

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.

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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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Per RCW 34.05.380(3), the rule must become effective July 1, 1999, because SHB 5968 and the budget notes clarifying the senate budget bill (ESSB 5180) contain hospital definitions and mandate this effective date.

Effective Date of Rule: July 1, 1999.

June 30, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-06-046, filed 2/26/99, effective 3/29/99)

WAC 388-550-1050 Definitions. See also chapter 388-500 WAC for other definitions and abbreviations used by ((the department)) MAA. Unless otherwise specified, the terms used in this chapter have the following meaning:

"Accommodation costs" means the expenses incurred by a hospital to provide its patients services for which a separate charge is not customarily made, such as, but not limited to, a regular hospital room, special care hospital room, dietary and nursing services, medical and surgical supplies, medical social services, psychiatric social services, and the use of certain hospital equipment and facilities.

"Acute" means a medical condition of severe intensity with sudden onset.

"Acute care" means care provided by an agency for clients who are not medically stable or have not attained a satisfactory level of rehabilitation. These clients require frequent monitoring by a health care professional in order to maintain their health status (WAC 248-27-015).

"Acute physical medicine and rehabilitation (Acute PM&R)" means a comprehensive inpatient rehabilitative program coordinated by a multidisciplinary team at an MAA-approved rehabilitation facility. The program provides twenty-four-hour specialized nursing services and an intense level of therapy for a diagnostic category for which the client shows significant potential functional improvement.

"ADATSA/DASA assessment center" means an agency contracted by the division of alcohol and substance abuse (DASA) to provide chemical dependency assessment for clients and pregnant women in accordance with the alcohol and drug addiction treatment and support act (ADATSA). Full plans for a continuum of drug and alcohol treatment services for pregnant women are also developed in ADATSA/DASA assessment centers.

"Add-on procedure" means a secondary procedure that is performed in addition to another procedure.

"Administrative day" means a day of a hospital stay in which an acute inpatient level of care is no longer necessary, and ((an appropriate)) noninpatient hospital placement is ((not available)) appropriate.

"Admitting diagnosis" means the diagnosis, coded according to the International Classification of Diseases, 9th Revision, Clinical Modifications (ICD-9-CM), indicating the medical condition which precipitated the client's admission to an inpatient hospital facility.

"Advance directive" means a document, such as a living will, executed by a client, that tells the client's health care providers and others the client's decisions regarding his or her medical care, particularly whether the client wishes to accept or refuse extraordinary measures to prolong his or her life.

"Aggregate capital cost" means the total cost or the sum of all capital costs.

"Aggregate cost" means the total cost or the sum of all constituent costs.

"Aggregate operating cost" means the total cost or the sum of all operating costs.

"Alcohol and drug addiction treatment and support act (ADATSA)" means the law and the state-funded program it established which provides medical services for persons who are incapable of gainful employment due to alcoholism or substance addiction.

"Alcoholism and/or alcohol abuse treatment" means the provision of medical social services to an eligible client designed to mitigate or reverse the effects of alcoholism or alcohol abuse and to reduce or eliminate alcoholism or alcohol abuse behaviors and restore normal social, physical, and psychological functioning. Alcoholism or alcohol abuse treatment is characterized by the provision of a combination of alcohol education sessions, individual therapy, group therapy, and related activities to detoxified alcoholics and their families.

"All-patient grouper (AP-DRG)" means a computer program that determines the diagnosis-related group (DRG) assignments.

"Allowed charges" means the maximum amount for any procedure that the department will recognize.

"Ancillary hospital costs" means the expenses incurred by a hospital to provide additional or supporting services to its patients during their hospital stay. See **"ancillary services."**

"Ancillary services" means additional or supporting services, such as, but not limited to, laboratory, radiology, drugs, delivery room, operating room, postoperative recovery rooms, and other special items and services, provided by a hospital to a patient during his or her hospital stay.

"Approved treatment facility" means a treatment facility, either public or private, profit or nonprofit, approved by DSHS.

"Audit" means an assessment, evaluation, examination, or investigation of a health care provider's accounts, books and records, including:

(1) Medical, financial and billing records pertaining to billed services paid by the department through Medicaid or

other state programs, by a person not employed or affiliated with the provider, for the purpose of verifying the service was provided as billed and was allowable under program regulations; and

(2) Financial, statistical and medical records, including mathematical computations and special studies conducted supporting Medicare cost reports HCFA Form 2552, submitted to the department for the purpose of establishing program rates of reimbursement to hospital providers.

"Audit claims sample" means a subset of the universe of paid claims from which the sample is drawn, whether based upon judgmental factors or random selection. The sample may consist of any number of claims in the population up to one hundred percent. See also **"random claims sample"** and **"stratified random sample."**

"Authorization number" means a nine-digit number assigned by MAA that identifies individual requests for approval of services or equipment. The same authorization number is used throughout the history of the request, whether it is approved, pending, or denied.

"Authorization requirement" means MAA's requirement that a provider present proof of medical necessity to MAA, (~~usually before~~) prior to providing certain medical services or equipment to a client. This takes the form of a request for authorization of the service(s) and/or equipment, including a complete, detailed description of the client's diagnosis and/or any disabling conditions, justifying the need for the equipment or the level of service being requested.

"Average hospital rate" means the (~~weighted~~) average of hospital rates (~~in the state of Washington~~) for any particular type of rate that MAA uses.

"Bad debt" means an operating expense or loss incurred by a hospital because of uncollectible accounts receivables.

"Beneficiary" means a recipient of Social Security benefits, or a person designated by an insuring organization as eligible to receive benefits.

"Billed charge" - See **"usual and customary charge."**

"Blended rate" means a mathematically weighted average rate.

"Border area hospital" means a hospital located in an area defined by state law as:

(1) Oregon - Astoria, Hermiston, Hood River, Milton-Freewater, Portland, Rainier, or The Dalles; and

(2) Idaho - Coeur d'Alene, Lewiston, Moscow, Priest River or Sandpoint.

"Bundled services" mean interventions which are incidental to the major procedure and are not separately reimbursable.

"Buy-in premium" means a monthly premium the state pays so a client is enrolled in part A and/or part B Medicare.

"By report" means a method of reimbursement in which MAA determines the amount it will pay for a service that is not included in MAA's published fee schedules by requiring the provider to submit a "report" describing the nature, extent, time, effort and/or equipment necessary to deliver the service.

"Callback" means keeping physician staff on duty beyond their regularly scheduled hours, or having them return to the facility after hours to provide unscheduled ser-

vices; usually associated with hospital emergency room, surgery, laboratory and radiology services.

"Capital-related costs" mean the component of operating costs related to capital assets, including, but not limited to:

- (1) Net adjusted depreciation expenses;
- (2) Lease and rentals for the use of depreciable assets;
- (3) The costs for betterment and improvements;
- (4) The cost of minor equipment;
- (5) Insurance expenses on depreciable assets;
- (6) Interest expense; and
- (7) Capital-related costs of related organizations that provide services to the hospital.

It excludes capital costs due solely to changes in ownership of the provider's capital assets.

"Case mix complexity" means, from the clinical perspective, the condition of the treated patients and the difficulty associated with providing care. Administratively, it means the resource intensity demands that patients place on an institution.

"Case mix index" means a measure of the costliness of cases treated by a hospital relative to the cost of the average of all Medicaid hospital cases, using diagnosis-related group weights as a measure of relative cost.

"Charity care" means necessary hospital health care rendered to indigent persons, as defined in this section, to the extent that these persons are unable to pay for the care or to pay the deductibles or coinsurance amounts required by a third-party payer, as determined by the department.

"Chemical dependency" means an alcohol or drug addiction; or dependence on alcohol and one or more other psychoactive chemicals.

"Children's hospital" means a hospital primarily serving children.

"Comorbidity" means of, relating to, or caused by a disease other than the principal disease.

"Complication" means a disease or condition occurring subsequent to or concurrent with another condition and aggravating it.

"Comprehensive hospital abstract reporting system (CHARS)" means the department of health's hospital data collection, tracking and reporting system.

"Contract hospital" means a licensed hospital located in a selective contracting area, which is awarded a contract to participate in the department's selective contracting hospital program.

"Contractual adjustment" means the difference between the amount billed at established charges for the services provided and the amount received or due from a third-party payer under a contract agreement. A contractual adjustment is similar to a trade discount.

"Conversion factor" means a hospital-specific dollar amount that reflects the average cost of treating Medicaid clients in a given hospital. See **"cost-based conversion factor (CBCF)"** and **"negotiated conversion factor (NCF)."**

"Cost proxy" means an average ratio of costs to charges for ancillary charges or per diem for accommodation cost centers used to determine a hospital's cost for the services where the hospital has Medicaid claim charges for the ser-

vices ~~((has))~~, but does not report costs in corresponding centers in its Medicare cost report.

"Cost report" means the HCFA Form 2552, Hospital and Hospital Health Care Complex Cost Report, completed and submitted annually by a provider:

(1) To Medicare intermediaries at the end of a provider's selected fiscal accounting period to establish hospital reimbursable costs for per diem and ancillary services; and

(2) To Medicaid to establish appropriate DRG and RCC reimbursement.

"Costs" mean MAA-approved operating, medical education, and capital-related costs as reported and identified on the HCFA 2552 form.

"Cost-based conversion factor (CBCF)" means a hospital-specific dollar amount that reflects the average cost of treating Medicaid clients in a given hospital. It is calculated from the hospital's cost report by dividing the hospital's costs for treating Medicaid clients during a base period by the number of Medicaid discharges during that same period and adjusting for the hospital's case mix. See also **"conversion factor"** and **"negotiated conversion factor."**

"County hospital" means a hospital established under the provisions of chapter 36.62 RCW.

"Covered service" means a service that is included in the Medicaid program and is within the scope of the eligible client's medical care program.

"Critical care services" mean services for critically ill or injured patients in a variety of medical emergencies that require the constant attendance of the physician (e.g., cardiac arrest, shock, bleeding, respiratory failure, postoperative complications). For Medicaid reimbursement purposes, critical care services must be provided in a Medicare qualified critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility, to qualify for reimbursement as a special care level of service.

"Current procedural terminology (CPT)" means a systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians; it is published annually by the American Medical Association (AMA).

"Customary charge payment limit" means the limit placed on aggregate diagnosis-related group (DRG) payments to a hospital during a given year to assure that DRG payments do not exceed the hospital's charges to the general public for the same services.

"Day outlier" means a case that requires MAA to make additional payment to the hospital provider but which does not qualify as a high-cost outlier. See **"day outlier payment"** and **"day outlier threshold."**

"Day outlier payment" means the additional amount paid to a disproportionate share hospital for a client five years old or younger who has a prolonged inpatient stay which exceeds the day outlier threshold but whose charges for care fall short of the high cost outlier threshold. The amount is determined by multiplying the number of days in excess of the day outlier threshold and the administrative day rate.

"Day outlier threshold" means the average number of days a client stays in the hospital for an applicable DRG before being discharged, plus twenty days.

"Deductible" means the amount a beneficiary is responsible for, before Medicare starts paying; or the initial specific dollar amount for which the applicant or client is responsible.

"Detoxification" means treatment provided to persons who are recovering from the effects of acute or chronic intoxication or withdrawal from alcohol or other drugs.

"Diabetic education program" means a comprehensive, multidisciplinary program of instruction offered by an MAA-approved facility to diabetic clients on dealing with diabetes, including instruction on nutrition, foot care, medication and insulin administration, skin care, glucose monitoring, and recognition of signs/symptoms of diabetes with appropriate treatment of problems or complications.

"Diagnosis code" means a set of alphabetic, numeric, or alpha-numeric characters assigned by the International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM), as a shorthand symbol to represent the nature of a disease.

"Diagnosis-related group (DRG)" means a classification system which categorizes hospital patients into clinically coherent and homogenous groups with respect to resource use, i.e., similar treatments and statistically similar lengths of stay for patients with related medical conditions. Classification of patients is based on the International Classification of Diseases, the presence of a surgical procedure, patient age, presence or absence of significant co-morbidities or complications, and other relevant criteria.

"Direct medical education costs" means the direct costs of providing an approved medical residency program as recognized by Medicare.

"Discharging hospital" means the institution releasing a client from the acute care hospital setting.

"Disproportionate share payment" means additional payment(s) made by the department to a hospital which serves a disproportionate number of Medicaid and other low-income clients and which qualifies for one or more of the disproportionate share hospital programs identified in the state plan.

"Disproportionate share program" means a program that provides additional payments to hospitals which serve a disproportionate number of Medicaid and other low-income clients.

"Dispute conference" means a hospital rate appeal meeting for deliberation during a provider administrative appeal.

(1) At the first level of appeal it is usually a meeting between auditors and the audited provider and/or staff to resolve disputed audit findings, clarify interpretation of regulations and policies, provide additional supporting information and/or documentation.

(2) At the second level of appeal the dispute conference is ~~((a more formal hearing, held by the office of contracts and asset management which issues a decision articulating the department's final position on the contested issue(s)).~~

(3) See WAC 388-502-0230) an informal administrative hearing conducted by an MAA administrator for the pur-

pose of resolving contractor/provider rate disagreements with any of the department's action at the first level of appeal. The dispute conference in this regard is not a formal adjudicative process held in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

"**Distinct unit**" means a Medicare-certified distinct area for rehabilitation services within a general acute care hospital or a department-designated unit in a children's hospital.

"**DRG**" - See "**diagnosis-related group**."

"**DRG-exempt services**" mean services which are paid for through other methodologies than those using cost-based or negotiated conversion factors.

"**DRG payment**" means the payment made by MAA for a client's inpatient hospital stay; it is calculated by multiplying the hospital-specific conversion factor by the DRG relative weight for the client's medical diagnosis.

"**DRG relative weight**" means the average cost or charge of a certain DRG divided by the average cost or charge, respectively, for all cases in the entire data base for all DRGs(, expressed in comparison to a designated standard cost)).

"**Drug addiction and/or drug abuse treatment**" means the provision of medical and rehabilitative social services to an eligible client designed to mitigate or reverse the effects of drug addiction or drug abuse and to reduce or eliminate drug addiction or drug abuse behaviors and restore normal physical and psychological functioning. Drug addiction or drug abuse treatment is characterized by the provision of a combination of drug and alcohol education sessions, individual therapy, group therapy and related activities to detoxified addicts and their families.

"**Elective procedure or surgery**" means a nonemergent procedure or surgery that can be scheduled at convenience.

"**Emergency room**" or "**emergency facility**" means an organized, distinct hospital-based facility available twenty-four hours a day for the provision of unscheduled episodic services to patients who present for immediate medical attention, and capable of providing emergency services including trauma.

"**Emergency services**" mean medical services, including maternity services, required by and provided to a patient after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy; serious impairment to bodily functions; or serious dysfunction of any bodily organ or part. Inpatient maternity services are treated as emergency services.

"**Equivalency factor**" means a conversion factor used, in conjunction with two other factors (cost-based conversion factor and the ratable factor), to determine the level of state-only program payment.

"**Exempt hospital**" means a hospital that is either not located in a selective contracting area or is exempted by the department and is reimbursed for services to MAA clients through methodologies other than those using cost-based or negotiated conversion factors.

"**Experimental treatment**" means a course of treatment or procedure that:

(1) Is not generally accepted by the medical profession as effective and proven;

(2) Is not recognized by professional medical organizations as conforming to accepted medical practice;

(3) Has not been approved by the federal Food and Drug Administration (FDA) or other requisite government body;

(4) Is still in clinical trials, or has been judged to need further study;

(5) Is covered by the federal law requiring provider institutional review of patient consent forms, and such review did not occur; or

(6) Is rarely used, novel, or relatively unknown, and lacks authoritative evidence of safety and effectiveness.

"**Facility triage fee**" means the amount the medical assistance administration will pay a hospital for a medical evaluation or medical screening examination, performed in the hospital's emergency department, of a nonemergent condition of a *healthy options* client covered under the primary care case management (PCCM) program. This amount corresponds to the professional care level A or level B service.

"**Fee for service**" means the general payment method MAA uses to reimburse for medical services provided to clients other than for those services provided through MAA's per capita *healthy options* program.

"**Fiscal intermediary**" means Medicare's designated fiscal intermediary for a region and/or category of service.

"**Fixed per diem rate**" means a contracted nonnegotiated daily amount, used to determine payment to a hospital for specific services.

(~~"**Formula price**" means the hospital's payment rate, which is the product of the hospital-specific conversion factor multiplied by the DRG weight for the given hospitalization.~~)

"**Global surgery days**" means the number of preoperative and follow-up days that are included in the reimbursement to the physician for the major surgical procedure.

"**Graduate medical education costs**" means the direct and indirect costs of providing medical education in teaching hospitals.

"**Grouper**" - See "**all-patient grouper (AP-DRG)**."

"**HCFA 2552**" - See "**cost report**."

"**Health care team**" means a team of professionals and/or paraprofessionals involved in the care of a client.

"**High-cost outlier**" means a case with extraordinarily high costs when compared to other cases in the same DRG, in which the allowed charges prior to July 1, 1999, exceed three times the applicable DRG payment or twenty-eight thousand dollars, whichever is greater. On and after July 1, 1999, to qualify as a high-cost outlier, the allowed charges must exceed three times the applicable DRG payment or thirty-three thousand dollars, whichever is greater.

"**Hospice**" means a medically-directed, interdisciplinary program of palliative services which is provided under arrangement with a Title XVIII Washington state-licensed and Title XVIII-certified Washington state hospice for terminally ill clients and the clients' families.

"Hospital" means an entity which is licensed as an acute care hospital in accordance with applicable state laws and regulations, and which is certified under Title XVIII of the federal Social Security Act.

"Hospital admission" means admission as an inpatient to a hospital, for a stay of twenty-four hours or longer.

"Hospital base period" means, for purposes of establishing a provider rate, a specific period or timespan used as a reference point or basis for comparison.

"Hospital base period costs" mean costs incurred in or associated with a specified base period.

"Hospital cost report" - See **"cost report."**

"Hospital facility fee" - See **"facility triage fee."**

"Hospital market basket index" means a measure, expressed as a percentage, of the annual inflationary costs for hospital services, as measured by Data Resources, Inc., (DRI).

"Hospital peer group" means the peer group categories adopted by the former Washington state hospital commission for rate-setting purposes:

(1) Group A - rural hospitals paid under a ratio-of-costs-to-charges (RCC) methodology;

(2) Group B - urban hospitals without medical education programs;

(3) Group C - urban hospitals with medical education programs; and

(4) Group D - specialty hospitals and/or hospitals not easily assignable to the other three peer groups.

"Indigent patient" means a patient who has exhausted any third-party sources, including Medicare and Medicaid, and whose income is equal to or below two hundred percent of the federal poverty standards (adjusted for family size), or is otherwise not sufficient to enable the individual to pay for his or her care, or to pay deductibles or coinsurance amounts required by a third-party payor.

"Indirect medical education costs" means the indirect costs of providing an approved medical residency program as recognized by Medicare.

"Inflation adjustment" means, for cost inflation, the hospital inflation ((~~factor determined by Data Resources, Inc., (DRI) and published in the DRI/McGraw-Hill Report. See also "hospital market basket index."~~) adjustment. This adjustment is determined by using the inflation factor method and guidance indicated by the legislature in the budget notes to the biennium appropriations bill. For charge inflation, it means the inflation factor determined by comparing average discharge charges for the industry from one year to the next, as found in the comprehensive hospital abstract reporting system (CHARS) standard reports three and four.

"Inpatient hospital" means a hospital authorized by the department of health to provide inpatient services.

"Inpatient services" means all services provided directly or indirectly by the hospital to a patient subsequent to admission and prior to discharge, and includes, but is not limited to, the following services: Bed and board; medical, nursing, surgical, pharmacy and dietary services; maternity services; psychiatric services; all diagnostic and therapeutic services required by the patient; the technical and/or professional components of certain services; use of hospital

facilities, medical social services furnished by the hospital, and such drugs, supplies, appliances and equipment as required by the patient; transportation services subsequent to admission and prior to discharge; and services provided by the hospital within twenty-four hours of the patient's admission as an inpatient.

"Interdisciplinary group (IDG)" means the team, including a physician, a registered nurse, a social worker, and a pastoral or other counselor, which is primarily responsible for the provision or supervision of care and services for a Medicaid client.

"Intermediary" - See **"fiscal intermediary."**

"International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) Edition" means the systematic listing that transforms verbal descriptions of diseases, injuries, conditions and procedures into alpha-numerical designations (coding).

"Intervention" means any medical or dental service provided to a client that modifies the medical or dental outcome for that client.

"Length of stay (LOS)" means the number of days of inpatient hospitalization. The phrase more commonly means the average length of hospital stay for patients based on diagnosis and age, as determined by the Commission of Professional and Hospital Activities and published in a book entitled *Length of Stay by Diagnosis, Western Region*. See also **"professional activity study (PAS)."**

"Length of stay extension request" means a request from a hospital provider for MAA to approve a client's hospital stay exceeding the average length of stay for the client's diagnosis and age.

"Lifetime hospitalization reserve" means, under the Medicare Part A benefit, the nonrenewable sixty hospital days that a beneficiary is entitled to use during his or her lifetime for hospital stays extending beyond ninety days per benefit period. See also **"reserve days."**

"Low-cost outlier" means a case with extraordinarily low costs when compared to other cases in the same DRG, in which the allowed charges for the case prior to July 1, 1999, is less than or equal to ten percent of the applicable DRG payment or four hundred dollars, whichever is greater. On and after July 1, 1999, to qualify as a low-cost outlier, the allowed charges must be less than or equal to ten percent of the applicable DRG payment or four hundred and fifty dollars, whichever is greater. Reimbursement in such cases is determined by multiplying the case's allowed charges by the hospital's RCC ratio.

"Low income utilization rate" means a formula represented as $(A/B)+(C/D)$ in which:

(1) The numerator A is the hospital's total patient services revenue under the state plan, plus the amount of cash subsidies for patient services received directly from state and local governments in a period;

(2) The denominator B is the hospital's total patient services revenue (including the amount of such cash subsidies) in the same period as the numerator;

(3) The numerator C is the hospital's total inpatient service charge attributable to charity care in a period, less the portion of cash subsidies described in (1) of this definition in

the period reasonably attributable to inpatient hospital services. The amount shall not include contractual allowances and discounts (other than for indigent patients not eligible for medical assistance under the state plan); and

(4) The denominator D is the hospital's total charge for inpatient hospital services in the same period as the numerator.

"Major diagnostic category (MDC)" means one of the twenty-five mutually exclusive groupings of principal diagnosis areas in the DRG system. The diagnoses in each MDC correspond to a single major organ system or etiology and, in general, are associated with a particular medical specialty.

"Market basket index" - See **"hospital market basket index."**

"Medicaid cost proxy" means a figure developed to approximate or represent a missing cost figure.

"Medicaid inpatient utilization rate" means a formula represented as X/Y in which:

(1) The numerator X is the hospital's number of inpatient days attributable to patients who (for such days) were eligible for medical assistance under the state plan in a period.

(2) The denominator Y is the hospital's total number of inpatient days in the same period as the numerator's. Inpatient day includes each day in which an individual (including a newborn) is an inpatient in the hospital, whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

"Medical assistance program" means Medicaid and medical care services.

"Medical education costs" means the expenses incurred by a hospital to operate and maintain a formally organized graduate medical education program.

"Medical screening evaluation" means the service(s) provided by a physician or other practitioner to determine whether an emergent medical condition exists. See also **"facility triage fee."**

"Medical stabilization" means a return to a state of constant and steady function. It is commonly used to mean the client is adequately supported to prevent further deterioration.

"Medically indigent person" means a person certified by the department of social and health services as eligible for the limited casualty program-medically indigent (LCP-MI) program. See also **"indigent patient."**

"Medicare cost report" means the annual cost data reported by a hospital to Medicare on the HCFA form 2552.

"Medicare crossover" means a claim involving a client who is eligible for both Medicare benefits and Medicaid.

"Medicare fee schedule (MFS)" means the official HCFA publication of Medicare policies and relative value units for the resource based relative value scale (RBRVS) reimbursement program.

"Medicare Part A" means that part of the Medicare program that helps pay for inpatient hospital services, which may include, but are not limited to:

- (1) A semi-private room;
- (2) Meals;
- (3) Regular nursing services;

- (4) Operating room;
- (5) Special care units;
- (6) Drugs and medical supplies;
- (7) Laboratory services;
- (8) X-ray and other imaging services; and
- (9) Rehabilitation services.

Medicare hospital insurance also helps pay for post-hospital skilled nursing facility care, some specified home health care, and hospice care for certain terminally ill beneficiaries.

"Medicare part B" means that part of the Medicare program that helps pay for, but is not limited to:

- (1) Physician services;
- (2) Outpatient hospital services;
- (3) Diagnostic tests and imaging services;
- (4) Outpatient physical therapy;
- (5) Speech pathology services;
- (6) Medical equipment and supplies;
- (7) Ambulance;
- (8) Mental health services; and
- (9) Home health services.

"Medicare buy-in premium" - See **"buy-in premium."**

"Medicare payment principles" means the rules published in the federal register regarding reimbursement for services provided to Medicare clients.

"Mentally incompetent" means a client who has been declared mentally incompetent by a federal, state, or local court of competent jurisdiction for any purpose, unless the client has been declared competent for purposes which include the ability to consent to sterilization.

"Multiple occupancy rate" means the rate customarily charged for a hospital room with two or more patient beds.

"Negotiated conversion factor (NCF)" means a negotiated hospital-specific dollar amount which is used in lieu of the cost-based conversion factor as the multiplier for the applicable DRG weight to determine the DRG payment for a selective contracting program hospital. See also **"conversion factor"** and **"cost-based conversion factor."**

"Nonallowed service or charge" means a service or charge that cannot be billed to the department or client.

"Noncontract hospital" means a licensed hospital located in a selective contracting area (SCA) but which does not have a contract to participate in the selective contracting hospital program.

"Noncovered service or charge" means a service or charge that is not covered by medical assistance, including, but not limited to, such services or charges as a private room, circumcision, and video recording of the procedure.

"Nonemergent hospital admission" means any inpatient hospitalization of a client who does not have an emergent condition, as defined in WAC 388-500-0005, Emergency services.

"Nonparticipating hospital" means a noncontract hospital, as defined in this section.

"Operating costs" means all expenses incurred in providing accommodation and ancillary services, excluding capital and medical education costs.

"**Orthotic device**" means a fitted surgical apparatus designed to activate or supplement a weakened or atrophied limb or bodily function.

"**Out-of-state hospital**" means any hospital located outside the state of Washington or outside the designated border areas in Oregon and Idaho.

"**Outlier set-aside factor**" means the amount by which a hospital's cost-based conversion factor is reduced for payments of high cost outlier cases.

"**Outlier set-aside pool**" means the total amount of payments for high cost outliers which are funded annually based on payments for high cost outliers during the year.

"**Outliers**" means cases with extraordinarily high or low costs when compared to other cases in the same DRG.

"**Outpatient**" means a client who is receiving medical services in other than an inpatient hospital setting.

"**Outpatient care**" means medical care provided other than inpatient services in a hospital setting.

"**Outpatient hospital**" means a hospital authorized by the department of health to provide outpatient services.

"**Outpatient stay**" means a hospital stay of less than or approximating twenty-four hours, except that cases involving the death of a client, delivery or initial care of a newborn, or transfer to another acute care facility are not deemed outpatient stays.

"**Pain treatment facility**" means an MAA-approved inpatient facility for pain management, in which a multidisciplinary approach is used to teach clients various techniques to live with chronic pain.

"**Participating hospital**" means a licensed hospital that accepts MAA clients.

"**PAS length of stay (LOS)**" means the average length of hospital stay for patients based on diagnosis and age, as determined by the Commission of Professional and Hospital Activities and published in a book entitled *Length of Stay by Diagnosis, Western Region*. See also "**professional activity study (PAS)**" and "**length of stay.**"

"**Patient consent**" means the informed consent of the client and/or the client's guardian to the procedure(s) to be performed upon or the treatment provided to the client, evidenced by the client's or guardian's signature on a consent form.

"**Peer group**" - See "**hospital peer group.**"

"**Peer group cap**" means the reimbursement limit set for hospital peer groups B and C, established at the seventieth percentile of all hospitals within the same peer group for aggregate operating, capital, and direct medical education costs.

"**Per diem charge**" means the daily charge per client that a facility may bill or is allowed to receive as payment for its services.

"**Personal comfort items**" means items and services which do not contribute meaningfully to the treatment of an illness or injury or the functioning of a malformed body member.

"~~((Physical medicine and rehabilitation~~)PM&R(~~+~~)" ((means a comprehensive inpatient rehabilitative program coordinated by a multidisciplinary team at an MAA-approved rehabilitation facility. The program provides

~~twenty-four-hour specialized nursing services and an intense level of therapy for a diagnostic category for which the client shows significant potential functional improvement.)) -See "**Acute PM&R.**"~~

"**Physician standby**" means physician attendance without direct face-to-face patient contact and does not involve provision of care or services.

"**Physician's current procedural terminology (CPT)**" - See "**CPT.**"

"**Plan of treatment**" or "**plan of care**" means the written plan of care for a patient which includes, but is not limited to, the physician's order for treatment and visits by the disciplines involved, the certification period, medications, and rationale indicating need for services.

"**Pregnant and postpartum women (PPW)**" means eligible female clients who are pregnant or within the first one hundred sixty days following delivery.

"**Principal diagnosis**" means the medical condition determined after study of the patient's medical records to be the principal cause of the patient's hospital stay.

"**Principal procedure**" means a procedure performed for definitive treatment rather than diagnostic or exploratory purposes, or because it was necessary due to a complication.

"**Private room rate**" means the rate customarily charged by a hospital for a one-bed room.

"**Professional activity study (PAS)**" means the compilation of inpatient hospital data by diagnosis and age, conducted by the Commission of Professional and Hospital Activities, which resulted in the determination of an average length of stay for patients. The data are published in a book entitled *Length of Stay by Diagnosis, Western Region*.

"**Professional component**" means the part of a procedure or service that relies on the physician's professional skill or training, or the part of a reimbursement that recognizes the physician's cognitive skill.

"**Profitability factor**" means a factor used to calculate a hospital's low income disproportionate share (LIDSH) payment. The methods used to determine the profitability factor are:

(1) Determine the net revenue of each LIDSH qualified hospital. The net revenue amount will be the "net revenue" figure identified on the MAA hospital disproportionate share application submitted by the hospital. (Net revenue may be calculated using a three year average net revenue using "net revenue" figures from the most recent three years' MAA hospital disproportionate share applications.)

(2) Add the net revenue figures for all hospitals together to determine one total net revenue figure for all hospitals together to determine one total net revenue figure for all LIDSH qualified hospitals;

(3) Divide the hospital specific net revenue figure by the net revenue total for all hospitals; and

(4) Subtract the resulting amount from 1.00. The outcome is the profitability factor.

"**Prognosis**" means the probable outcome of a patient's illness, including the likelihood of improvement or deterioration in the severity of the illness, the likelihood for recurrence, and the patient's probable life span as a result of the illness.

"Prolonged service" means direct face-to-face patient services provided by a physician, either in the inpatient or outpatient setting, which involve time beyond what is usual for such services.

"Prospective payment system (PPS)" means a system that sets payment rates for a pre-determined period for defined services, before the services are provided. The payment rates are based on economic forecasts and the projected cost of services for the pre-determined period.

"Psychiatric hospitals" means designated psychiatric facilities, state psychiatric hospitals, designated distinct part pediatric psychiatric units, and Medicare-certified distinct part psychiatric units in acute care hospitals.

"Public hospital district" means a hospital district established under chapter 70.44 RCW.

"Random claims sample" means a sample in which all of the items are selected randomly, using a random number table or computer program, based on a scientific method of assuring that each item has an equal chance of being included in the sample. See also **"audit claims sample"** and **"stratified random sample."**

"Ratable" means a hospital-specific adjustment factor applied to the cost-based conversion factor (CBCF) to determine state-only program payment rates to hospitals.

"Ratio of costs to charges (RCC)" means the methodology used to pay hospitals for services exempt from the DRG payment method. It also refers to the factor applied to a hospital's allowed charges for medically necessary services to determine payment to the hospital for these DRG-exempt services.

"Readmission" means the situation in which a client who was admitted as an inpatient and discharged from the hospital is back as an inpatient within seven days as a result of one or more of the following: A new flair of illness, complication(s) from the first admission, a therapeutic admission following a diagnostic admission, a planned readmission following discharge, or a premature hospital discharge.

"Rebasing" means the process of recalculating the hospital cost-based conversion factors using more current data.

"Recalibration" means the process of recalculating DRG relative weights using more current data.

"Regional support network (RSN)" means a county authority or a group of county authorities recognized and certified by the department, that contracts with the department per chapters 38.52, 71.05, 71.24, 71.34, and 74.09 RCW and chapters 275-54, 275-55, and 275-57 WAC.

"Rehabilitation units" means specifically identified rehabilitation hospitals and designated rehabilitation units of general hospitals that meet Medicare criteria for distinct part rehabilitation units.

"Relative weights" - See **"DRG relative weights."**

"Remote hospitals" means hospitals located outside selective contracting areas (SCAs), or which:

- (1) Are more than ten miles from the nearest contract hospital in the SCA; and
- (2) Have fewer than seventy five beds; and
- (3) Have fewer than five hundred Medicaid admissions in a two-year period.

"Reserve days" means the days beyond the ninetieth day of hospitalization of a Medicare patient for a benefit period or spell of illness. See also **"lifetime hospitalization reserve."**

"Retrospective payment system" means a system that sets payment rates for defined services according to historic costs. The payment rates reflect economic conditions experienced in the past.

"Revenue code" means a nationally-used three-digit coding system for billing inpatient and outpatient hospital services, home health services, and hospice services.

"Room and board" means services provided in a nursing facility, including:

- (1) Assistance in the activities of daily living.
- (2) Socialization activities.
- (3) Administration of medication.
- (4) Maintenance of the resident's room.
- (5) Supervision and assistance in the use of durable medical equipment and prescribed therapies.

See **"accommodation costs"** for services included in the hospital room and board category.

"Rural health clinic" means a clinic that is located in a rural area designated as a shortage area, and is not a rehabilitation agency or a facility primarily for the care and treatment of mental diseases.

"Rural hospital" means a rural health care facility capable of providing or assuring availability of health services in a rural area.

"Secondary diagnosis" means a diagnosis other than the principal diagnosis for which an inpatient is admitted to a hospital.

"Selective contracting area (SCA)" means an area in which hospitals participate in competitive bidding for hospital contracts. The boundaries of an SCA are based on historical patterns of hospital use by Medicaid patients.

"Selective hospital contracting program" or **"selective contracting"** means a competitive bidding program for hospitals within a specified geographic area to provide inpatient hospital services to medical assistance clients.

"Semi-private room rate" means a rate customarily charged for a hospital room with two to four beds; this charge is generally lower than a private room rate and higher than a ward room. See also **"multiple occupancy rate."**

"Short stay" means a hospital stay of less than or approximating twenty-four hours where an inpatient admission was not appropriate.

"Special care unit" means a Medicare-certified hospital unit where intensive care, coronary care, psychiatric intensive care, burn treatment or other specialized care is provided.

"Specialty hospitals" means children's hospitals, psychiatric hospitals, cancer research centers or other hospitals which specialize in treating a particular group of clients or diseases.

"Spendedown" means the amount of excess income MAA has determined that a client has available to meet his or her medical expenses. The client becomes eligible for Medicaid coverage only after he or she meets the spenddown requirement.

"**Stat laboratory charges**" means the charges by a laboratory for performing a test or tests immediately. "Stat." is the abbreviation for the Latin word "statim" meaning immediately.

"**State plan**" means the plan filed by the department with the Health Care Financing Administration (HCFA), Department of Health and Human Services (DHHS), outlining how the state will administer the hospital program.

"**Stratified random sample**" means a sample consisting of claims drawn randomly, using statistical formulas, from each stratum of a universe of paid claims stratified according to the dollar value of the claims. See also "**audit claims sample**" and "**random claims sample**."

"**Subacute care**" means care to a patient which is less intrusive than that given at an acute care hospital. Skilled nursing, nursing care facilities and other facilities provide subacute care services.

"**Surgery**" means the medical diagnosis and treatment of injury, deformity or disease by manual and instrumental operations. For reimbursement purposes, surgical procedures are those designated in CPT as procedure codes 10000 to 69999.

"**Swing-bed days**" means a bed day on which an inpatient is receiving skilled nursing services in a swing bed at the hospital's census hour. The hospital bed must be certified by the health care financing administration for both acute care and skilled nursing services.

"**Teaching hospital**" means, for purposes of the teaching hospital assistance program disproportionate share hospital (THAPDSH), the University of Washington Medical Center and Harborview (~~hospital~~) Medical Center.

"**Technical component**" means the part of a procedure or service that relates to the equipment set-up and technician's time, or the part of a reimbursement that recognizes the equipment cost and technician time.

"**Tertiary care hospital**" means a specialty care hospital providing highly specialized services to clients with more complex medical needs than acute care services.

"**Total patient days**" means all patient days in a hospital for a given reporting period, excluding days for skilled nursing, nursing care, and observation days.

"**Transfer**" means to move a client from one acute care facility to another.

"**Transferring hospital**" means the hospital transferring a client to another acute care facility.

"**Trauma care facility**" means a facility certified by the department of health as a level I, II (~~(or)~~), III, IV or V facility.

"**Trauma care service**" - See department of health's WAC 246-976-935.

"**UB-92**" means the uniform billing document intended for use nationally by hospitals, hospital-based skilled nursing facilities, home health, and hospice agencies in billing third party payers for services provided to clients.

"**Unbundled services**" means services which are excluded from the DRG payment to a hospital, including but not limited to, physician professional services and certain nursing services.

"**Uncompensated care**" - See "**charity care**."

"**Uniform cost reporting requirements**" means a standard accounting and reporting format as defined by Medicare.

"**Uninsured indigent patient**" means an individual who receives hospital inpatient and/or outpatient services and who cannot meet the cost of services provided because the individual has no or insufficient health insurance or other resources to cover the cost.

"**Usual and customary charge (UCC)**" means the charge customarily made to the general public for a procedure or service, or the rate charged other contractors for the service if the general public is not served.

"**Vendor rate increase**" means an inflation adjustment determined by the legislature, used to periodically increase reimbursement to vendors, including health care providers, that do business with the state.

WSR 99-15-017

PERMANENT RULES

CLARK COLLEGE

[Filed July 12, 1999, 10:49 a.m.]

Date of Adoption: June 28, 1999.

Purpose: This rule establishes practices that are necessary and appropriate for the administration of Clark College. Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 99-10-044 on April 30, 1999.

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 9, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, 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 9, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 2, 1999

Tana L. Hasart
President

NEW SECTION

WAC 132N-160-010 Admissions, registration, tuition and fees, waivers, and graduation. This policy establishes a standard set of admission, registration, tuition and fees, waivers, and graduation practices that are necessary and appropriate for the administration of Clark College.

NEW SECTION

WAC 132N-160-020 Definitions. For the purpose of this code, the following terms are defined:

(1) "Admissions officer" shall mean the designated college administrator for admissions procedures.

(2) "Applicant" shall mean a person seeking admission to Clark College.

(3) "College" shall mean Clark College and any other community college centers or facilities established within Washington State Community College District 14.

(4) "Designee" shall mean a person appointed by an officer or another person designated to perform a function on the appointer's behalf.

(5) "GED" shall mean the General Educational Development Test of the American Council on Education.

(6) "International students" shall mean applicants or students who are not United States citizens and who need F-1 or M-1 visas to attend Clark College.

(7) "Nonresident students" shall mean students who meet the definition according to RCW 28B.15.012(3).

(8) "Persian Gulf veteran" shall mean a veteran of the Persian Gulf who has documented service in a combat zone as defined by the president during 1991, who qualified as a Washington resident as defined by RCW 28B.15.012(2) on August 1, 1990.

(9) "Registrar" shall mean the designated college administrator for registration and records procedures.

(10) "Resident students" shall mean those students who meet criteria defined in RCW 28B.15.012.

(11) "Student," unless otherwise qualified, shall mean and include any person who is an applicant for admission or an enrolled student of Clark College.

(12) "Veteran" shall mean an applicant or student who is eligible to receive Department of Veterans' Affairs educational benefits.

(13) "Veterans of Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, to May 7, 1975, who qualify as Washington residents as defined by RCW 28B.15.012(2).

(14) "Waivers" shall mean those tuition and fee waivers authorized by state law and by the state board for community and technical colleges in accordance with chapter 131-28 WAC and adopted as policy where appropriate by the college board of trustees.

NEW SECTION

WAC 132N-160-030 Admissions policy. (1) Any applicant shall be admitted when he/she:

(a) Is at least eighteen years of age; or

(i) Is a graduate of a high school or the equivalent; or

(ii) Has applied for admission under the provisions of a student enrollment options program such as running start (chapter 392-169, 131-46, and/or 250-79 WAC) or a successor program.

(b) Is competent to profit from the curricular offerings of the college; and

(c) Would not, by his/her presence or conduct, create a disruptive atmosphere within the college inconsistent with the purposes of the institution.

(2) Admission to the college shall entitle the student to enroll in any instructional program, provided that the student is qualified and complies with the rules and procedures established for enrollment in such program.

(3) In order to assist students in selecting courses and programs appropriate to their needs and interests, and to ensure that students will be able to profit from current curricular offerings or benefit from a particular class, course, or program, the college may require students to meet special admission requirements, take tests, or have special training prior to enrolling.

(4) Enrollment in classes, programs, or sections may be restricted by limitations of physical facilities or operating funds, when consistent with generally accepted educational practices regarding efficient maximum class sizes.

(5) The college reserves the ultimate right to determine admission to the college and/or to certain classes.

NEW SECTION

WAC 132N-160-040 Admission exceptions. The following guidelines apply to the admission of those students who do not meet the general admission criteria:

(1) Persons under the age of eighteen who have not earned a diploma from a high school or the equivalent may be admitted to college-level classes and some vocational classes on a space-available basis, except as in subsection (2) of this section.

(2) Persons who meet the requirements of the running start program (chapter 392-169, 131-46, and/or 250-79 WAC) may enroll in most college-level classes and selected vocational classes if such classes have student spaces open at the time of running start registration. Students must meet program eligibility requirements and deadlines to participate.

(3) Students age sixteen and over who meet the provisions of "Title III - Adult Education Programs" (Adult Education Act, 20 U.S.C. secs. 1201 et seq.) may enroll in certain basic education classes. Persons admitted into such classes (basic skills, academic support, and/or remedial) will be allowed to continue as long as they demonstrate, through measurable academic progress, an ability to benefit.

(4) Applicants in subsections (1), (2), and (3) of this section, above, must demonstrate sufficient maturity and academic ability or skill to compete with college students. Applicants under the age of sixteen may be required to follow the designated college procedures for admission.

NEW SECTION

WAC 132N-160-050 Residency. (1) Students who meet the definition of resident students according to RCW 28B.15.012(2) shall be classified as resident students. Students not eligible for residency classification will be classified as nonresident students.

(2) Students who have questions about their classification must complete a residency questionnaire and submit the necessary documentation to the college admissions officer.

The college admissions officer will review the questionnaire and will notify the student in writing of the decision within one week.

(3) Students are responsible for registering under the proper residency classification.

(4) Appeals to residency classification will be reviewed by the vice-president of student services, in a brief adjudicative proceeding under RCW 34.05.482 through 34.05.494.

NEW SECTION

WAC 132N-160-060 Tuition and fees, waivers. (1) Tuition is based on residency requirements (WAC 132N-160-050) and upon chapter 28B.15 RCW, College and university fees. Tuition is set by the Washington state legislature and subject to change. The current tuition fee schedule is listed in the quarterly class schedule.

(2) Some course enrollments may also require payment of lab or course fees in addition to or instead of tuition. These fees cover costs such as those associated with consumable supplies, computer software upgrading, and technical lab assistance.

(3) Clark College may periodically establish tuition and fee waivers as authorized by state law and by the state board for community and technical colleges. This will be done in accordance with chapter 131-28 WAC.

(a) Information regarding specific waivers will be available in the schedule of classes and from the registration office.

(b) Upon an applicant's request, individual determinations on tuition and fee waivers will be reviewed by the college registrar, in a brief adjudicative proceeding under RCW 34.05.482 through 34.05.494.

NEW SECTION

WAC 132N-160-070 Refunds. Refunds resulting from official withdrawal from courses will be computed as follows for state supported courses:

(1) First-time students receiving federal financial aid who officially withdraw from classes shall be provided a *pro rata* refund in accordance with federal guidelines.

(2) A refund of tuition and fees will be made to all other students officially withdrawing from the college according to the following schedule:

(a) One hundred percent of the amount paid if an official withdrawal form is received in the registration office during the first five business days of the quarter (Monday through Friday).

(b) One hundred percent of the amount paid for a course canceled by the college.

(c) Fifty percent of the total amount paid if an official withdrawal form is received in the registration office between the sixth business day and the twentieth calendar day of the quarter.

(3) No refund will be made after the twentieth calendar day of the quarter. Exceptions may be made for students inducted into military service or for medical or emergency reasons.

(4) Refunds for summer quarter, late starting, and condensed courses will be determined by the registrar in keeping with a prorated schedule of the college's regular refund policy.

(5) Fees, other than tuition and services and activities fees, not subject to this policy, are not refundable.

(6) Students dismissed for disciplinary reasons are not eligible for refunds.

NEW SECTION

WAC 132N-160-080 Graduation. (1) Students may complete their degree under the requirements set forth in any catalog issued during their attendance at Clark College. No catalog will be valid for more than seven years. Any student not enrolled for two years or more must complete the requirements of the catalog in effect at the time of reentry or later enrollment.

(2) To qualify for more than one degree, a student must complete all requirements for the first degree and complete all specific program requirements for the additional degree.

NEW SECTION

WAC 132N-160-090 Appeals. (1) Students have the right to appeal admission, registration, waiver, refund, and graduation decisions. All appeals must be submitted in writing within two quarters of the initial decision. Students are entitled to two levels of appeal:

(a) Admission decisions are appealed at the first level to the college admissions officer and at the second level to the vice-president of student services or, in the case of applicants under the age of sixteen, to the vice-president of instruction.

(b) Registration, waivers, and tuition and fee decisions are appealed at the first level to the registrar and at the second level to the vice-president of student services.

(c) Decisions regarding issuing of degrees, certificates, or diplomas are appealed at the first level to the academic standards committee and at the second level to the vice-president of student services.

(2) The student must initiate an appeal at the first level. If the student is not satisfied with the appeal at the first level, he/she may submit an appeal at the second level.

(3) Appeals to admissions, registration, waiver, tuition and fee determinations will be reviewed by the vice-president of student services, in a brief adjudicative proceeding under RCW 34.05.482 through 34.05.494. The results of a second level appeal are final.

(4) Students may expect a written response to an appeal within ten working days.

WSR 99-15-023
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed July 12, 1999, 2:51 p.m.]

Date of Adoption: June 16, 1999.

Purpose: The Liquor Control Board is currently undergoing a review of all of its rules, per Executive Order 97-02. The agency is in the process of adopting a revised rule and new rules that will make WAC 314-04-010 redundant.

Citation of Existing Rules Affected by this Order: Repealing WAC 314-04-010.

Statutory Authority for Adoption: RCW 66.08.030, 66.44.010, 66.24.010(3).

Adopted under preproposal statement of inquiry filed as WSR 99-09-038 on April 16, 1999.

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 1.

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

Effective Date of Rule: Thirty-one days after filing.

June 16, 1999

Eugene Prince

Chair

Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 17, Amended 17, Repealed 28.

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 17, Amended 18, Repealed 28.

Effective Date of Rule: Thirty-one days after filing.

July 12, 1999

Sue J. Jordan

Executive Director

NEW SECTION

WAC 162-16-200 General purpose and definitions.

The law against discrimination protects persons from discrimination in employment (RCW 49.60.180, 49.60.190, and 49.60.200). Persons are also protected from discrimination as provided in RCW 49.60.172 (unfair practices with respect to HIV infection), RCW 49.60.174 (actual or perceived HIV infection), and RCW 49.60.210 (unfair to discriminate against person opposing unfair practice).

(1) The commission's first objective in writing the rules in this chapter and in making future decisions on questions not addressed in this chapter is to eliminate and prevent discrimination. This is the overall purpose of the law against discrimination.

(2) Other objectives in writing these rules are:

(a) To be consistent with interpretations of federal anti-discrimination law and the antidiscrimination laws of other states, where these are comparable to Washington law, and where the commission does not find that a different rule would better serve the state of Washington.

(b) To avoid the uncritical adoption of definitions from areas of law other than antidiscrimination law. It is appropriate to define employment differently in different areas of the law to carry out the separate purpose of each area of law.

(c) To give effect to the purposes of the exemption of employers of less than eight from public enforcement of the law against discrimination, as identified in RCW 49.60.040.

(d) The public and commission staff need standards that are certain and that are easy to understand and apply. Therefore we must sometimes simply draw a line, although reasonable persons could differ as to where the line should be drawn.

(3) The state law against discrimination covers employers with eight or more employees. Persons should also educate themselves on relevant local or federal antidiscrimination laws.

(4) Definition:

In this chapter, the following words are used in the meaning given, unless the context clearly indicates another meaning.

WSR 99-15-025

PERMANENT RULES

HUMAN RIGHTS COMMISSION

[Filed July 12, 1999, 3:51 p.m.]

Date of Adoption: June 25, 1999.

Purpose: To adopt improvements to current Human Rights Commission rules under Executive Order 97-02 relating to clarity, effectiveness, consistency with statutory intent and case law, need, and fairness.

Citation of Existing Rules Affected by this Order: Repealing WAC 162-16-020 through 162-16-170, 162-22-030, 162-22-040, 162-22-050, 162-22-060, 162-22-070, 162-16-080, 162-26-020, 162-26-030, 162-26-035, 162-26-050, 162-26-090, and 162-38-130; and amending WAC 162-22-010, 162-22-020, 162-22-090, 162-22-100, 162-26-010, 162-26-040, 162-26-060, 162-26-070, 162-26-080, 162-26-100, 162-26-110, 162-26-120, 162-26-140, 162-30-010, 162-30-020, 162-38-040, 162-38-100, and 162-38-110.

Statutory Authority for Adoption: RCW 49.60.120(3).

Adopted under notice filed as WSR 99-04-108 on February 3, 1999.

Changes Other than Editing from Proposed to Adopted Version: In WAC 162-16-240, restored phrase found in previous version of the rule (WAC 162-16-020).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal

"Protected status" is short for the phrase, "age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person," and means the full phrase (see RCW 49.60.180).

NEW SECTION

WAC 162-16-210 Advice of commission. (1) When requested to do so, the commission's staff will advise persons on how to meet particular employment needs consistently with the law against discrimination.

(2) Persons may petition the commission for an executive director's opinion determining whether protected status would be a bona fide occupational qualification in particular circumstances, unless the commission or another public agency with comparable jurisdiction has directed or authorized the action. (Please see WAC 162-04-070 on executive director's opinions and WAC 162-16-240 on bona fide occupational qualification.)

NEW SECTION

WAC 162-16-220 Jurisdiction—Counting the number of persons employed. (1) **Purpose and scope.** RCW 49.60.040 defines "employer" for purposes of the law against discrimination in part as "any person . . . who employs eight or more persons." This section establishes standards for determining who is counted as employed when deciding whether a person is an employer. The standards in this section do not define who is entitled to the protection of the law against discrimination.

(2) **Time of calculation.** A person will be considered to have employed eight if the person either:

(a) Had an employment relationship with eight or more persons for any part of the day on which the unfair practice is alleged to have occurred, or did occur; or

(b) Had an employment relationship with an average of eight or more persons over a representative period of time including the time when the unfair practice is alleged to have occurred.

An employment relationship is most readily demonstrated by a person's appearance on the employer's payroll. The representative period of time for (b) of this subsection will ordinarily be the twenty weeks prior to and including the date on which the unfair practice is alleged to have occurred. However, where this period will not accurately reflect the overall employment level, as in a seasonal industry, we will use the month during which the unfair practice is alleged to have occurred plus the preceding eleven months.

(3) **Part-time employees.** A person working part time will be counted the same as a person working full-time. Persons subject to call to work (such as volunteer fire fighters) will be considered to be employed at all times when they are subject to call.

(4) **Area of calculation.** A person who employs eight or more persons is an "employer" for purposes of the law against discrimination even though less than eight of the employees are located in the state of Washington.

(5) **Multiple places of employment.** The count will include all persons employed by the same legal entity, whether or not the persons work in the same place of business or line of business.

(6) **Connected corporations.** Corporations and other artificial persons that are in common ownership or are in a parent-subsidiary relationship will be treated as separate employers unless the entities are managed in common in the area of employment policy and personnel management. In determining whether there is management in common we will consider whether the same individual or individuals do the managing, whether employees are transferred from one entity to another, whether hiring is done centrally for all corporations, and similar evidence of common or separate management.

(7) **Persons on layoff.** Persons on layoff will not be counted.

(8) **Persons on leave.** Persons on paid leave will be counted. Persons on unpaid leave will not be counted.

(9) **Employee or independent contractor.** Independent contractors will not be counted. In determining whether a person is employed or is an independent contractor for the jurisdictional count we will use the same standards that we use for the purpose of determining whether a person comes within the protection of the law against discrimination. These standards are set out in WAC 162-16-230.

(10) **Pay.** Anyone who is paid for work and who otherwise meets the standards in this section will be counted. This includes paid interns and work study program participants. Pay includes compensation for work by the hour, by commission, by piecework, or by any other measure. For the treatment of unpaid persons, see subsection (11) of this section.

(11) **Unpaid persons.** An unpaid person will be counted if he or she is generally treated in the manner that employers treat employees. That is, if management selects the person (particularly if selected in competition with other persons), assigns work hours, disciplines the unpaid person like an employee, or provides employment benefits such as industrial insurance, then the person will be counted as an employee. The typical volunteer fire fighter would be counted. A person who comes into the food bank when he or she pleases, is put to work if there is anything to do, who leaves when he or she pleases, who has no expectation of paid employment, and who receives no employment benefits, would not be counted.

(12) **Family members.** Because of the definition of "employee" in RCW 49.60.040, we will not count "any individual employed by his or her parents, spouse, or child." Other family members will be counted.

(13) **Domestic help.** Because of the definition of "employee" in RCW 49.60.040, we will not count a person in the domestic service of the employing person.

(14) **Directors.** Directors of corporations, and similar officers of other private or public artificial legal entities, will not be counted simply because they serve in that capacity.

(15) **Officers.** Officers of corporations, and officers of other private or public artificial legal entities, will be counted unless:

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(a) They receive no pay from the corporation or other entity; and

(b) They do not participate in the management of the corporation or other entity beyond participation in formal meetings of the officers.

(16) **Partners.** Partners will not be counted as employed by the partnership or by each other.

(17) **Members of a professional service corporation.** All persons who render professional services for a professional service corporation will be counted as employees of the corporation.

(18) **Temporary employee placement services.** Persons placed with an on-site employer by a temporary employee placement service:

(a) Will be counted as employees of the temporary placement service; and

(b) Will also be counted as employees of the on-site employer if the on-site employer generally treated them in the manner that employers treat employees (please see the factors listed in WAC 162-16-230).

NEW SECTION

WAC 162-16-230 Jurisdiction—Independent contractors. (1) **Purpose of section.** RCW 49.60.180 defines unfair practices in employment. A person who works or seeks work as an independent contractor, rather than as an employee, is not entitled to the protection of RCW 49.60.180. This section outlines the standards that we will use to determine whether a person is an employee as distinguished from an independent contractor for the purpose of entitlement to the protection of RCW 49.60.180.

(2) **Rights of independent contractor.** While an independent contractor does not have the protection of RCW 49.60.180, the contractor is protected by RCW 49.60.030(1). The general civil right defined in RCW 49.60.030(1) is enforceable by private lawsuit in court under RCW 49.60.030(2) but not by actions of the Washington state human rights commission.

(3) **General approach.** We will consider all the relevant facts, particularly those bearing on the following factors. No one factor is determinative, but the most important is the extent to which the purchaser of work controls the manner and means of performance of the work.

(a) **Control of work.** An employment relationship probably exists where the purchaser of work has the right to control and direct the work of the worker, not only as to the result to be achieved, but also as to the details by which the result is achieved.

(b) **Tools and place of work.** Does the purchaser of the work or the worker furnish the equipment used and the place of work? Generally, the purchaser of work furnishes tools and equipment for employees while independent contractors furnish their own. Some employees furnish some of their own tools, however.

(c) **Skill level involved.** The skill required in the particular occupation. Skilled workers are typically less closely supervised than unskilled workers, but they are employees if indicia of employment other than close supervision are present.

(d) **Type of work involved.** The kind of occupation, with reference to whether the work usually is done under the direction of a supervisor or is done by a specialist without supervision. Some persons, such as lawyers or doctors, may be employees even though they are not closely supervised. The test for such specialists is not whether the lawyer or doctor is closely supervised, but whether he or she is treated the way that employed lawyers or doctors are commonly treated. Lawyers and doctors are typically independent contractors, however, with respect to their clients or patients.

(e) **Duration of work.** The length of time during which the person has worked or the length of time that the job will last. Independent contractors typically are hired for a job of relatively short duration, but there are instances of independent contracts for an indefinite period - for example, contracts for janitorial service.

(f) **Method of payment.** The method of payment, whether by time or by the job. Independent contractors are usually paid by the job but are sometimes paid by time. Employees are usually paid by time but are sometimes paid by the job.

(g) **Ending the work relationship.** Whether the work relationship is terminable by one party or both parties, with or without notice and explanation. An employee is usually free to quit and is usually subject to discharge or layoff without breach of the employment contract. An independent contractor usually has more fixed obligations.

(h) **Leave.** Whether annual leave is afforded. Leave with pay is almost exclusively accorded to employees.

(i) **Integration of the work in the purchaser's operations.** Whether the work is an integral part of the business of the purchaser of it. Usually, employees rather than independent contractors do the regular work of a business.

(j) **Accrual of benefits.** Whether the worker accumulates retirement benefits. Retirement benefits are almost exclusively accorded to employees.

(k) **Taxation.** Whether with respect to the worker the purchaser of work pays taxes levied on employers, such as the social security tax, unemployment compensation tax, and worker's compensation tax, or withholds federal income tax. The tax laws do not have the same purposes as the law against discrimination, so employee status for tax purposes is helpful but not controlling.

(l) **Salary or income.** Whether the worker treats income from the work as salary or as business income. See subsection (3)(k) of this section.

(m) **Employer records.** Whether with respect to the worker the purchaser of work keeps and transmits records and reports required of employers, such as those required under the worker's compensation act. Worker's compensation coverage, like tax coverage, is helpful but not conclusive.

(n) **The intention of the parties.** The fact that a contract says that the worker is an independent contractor will be considered in this respect, but it is not conclusive for the purpose of coverage of RCW 49.60.180.

(o) **Burden of persuasion.** The party asserting that the complainant is an independent contractor has the burden of proving that status.

NEW SECTION

WAC 162-16-240 Bona fide occupational qualification. Under the law against discrimination, there is an exception to the rule that an employer, employment agency, labor union, or other person may not discriminate on the basis of protected status; that is if a bona fide occupational qualification (BFOQ) applies. The commission believes that the BFOQ exception should be applied narrowly to jobs for which a particular quality of protected status will be essential to or will contribute to the accomplishment of the purposes of the job. The following examples illustrate how the commission applies BFOQs:

- (1) Where it is necessary for the purpose of authenticity or genuineness (e.g., model, actor, actress) or maintaining conventional standards of sexual privacy (e.g., locker room attendant, intimate apparel fitter) the commission will consider protected status to be a BFOQ.
- (2) A 911 emergency response service needs operators who are bilingual in English and Spanish. The job qualification should be spoken language competency, not national origin.
- (3) An employer refuses to consider a person with a disability for a receptionist position on the basis that the person's disability "would make customers and other coworkers uncomfortable." This is **not** a valid BFOQ.
- (4) A person with a disability applies for promotion to a position at a different site within the firm. The firm does not promote the person because doing so would compel the firm to install an assistive device on equipment at that site to enable the person to properly perform the job. This is **not** a valid BFOQ.

NEW SECTION

WAC 162-16-250 Discrimination because of marital status. (1) **General rule.** It is an unfair practice to discriminate against an employee or job applicant because of marital status. Examples of unfair practices include, but are not limited to:

- (a) Refusing to hire a single or divorced applicant because of a presumption that "married persons are more stable."
- (b) Refusing to promote a married employee because of a presumption that he or she "will be less willing to work late and travel."

(2) **Exceptions to the rule.** There are narrow exceptions to the rule that an employer, employment agency, labor union, or other person may not discriminate on the basis of marital status:

- (a) If a bona fide occupational qualification applies (please see WAC 162-16-240).
- (b) If an employer is enforcing a documented conflict of interest policy limiting employment opportunities on the basis of marital status:
 - (i) Where one spouse would have the authority or practical power to supervise, appoint, remove, or discipline the other;
 - (ii) Where one spouse would be responsible for auditing the work of the other;

(iii) Where other circumstances exist which would place the spouses in a situation of actual or reasonably foreseeable conflict between the employer's interest and their own; or

(iv) Where, in order to avoid the reality or appearance of improper influence or favor, or to protect its confidentiality, the employer must limit the employment of close relatives of policy level officers of customers, competitors, regulatory agencies, or others with whom the employer deals.

NEW SECTION

WAC 162-16-260 Discriminatory language in advertising and recruiting. (1) **Unfair practice.** The law against discrimination (RCW 49.60.180, 49.60.190 and 49.60.200) makes it an unfair practice for employers, labor unions, employment agencies, or other persons to discriminate on the basis of protected status. An exception is if a bona fide occupational qualification applies (please see WAC 162-16-240). The law against discrimination (RCW 49.60.220) also makes it an unfair practice for any person to aid, abet, encourage, or incite the commission of any unfair practice.

The commission provides the following charts as guidance in avoiding discriminatory language in advertising and recruiting. These are suggested terms only. The commission invites persons who want further assistance to contact commission staff.

(2) **Discriminatory language.** It is an unfair practice to use any word, term, phrase, or expression that tends to influence, persuade or dissuade, encourage or discourage, attract or repel, any person or persons because of protected status. An exception is if a bona fide occupational qualification applies (please see WAC 162-16-240).

DISCRIMINATORY TERMS IN ADVERTISEMENTS:	SUGGESTED SUBSTITUTES:
Man, woman, girl, boy, lady, etc.	Person, applicant, hiree, one, trainee, or a sex-neutral job title
Cute, handsome, pretty, clean-cut, attractive	Neat, well-groomed, personable, professional appearance
Married, single	No substitutes
Recent graduate, college student (implies preference for youth)	Degree required, Internship
Mother, housewife	Part-time, short hours
Young	Entry level, beginner, trainee
Christian, Jewish, etc.	No substitutes
Interracial, segregated, Black, White, colored, Oriental, Asian, Mexican, minority.	Person, applicant, etc.

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**DISCRIMINATORY TERMS
IN ADVERTISEMENTS:**

SUGGESTED SUBSTITUTES:

Other nondiscriminatory terms: Reliable, responsible, efficient, minimum wages, long hours, overtime, able to travel, willing to relocate.

(3) **Job titles.** It is an unfair practice to use a discriminatory job title in any help wanted advertisement, job description, job announcement, or any other notice, statement, or publication, unless the employer has shown that a bona fide occupational qualification applies (please see WAC 162-16-240).

The term "discriminatory job title" includes but is not limited to any job title that contains a gender noun or suffix, such as waitress, foreman, salesman, maid, or counter girl. If the use of a gender neutral job title is not practicable, two alternatives are permissible:

(a) The sex specific job title may be used with its counterpart title (e.g., waiter/waitress);

(b) The sex specific title may be used if accompanied by the designation "man or woman," "male or female," or "M-F" (e.g., foreman, man or woman; tailor, male or female; line-man, M-F).

**DISCRIMINATORY JOB
TITLES:**

SUGGESTED SUBSTITUTES:

Barmaid	Server, Cocktail Server
Busboy, tray girl	Busser, Cafeteria Worker
Cleaning woman, cleaning lady	Cleaning Assistant
Draftsman	Drafter, AutoCAD Specialist
Fireman	Fire Fighter
Fisherman	Fisher
Foreman	Supervisor
Handyman	Miscellaneous Repairer
Journeyman	Journey Level
Leadman	Crew, Shift, or Team Leader
Longshoreman	Longshore Worker
Maid	Domestic Helper, House-keeper
Maintenance man	Maintenance Worker
Policeman	Police Officer
Repairman	Repairer, Technician
Salesman, saleslady, sales-girl	Salesperson, Sales Clerk, Sales Representative
Stewardess, Steward	Flight Attendant, Cabin Attendant

NEW SECTION

WAC 162-16-270 Employment agencies. (1) It is an unfair practice for any employment agency to:

(a) Handwrite, print, or circulate any interoffice or inter-agency communication, job order, advertisement, brochure, or notice which expresses overtly or subtly, directly or indirectly a preference, specification or limitation on the basis of protected status. An exception is if a bona fide occupational qualification applies (please see WAC 162-16-240).

(b) Maintain, formally or informally, agency division titles that are not clearly neutral in terms of sex.

(2) It is not an unfair practice for an employment agency to assist an employer in recruiting applicants based on protected status when:

(a) The employer has a documented affirmative action plan; and

(b) The employer's affirmative action plan is authorized or required by a governmental agency or court of competent authority and jurisdiction.

NEW SECTION

WAC 162-16-280 Newspapers and other advertising media. (1) It is an unfair practice for a newspaper or other advertising medium to publish or circulate within the state an employment advertisement under a column heading or designation which segregates or expresses a preference on the basis of protected status. An exception is if a bona fide occupational qualification applies (please see WAC 162-16-240).

(2) It is not an unfair practice for any newspaper or other advertising medium to print, publish, or circulate employment advertisements expressing the wording of the advertisement, or subtly, directly or indirectly a preference, specification or limitation on the basis of protected status, provided the newspaper or other advertising medium furnishes, on request of a duly authorized representative of the commission, the name and address of the person who submitted the advertisement for publication.

(3) The commission encourages advertising media that circulate employment advertisements to:

(a) Maintain lists of discriminatory job titles and terms and suggested substitutes, as compiled by the commission;

(b) Instruct their ad-takers to advise employers and employment agencies of these terms; and

(c) Have copies of this regulation available for distribution to advertisers on request.

NEW SECTION

WAC 162-16-290 Recruiting statements. (1) Employers are encouraged to seek a broad pool of applicants through recruitment efforts. It is permissible to use advertisements that contain nonexclusionary recruitment phrases, such as:

(a) "Equal opportunity employer."

(b) "We encourage workforce diversity."

(2) IT IS NOT PERMISSIBLE, however, to express or exercise a hiring preference based on protected status, UNLESS:

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(a) The employer has a court order to do so or an authorization from this commission or another governmental agency of competent authority and jurisdiction; or

(b) The employer can prove that the expression is justified by a bona fide occupational qualification (please see WAC 162-16-240). In the absence of proof, the advertisement will be considered evidence of an unfair practice under the law.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 162-16-020	Bona fide occupational qualification defined.
WAC 162-16-030	Advice of commission.
WAC 162-16-040	Identification in use.
WAC 162-16-050	Discrimination in employment because of arrests.
WAC 162-16-060	Discrimination in employment because of convictions.
WAC 162-16-070	Applicability of WAC 162-16-050 and 162-16-060 to nonminorities.
WAC 162-16-080	Purpose.
WAC 162-16-090	Job titles.
WAC 162-16-100	Discriminatory language.
WAC 162-16-110	Employment agencies.
WAC 162-16-120	Newspapers and other advertising media.
WAC 162-16-130	Bona fide occupational qualification.
WAC 162-16-140	Affirmative action.
WAC 162-16-150	Discrimination because of spouse.
WAC 162-16-160	"Employer"—Jurisdictional count of number of persons employed.
WAC 162-16-170	Employee distinguished from independent contractor.

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-22-010 Scope of chapter. This chapter interprets and implements the disability discrimination coverage of:

- (1) RCW 48.60.174 (unfair practices based on actual or perceived HIV infection);
- (2) RCW 49.60.180 (unfair practices of employers)((;));

- (3) RCW 49.60.190 (unfair practices of labor unions)((; and));
- (4) RCW 49.60.200 (unfair practices of employment agencies);
- (5) RCW 49.60.210 (unfair to discriminate against persons opposing unfair practices); and
- (6) RCW 49.60.220 (unfair to aid violation).

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-22-020 Definitions. In this chapter the following words are used in the meaning given, unless the context clearly indicates another meaning:

(1) "Disability" is short for the statutory term "the presence of any sensory, mental, or physical disability," ((see WAC 162-04-010;)) except when it appears as part of the full term.

(2) "The presence of a sensory, mental, or physical disability" includes, but is not limited to, circumstances where a sensory, mental, or physical condition:

- (a) Is medically cognizable or diagnosable;
- (b) Exists as a record or history;
- (c) Is perceived to exist whether or not it exists in fact.

A condition is a "sensory, mental, or physical disability" if it is an abnormality and is a reason why the person having the condition did not get or keep the job in question, or was denied equal pay for equal work, or was discriminated against in other terms and conditions of employment, or was denied equal treatment in other areas covered by the statutes. In other words, for enforcement purposes a person will be considered to be disabled by a sensory, mental, or physical condition if he or she is discriminated against because of the condition and the condition is abnormal.

(3) An "able worker with a disability" is a person whose disability does not prevent the proper performance, with or without reasonable accommodation, of the particular job in question.

(4) "'Dog guide' means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons."

(5) "'Service animal' means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability."

(6) "Health care professional" means a person whose license to practice includes diagnosis and assessment of the particular disability for which she or he issues a health care opinion.

NEW SECTION

WAC 162-22-025 Unfair practice. It is an unfair practice for any employer, employment agency, labor union, or other person to:

- (1) Refuse to hire, discharge, bar from employment, or otherwise discriminate against an able worker with a disability or because of the use of a trained dog guide or service animal by an able worker with a disability; or
- (2) Fail or refuse to make reasonable accommodation for an able worker with a disability or the use of a trained dog

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guide or service animal by an able worker with a disability, unless to do so would impose an undue hardship (please see WAC 162-22-065 and 162-22-075); or

(3) Refuse to hire or otherwise discriminate against an able worker with a disability because the employer would be subject to the requirements of this chapter if the person were hired, promoted, etc.

NEW SECTION

WAC 162-22-035 Preference for disabled is not an unfair practice. The law protects against discrimination because of the presence of any disability or the use of a trained dog guide or service animal by a person with a disability. Discrimination in favor of a person because of the person's disability is not an unfair practice. This is different from the operation of the statutes in all other areas, except for age discrimination. For example, it is an unfair practice for an employer to discriminate either for or against persons of any race or either sex.

NEW SECTION

WAC 162-22-045 Bona fide occupational qualifications. Under the law against discrimination, there is one exception to the rule that an employer, employment agency, labor union, or other person may not discriminate on the basis of protected status; that is if a bona fide occupational qualification (BFOQ) applies. For a complete discussion of BFOQs, please read WAC 162-16-240.

NEW SECTION

WAC 162-22-065 Reasonable accommodation. (1) Reasonable accommodation means measures that:

- (a) Enable equal opportunity in the application process;
 - (b) Enable the proper performance of the particular job held or desired;
 - (c) Enable the enjoyment of equal benefits, privileges, or terms and conditions of employment.
- (2) Possible examples of reasonable accommodation may include, but are not limited to:
- (a) Adjustments in job duties, work schedules, or scope of work;
 - (b) Changes in the job setting or conditions of work;
 - (c) Informing the employee of vacant positions and considering the employee for those positions for which the employee is qualified.

NEW SECTION

WAC 162-22-075 Undue hardship exception. An employer, employment agency, labor union, or other person must provide reasonable accommodation unless it can prove that the accommodation would impose an undue hardship. An accommodation will be considered an undue hardship if the cost or difficulty is unreasonable in view of:

- (1) The size of and the resources available to the employer;

(2) Whether the cost can be included in planned remodeling or maintenance; and

(3) The requirements of other laws and contracts, and other appropriate considerations.

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-22-090 ((Physician's)) Health care opinions. (1) ~~((A physician's))~~ Employers may seek a health care professional's opinion on whether a person's disability ((prevents a person from properly performing)) affects the proper performance of a particular job. The employer may also seek a health care professional's opinion on possible effective accommodations that would enable the person with a disability to properly perform the job. The health care professional's opinion will be given due weight in view of all the circumstances, including the extent of the ((physician's)) health care professional's knowledge of the particular person and job, and the ((physician's)) health care professional's relationship to the parties.

(2) A ~~((physician's))~~ health care professional's conclusion will not be considered to be an opinion on whether the person can properly perform the particular job unless it:

(a) Is based on the individual capabilities of the particular person, and not on generalizations as to the capabilities of all persons with the same disability~~((, unless the disability is invariable in its disabling effect))~~; and

(b) Is based on knowledge of the actual sensory, mental, and physical qualifications needed for proper performance of the particular job.

(3) Employers ~~((who choose to rely on a physician's opinion in determining that a person cannot properly perform the particular job))~~ are advised to provide the ~~((physician))~~ health care professional with the necessary information about the particular job and to inform the ~~((physician))~~ health care professional of the need for an individualized opinion.

(4) Employee health care information shall be kept in a confidential manner, separate from the employee's regular personnel files. The employer may share health care information only on a need to know basis. Supervisors and/or safety personnel may be informed of employee needs only if necessary to make appropriate work assignments or develop appropriate emergency response plans.

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-22-100 ((Behavior causing risk)) Dog guides and service animals. ~~((Behavior or actions of a dog guide or service animal that constitutes an unreasonable risk to property or other persons can be grounds to request that a dog guide or service animal be removed, and shall not constitute an unfair practice.))~~

(1) **General rule.** It is ~~((not))~~ an unfair practice ((under RCW 49.60.180)) for an employer, employment agency, labor union, or other person to request that a trained dog guide or service animal be removed from the workplace ((because the)), UNLESS that employer, employment agency, labor union, or other person can show that the pres-

ence, behavior or actions of that dog guide or service animal constitutes an unreasonable risk to property or other persons.

It is an unfair practice to remove a trained dog guide or service animal from the entire workplace because the animal presents a risk of injury or harm when in part of the workplace.

~~(2) ((Individual judgment required. To come within this exception, the removal of a dog guide or service animal must be based on knowledge of the present behavior or actions of the dog guide or service animal. It is an unfair practice to exclude all of the particular dog guides or service animals unless the employer can show that all of the particular dog guides or service animals will present an unreasonable risk to persons or property.~~

~~(3) Likelihood of injury.)~~ Assessing risk of injury or harm.

~~(a) Risk to property or other persons must be immediate ((and likely) or reasonably foreseeable under the circumstances, not remote or speculative. ((4) Degree of risk.)) Risk ((of injury)) to persons may be given more weight than risk ((of injury)) to property. Risk of severe injury or harm may be given more weight than risk of slight injury or harm. For example, a principal excludes a teacher's dog guide because: "A neighborhood dog bit one of our kids last year, so I don't allow any dogs at school." This is not "reasonably foreseeable risk" justifying removal of the dog guide.~~

~~((5) Annoyance to staff or other customers.)) (b) Annoyance on the part of staff or other customers of the workplace at the presence of the dog guide or service animal is not an unreasonable "risk to property or other persons" justifying the removal of the dog guide or service animal.~~

~~((6) Least discriminatory solution required. It is an unfair practice to remove a dog guide or service animal from the entire workplace because the dog guide or service animal presents a risk of injury when in part of the workplace.)) (c) Risk of injury or harm to the dog guide or service animal is not a reason for an employer to remove or exclude the animal. The decision whether to bring the animal to the worksite under such conditions most properly rests with the person with a disability using the dog guide or service animal.~~

~~(3) Reasonable accommodation. When risk justifies the removal of a dog guide or service animal from the workplace, efforts must be made to reasonably accommodate the person with the disability.~~

~~(4) Liability. Law other than the law against discrimination governs liability for injury or harm. Generally, a person with a disability using a dog guide or service animal is responsible for the animal and may be held liable for the behavior and actions of the animal.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 162-22-030 Affirmative action and reporting.

WAC 162-22-040 General approach to enforcement.

WAC 162-22-050

Unfair practice.

WAC 162-22-060

Preference for disabled is not an unfair practice.

WAC 162-22-070

Bona fide occupational qualification.

WAC 162-22-080

Accommodation to employees with disabilities.

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-26-010 Scope of chapter. ~~((1) Confined to unfair practices.))~~ This chapter interprets and implements the disability discrimination coverage of RCW 49.60.215, unfair practices of places of public resort, accommodation, assemblage, and amusement. This chapter does not define the scope of the civil right to be free from discrimination because of disability declared in RCW 49.60.030 or interpret other statutes. ~~((This chapter applies to the unfair practices which the commission is empowered by RCW 49.60.120 to eliminate and prevent through the administrative process provided in RCW 49.60.230 through 49.60.270.~~

~~(2) Language interpreted. This chapter interprets and implements RCW 49.60.215, Unfair practices of places of public resort, accommodation, assemblage, and amusement, as amended by chapter 271, Laws of 1997.~~

~~(3) Related regulations. Regulations of the commission on disability discrimination in real estate transactions are in chapter 162-38 WAC. Commission regulations governing disability discrimination in employment are in chapter 162-22 WAC and in other regulations governing employment. General regulations of the commission governing schools are in chapter 162-28 WAC.))~~

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-26-040 Definitions. (1) **Place of public accommodation.** RCW 49.60.040 ~~((gives the following definition:~~

~~"Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recre-~~

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ation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: Provided, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;") defines and lists examples of a place of public accommodation.

(2) ~~General definitions~~ ((General definitions applicable throughout the commission's regulations are set out in WAC 162-04-010. These include the following:

"Disability" is short for the term "the presence of any sensory, mental, or physical disability" used in the law against discrimination, and means the full term."

(3) ~~Definitions~~) **special to this chapter.** The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

"Accessible" means usable or understandable by a person with a disability, with reasonable effort and in reasonable safety.

(~~"Arranged service" means making the services or goods of a place of public accommodation available to a person with a disability at a place or in a way that is different from the place or way that the service is offered to the public in general in order to serve the person. See WAC 162-26-090-)~~) "Disability" is short for the term "the presence of any sensory, mental, or physical disability" used in the law against discrimination, and means the full term.

"Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons.

(~~"Fair service" means the service required by RCW 49.60.215 for disabled persons in places of public accommodation. Depending on the circumstances, fair service may be in the form of (a) same service, (b) reasonable accommodation, or (c) arranged service. These terms are defined in this chapter. See also "service" and "fairly serve."~~)

"Fairly serve" means to provide fair service.)

"Place of public accommodation" is short for "place of public resort, accommodation, assemblage, or amusement" and means the full term.

"Reasonable accommodation" means action, reasonably possible in the circumstances, to make the regular services of a place of public accommodation accessible to persons who otherwise could not use or fully enjoy the services because of the person's sensory, mental, or physical ((limitations)) disability. See WAC 162-26-080.

"Same service" means service without regard to the existence of a disability. See WAC 162-26-060.

"Service" means everything available to persons from a place of public accommodation.

"Service animal" means an animal that is trained for the purpose of assisting or accommodating a ((disabled)) person's sensory, mental, or physical disability.

"Structural" ((is defined in WAC 162-26-100(5)).

~~"Unfair service" means service not in compliance with RCW 49.60.215. See "fair service.")~~ means the load-bearing members and essential structure or composition of a place, as distinguished from its finish, decorations, or fittings. Examples of structural components are floors, walls, stairs, door openings, sidewalks, elevators, and escalators. Examples of things that are not structural are moveable walls, bathroom fixtures and partitions, fixtures such as water fountains (whether or not attached to a wall), doors and door hardware, cabinets, counters, handrails, signs (attached or painted), elevator controls, alarm systems, and carpeting or other floor covers.

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-26-060 General principles. (1) **Same service preferred.** The purposes of the law against discrimination are best achieved when disabled persons are treated the same as if they were not disabled. The legislature expresses this policy in RCW 49.60.215 with the words "regardless of." Persons should, if possible, be treated without regard to their disability or use of a dog guide or service animal. This is called "same service" in this chapter.

(2) **Reasonable accommodation.** ((In some circumstances, however, treating disabled persons the same as nondisabled persons ~~(1)~~) The law protects against discrimination because of the "presence" of a disability. It does not prohibit treating disabled persons more favorably than nondisabled persons in circumstances where same service((3)) will defeat the purposes of the law against discrimination.

For example, this would be true if persons in wheelchairs and nondisabled persons are equally entitled to use the stairway to reach the second floor of a store. In such circumstances, the operator of the place of public accommodation should ((if possible)) use the next best solution: Reasonable accommodation.

A reasonable accommodation would be to permit the shopper in the wheelchair to use an elevator to reach the second floor, even though the public in general is not permitted to use the elevator. ((Reasonable accommodation is explained in WAC 162-26-080.

~~(3) Arranged service. Where same service will not carry out the purposes of the law and where no accommodation is reasonable, the operator of a place of public accommodation should use the third best solution: Arranged service. In the example used in this section, arranged service would be having a store employee bring merchandise of the size and description requested by the wheelchair shopper from the second floor for examination by the customer on the first floor. This would be appropriate if there were no elevator and no other safe and dignified way to transport the customer to the second floor. Arranged service is explained in WAC 162-26-090.~~

(4)) If there is no elevator and no other safe and dignified way for the customer to reach the second floor, another

reasonable accommodation would be to bring merchandise requested by the customer to the first floor. Reasonable accommodations may also include, but are not limited to, providing sign language interpreters and making printed materials available in alternate formats.

~~(3) Overall objective. ((In applying RCW 49.60.215, the commission seeks to assure that disabled persons will have the enjoyment of places of public accommodation to the greatest extent practical. The legislature in RCW 49.60.040 has defined "full enjoyment of" with respect to the civil right set out in places of public accommodation in RCW 49.60.030 as follows:~~

~~"Full enjoyment of includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons . . . with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, to be treated as not welcome, accepted, desired, or solicited.") People with disabilities must be afforded the full enjoyment of places of public accommodation to the greatest extent practical.~~

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-26-070 General rules. ((1) Rules.) These rules apply except where exempted by RCW 49.60.215 for structural changes or behavior causing risk, or excepted by ruling of the commissioners under WAC 162-06-030(7). It is an unfair practice under RCW 49.60.215 for any person in the operation of a place of public accommodation, because of disability or use of a trained dog guide or service animal:

~~((a)) (1) To refuse to serve a person;~~

~~((b)) (2) To charge for reasonably accommodating the special needs of a disabled person((, or for arranged service as defined in this chapter));~~

~~((c)) (3) To require a disabled person accompanied by a trained dog guide or service animal in any of the places listed in RCW 70.84.010(3) to pay an extra charge for the trained dog guide or service animal;~~

~~((d)) (4) To treat a disabled person as not welcome, accepted, desired, or solicited the same as a nondisabled person;~~

~~((e)) (5) To segregate or restrict a person or deny a person the use of facilities or services in connection with the place of public accommodation where same service is possible without regard to the disability; or~~

~~((f)) (6) To fail to reasonably accommodate the known physical, sensory, or mental limitations of a disabled person, when same service would prevent the person from fully enjoying the place of public accommodation, as provided in WAC 162-26-080((7) or~~

~~(g) To fail to arrange service under the rules in WAC 162-26-090 when reasonable accommodation is not possible and same service treatment would prevent the disabled person from fully enjoying the place of public accommodation.~~

~~(2) Exceptions may be granted.~~ The commission will grant exceptions to the rules of this chapter under the standards set out in WAC 162-06-030).

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-26-080 Reasonable accommodation. (1) Unfair practice to not accommodate. It is an unfair practice in the operation of a place of public accommodation to fail or refuse to make reasonable accommodation to the known physical, sensory, or mental limitations of a person with a disability or to the use of a trained dog guide or service animal by a disabled person, when same service would prevent the person from fully enjoying the place of public accommodation.

~~(2) ((Defined. "Reasonable accommodation" is action, reasonably possible in the circumstances, to make the regular services of a place of public accommodation accessible to persons who otherwise could not use or fully enjoy the services because of the person's sensory, mental, or physical limitations.~~

~~(3)) Determining reasonableness.~~ Whether a possible accommodation is reasonable or not depends on the cost of making the accommodation, the size of the place of public accommodation, the availability of staff to make the accommodation, the importance of the service to the person with a disability, and other factors bearing on reasonableness in the particular situation.

~~((4)) (3) Carrying not favored.~~ Carrying a mobility-impaired person is not required by law and is not an acceptable accommodation, except in rare circumstances. Carrying should be done only when there is no other way for the mobility-impaired person to use the facility and when it is agreeable to the person with a disability.

~~((5) Reference to employment standard.~~ The concept of reasonable accommodation is also used in the employment context. The commission will rely on its interpretations of WAC 162-22-080 and on *Holland v. Boeing Co.*, 90 Wn.2d 384, 583 P.2d 621 (1978) for guidance in applying this section.) ~~(4) "Arranged service." The concept of "arranged service," as formerly defined in commission rules, is incorporated fully within the scope of reasonable accommodation.~~

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-26-100 Structural barriers to accessibility. (1) ((Statute. RCW 49.60.215 says that it

~~"shall not be construed to require structural changes, modifications, or additions to make any place accessible to a disabled person except as otherwise required by law. . . ."~~

~~(2)) Laws requiring accessibility. The commission enforces the law against discrimination, chapter 49.60 RCW, not other state or federal laws. The commission provides the following references as guidance to places of public accommodation. The principal laws requiring that places of public accommodation be made accessible ((are)) include, but are not limited to:~~

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(a) The Washington state building code (~~(, chapter 19.27 RCW, which includes the barrier free design standards adopted in chapter 51-10 WAC under authority of chapter 70.92 RCW. The barrier free design standards apply with some exceptions to "buildings, structures, or portions thereof, ... which are constructed, substantially remodeled, or substantially rehabilitated after October 1, 1976." WAC 51-10-003).~~).

(b) Chapter 219, Laws of 1971 ex. sess. (~~(, in effect from August 9, 1971, through June 30, 1976. This statute required that plans and specifications for the erection or remodeling of any public accommodation must provide for access by persons with physical disabilities, for toilet facilities designed for use by the persons with physical disabilities, and for additional facilities specified in a national standard.)~~).

(c) Chapter 35, Laws of 1967 (~~(, in effect from June 8, 1967, through June 30, 1976. This statute was substantially the same as the 1971 statute described in paragraph (b) of this subsection, but was limited in its coverage to public buildings).~~).

(d) RCW 35.68.075 (~~(, requiring curb ramps in sidewalks constructed or replaced after June 7, 1973).~~).

(e) United States law; (~~(particularly 45 CFR § 84.23 implementing section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), which requires that facilities constructed after April 28, 1977 with federal assistance be readily accessible to and usable by disabled persons:~~

~~(f) including The Americans with Disabilities Act of 1990, codified at 42 U.S.C. 12101 et seq., the Rehabilitation Act of 1973, and the Federal Fair Housing Act.~~

~~((3)) (2) Practices that are not unfair.~~ It is not an unfair practice under RCW 49.60.215 to operate a place of public accommodation with structural barriers to accessibility of the person with a disability when the structural barriers:

~~(a) Were lawful when constructed; and~~

~~(b) Are presently lawful under the state building code and other law outside of the law against discrimination.~~

This exemption does not relieve the operator of a place of public accommodation of the duty to make reasonable accommodation to the needs of disabled persons as described in WAC 162-26-080 (~~(, or to provide arranged service as described in WAC 162-26-090).~~).

~~((4)) (3) When required by law.~~ It is an unfair practice under RCW 49.60.215:

(a) To deny service to any person because of a barrier to accessibility when accessibility is required by law;

(b) To build or remodel in a way that does not comply with requirements of law on accessibility;

(c) To operate a place of public accommodation that is out of compliance with a law requiring accessibility;

(d) To fail to maintain or fail to continue the accessibility of a place of public accommodation that was required by law to be accessible when it was built, remodeled, or rehabilitated.

~~((5)) (4) Nonstructural changes.~~ (~~(After January 1, 1983,)~~) It is an unfair practice under RCW 49.60.215 for a person who is making nonstructural changes in a place of public accommodation to fail to eliminate barriers to same service when this can be done without substantially changing the scope or cost of the project or requiring structural changes

that are not otherwise required by law. Specifically, it is an unfair practice:

(a) When installing a nonstructural fixture or component, to choose and install one that is not accessible to the person with a disability or that makes the place of public accommodation less accessible to the person with a disability.

(b) When replacing a nonstructural fixture or component, to replace it with one that is not accessible to the ~~((hand-~~ person with a disability ~~ieapped))~~ or one that makes the place of public accommodation less accessible to the person with a disability.

(c) When relocating a nonstructural fixture or component, to relocate it to a place that is not accessible to the person with a disability, unless no suitable place is accessible.

(d) When modifying a nonstructural fixture or component, to do so in a way that does not eliminate barriers to the person with a disability, when possible.

~~((6) What is "structural."~~ "Structural" for purposes of RCW 49.60.215 means the load-bearing members and essential structure or composition of a place, as distinguished from its finish, decorations, or fittings. Examples of structural components are floors, walls, stairs, door openings, sidewalks, elevators, and escalators. Examples of things that are not structural are moveable walls, bathroom fixtures and partitions, fixtures such as water fountains (whether or not attached to a wall), doors and door hardware, cabinets, counters, handrails, signs (attached or painted), elevator controls, alarm systems, and carpeting or other floor covers.)

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-26-110 Behavior causing risk. (1) **Proviso interpreted.** This section interprets the following proviso of RCW 49.60.215:

"Provided, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice."

(2) **General rule.** It is not an unfair practice under RCW 49.60.215 to deny a person service in a place of public accommodation because that person's behavior or actions constitute a risk to property or other persons. (~~(It is not an unfair practice to request that a trained dog guide or service animal be removed because the behavior or actions of that dog guide or service animal constitute an unreasonable risk to property or other persons.)~~)

(3) **Individual judgment required.** To come within this exception, the denial of service must be based on knowledge of the present behavior or actions of the individual who is not served. It is an unfair practice to exclude all persons who have a disability or who have a particular disability unless the operator of the place of public accommodation can show that all persons with the disability will present a risk to persons or property.

~~((To come within this exception, the removal of a trained dog guide or service animal must be based on knowledge of the present behavior or actions of the dog guide or service animal. It is an unfair practice to exclude all of the particular dog guides or service animals unless the place of public accommodation can show that all of the particular dog guides~~

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or service animals will present an unreasonable risk to property or other persons:))

(4) **Likelihood of injury.** Risk to property or other persons must be immediate and likely, not remote or speculative.

(5) **Degree of risk.** Risk of injury to persons may be given more weight than risk of injury to property. Risk of severe injury may be given more weight than risk of slight injury.

(6) **Risk to person with a disability** ~~((or trained dog guide or service animal))~~. Risk to the person with a disability ~~((or trained dog guide or service animal))~~ is not a reason to deny service. ~~((Liability for injury to customers with a disability is governed by law other than the law against discrimination:))~~ Law other than the law against discrimination governs liability for injury to customers with a disability. The law against discrimination affects tort liability only insofar as it includes persons with a disability within the public for which public accommodations must be made safe.

(7) **Annoyance to staff or other customers.** Annoyance on the part of staff or customers of the place of public accommodation at the abnormal appearance or behavior of a person with a disability is not a "risk to property or other persons" justifying nonservice. ~~((Annoyance on the part of staff or customers of the place of public accommodation at the presence of the dog guide or service animal is not an unreasonable "risk to property or other persons" justifying the removal of the dog guide or service animal:))~~

(8) **Least discriminatory solution required.** It is an unfair practice to deny a person with a disability the enjoyment of an entire place of public accommodation because the person presents a risk of injury when using part of the place. When risk justifies not serving a person with a disability in the same way or same place as other customers, the person should be served through reasonable accommodation (WAC 162-26-060, ~~((161-26-080 (162-26-080)) or arranged service (WAC 162-26-060, 162-260-090))~~ 162-26-080), if possible. ~~((When risk justifies removal of a dog guide or service animal from the place of public accommodation, efforts must be made to reasonably accommodate the person with a disability:))~~

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-26-120 ~~((Failure to meet))~~ **Requirements of other law.** (1) ~~((Unfair practice. It is an unfair practice under RCW 49.60.215 for the operator of a place of public accommodation to refuse or fail to comply with any specific requirement of law for the benefit of persons with disabilities applicable to the place of public accommodation:))~~

(2) **All sources of law covered.** This section applies to all requirements imposed by or authorized by any law of the United States, the state of Washington, or any ordinance of a unit of local government within the state of Washington.

(3) **Guidance.** Failure to meet requirements of related law protecting persons with disabilities in places of public accommodation may be evidence of an unfair practice under RCW 49.60.215. The commission may refer to standards established in related law for guidance in determining

whether an unfair practice under RCW 49.60.215 has occurred.

(2) **References to selected laws.** ~~((Some of the laws to which this section applies are:))~~ Related law may include, but is not limited to:

(a) Chapter 28A.13 RCW (education for handicapped children);

(b) Sections 503 and 504 of the United States Rehabilitation Act of 1973, 29 U.S.C. §§793 and 794~~((, and all regulations of agencies of the United States government issued pursuant to them));~~

(c) Chapter 70.84 RCW, the "white cane law((-)";

(d) Chapter 2.42 RCW (Interpreters in legal proceedings);

(e) The Washington State Building Code;

(f) The Americans with Disabilities Act of 1990;

(g) The Individuals with Disabilities Education Act;

(h) The Air Carriers Access Act;

(i) The Federal Fair Housing Act.

NEW SECTION

WAC 162-26-135 Removal of a dog guide or service animal. (1) **General rule.** It is an unfair practice for a place of public accommodation to ask that a trained dog guide or service animal be removed, unless that place of public accommodation can show that the presence, behavior or actions of that dog guide or service animal constitutes an unreasonable risk of injury or harm to property or other persons.

It is an unfair practice to remove a trained dog guide or service animal from the entire place of public accommodation because the dog guide or service animal presents a risk of injury or harm when in part of the place of public accommodation.

(2) **Assessing risk of injury or harm.**

(a) Risk to property or other persons must be immediate or reasonably foreseeable under the circumstances, not remote or speculative. Risk to persons may be given more weight than risk to property. Risk of severe injury or harm may be given more weight than risk of slight injury or harm. For example, a barber excludes a patron's dog guide because; "It might bite somebody — I don't allow any dogs in here." This is **not** "reasonably foreseeable risk" justifying removal of the dog guide.

(b) Annoyance on the part of staff or other customers of the place of public accommodation at the presence of the dog guide or service animal is not an unreasonable "risk to property or other persons" justifying the removal of the dog guide or service animal.

(c) Risk of injury or harm to the dog guide or service animal is not a reason for a place of public accommodation to exclude the animal. The decision whether to bring the animal into a place of public accommodation under such circumstances most properly rests with the person with a disability using the dog guide or service animal.

(3) **Duty to reasonably accommodate.** When risk justifies the removal of a dog guide or service animal from the place of public accommodation, efforts must be made to reasonably accommodate the person with the disability.

(4) **Liability.** Law other than the law against discrimination governs liability for injury or harm. Generally, a person with a disability using a dog guide or service animal is responsible for the animal and may be held liable for the behavior and actions of the animal.

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-26-140 Unfair to request or require waiver of rights. This section is intended to prohibit waivers on the basis of disability, but is not intended to preclude waivers required on a nondiscriminatory basis.

(1) It is an unfair practice for any person to request or require another person to waive rights or hold anyone harmless as a condition of the use or enjoyment of a place of public accommodation by a disabled person.

(2) It is an unfair practice to request or require another person to waive rights or hold anyone harmless as a condition of the use or enjoyment of a place of public accommodation by a disabled person using a dog guide or service animal. ~~((This section is intended to prohibit waivers on the basis of disability, but is not intended to preclude waivers required on a nondiscriminatory basis.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 162-26-020 Purpose of chapter.
- WAC 162-26-030 Related law.
- WAC 162-26-035 Concurrent remedy in court.
- WAC 162-26-050 Who is protected.
- WAC 162-26-090 Arranged service.

AMENDATORY SECTION (Amending Order 9, filed 9/23/71)

WAC 162-30-010 General ~~((approach))~~ purpose and scope. ~~((In the interest of consistency and to avoid confusion on the part of persons governed by both the state and federal sex discrimination laws, the commission will generally follow interpretations of the sex discrimination provisions of Title VII of the United States Civil Rights Act of 1964, 42 USC § 2000e and following, where the federal act is comparable to the state act. See in particular part 1604 of the regulations of the United States Equal Employment Opportunity Commission, 42 [29] CFR Part 1604. The commission will not follow federal precedents where it believes that a different interpretation will better carry out the purposes of the state act.))~~ The general purpose of the law against discrimination in employment because of sex is to equalize employment opportunity for men and women. This chapter interprets and implements the sex discrimination protection of RCW 49.60.180, and provides guidance regarding certain specific forms of sex discrimination.

AMENDATORY SECTION (Amending Order 15, filed 9/28/73)

WAC 162-30-020 ~~((Maternity-))~~ Pregnancy, child-birth, and pregnancy related conditions. (1) ~~((Findings: Pregnancy is an expectable incident in the life of a woman. Many women of childbearing age depend on their jobs for economic support. Practices such as terminating pregnant women, refusing to grant leave or accrued sick pay for disabilities relating to pregnancy, or refusing to hire women for responsible jobs because they may become pregnant, impair the opportunity of women to obtain employment and to advance in employment on the same basis as men. Such practices discriminate against women because of their sex.~~

~~((2))~~ **Purposes.** The overall purpose of the law against discrimination in employment because of sex ~~((chapter 49.60 RCW))~~ is to equalize employment opportunity for men and women. This regulation explains how the law applies to employment practices ~~((which))~~ that disadvantage women because of pregnancy or childbirth.

~~((3))~~ **Hiring pregnant women.** ~~It is an unfair practice for an employer to refuse to hire a qualified woman because of pregnancy unless doing so would be unreasonable in view of the necessities of the business. The burden shall be on the employer to show that a decision not to hire a pregnant woman was based on adequate facts concerning her individual ability to perform the job or adequate facts concerning business necessity.)~~ (2) **Findings and definitions.** Pregnancy is an expectable incident in the life of a woman. Discrimination against women because of pregnancy or childbirth lessens the employment opportunities of women.

(a) "Pregnancy" includes, but is not limited to, pregnancy, the potential to become pregnant, and pregnancy related conditions.

(b) "Pregnancy related conditions" include, but are not limited to, related medical conditions, miscarriage, pregnancy termination, and the complications of pregnancy.

(3) Unfair Practices.

(a) It is an unfair practice for an employer, because of pregnancy or childbirth, to:

(i) Refuse to hire or promote, terminate, or demote, a woman;

(ii) Impose different terms and conditions of employment on a woman.

(b) The sole exception to (a) of this subsection is if an employer can demonstrate business necessity for the employment action. For example, an employer hiring workers into a training program that cannot accommodate absences for the first two months might be justified in refusing to hire a pregnant woman whose delivery date would occur during those first two months. ~~((On the other hand, negative assumptions about pregnant women in employment must not influence the hiring decision. Such assumptions include but are not limited to:~~

~~((a) That))~~ (c) It is an unfair practice to base employment decisions or actions on negative assumptions about pregnant women, such as:

(i) Pregnant women do not return to the job after childbirth;

PERMANENT

~~((b) That)~~ (ii) The time away from work required for childbearing will increase the employer's costs;

~~((e) That)~~ (iii) The disability period for childbirth will be unreasonably long;

~~((d) That)~~ (iv) Pregnant women are frequently absent from work due to illness;

~~((e) That)~~ (v) Clients, co-workers, or customers object to pregnant women on the job;

(vi) The terms or conditions of the job may expose an unborn fetus to risk of harm.

(4) ~~((Treatment of employed women. It is an unfair practice for an employer to discharge a woman, penalize her in terms or conditions of employment, or in any way limit the job opportunities of a woman because she is pregnant or may require time away from work for childbearing.~~

(5)) Leave ((for temporary disability)) policies.

(a) An employer shall provide a woman a leave of absence for the period of time that she is sick or temporarily disabled because of pregnancy or childbirth. ~~((A leave in excess of the actual period of sickness or disability is not required by the law or this regulation. The terms and conditions of the leave shall be determined by the employer's policy on temporary disability, unless the policy conflicts with this regulation.))~~ Employers must treat a woman on pregnancy related leave the same as other employees on leave for sickness or other temporary disabilities. For example:

(i) If ~~((advance notice is required for a))~~ an employer provides paid leave for ((planned surgeries)) sickness, or other ((anticipated)) temporary disabilities, ((it may be required also for a leave for childbirth)) the employer should provide paid leave for pregnancy related sickness or disabilities;

(ii) If the uniform policy requires a physician's statement to verify the leave period ~~((for other disabilities)),~~ a physician's statement may be required to verify the leave period ~~((for disabilities))~~ relating to pregnancy or childbirth.

(iii) If the uniform policy permits the retention and accrual of benefits, such as seniority, retirement, and pension rights, during the leave period for other temporary disabilities, the policy must also permit it during leave for pregnancy related temporary disabilities.

(iv) If the employer permits extensions of leave time (e.g., use of vacation or leave without pay) for sickness or other temporary disabilities, the employer should permit such extensions for pregnancy related sickness or disabilities.

(b) ~~((While))~~ There may be circumstances when the application of the employer's general leave policy to ((disability because of)) pregnancy or childbirth will ((ordinarily)) not afford equal opportunity for women and men ((, there may be circumstances when this is not so)). One circumstance would be where the employer allows no leave for any sickness or other disability by any employee, or so little leave time that a pregnant woman must terminate employment. Because such a leave policy has a disparate impact on women, it is an unfair practice, unless the policy is justified by business necessity.

(c) An employer shall allow a woman to return to the same job, or a similar job of at least the same pay, if she has taken a leave of absence only for the actual period of disability

relating to pregnancy or childbirth. Refusal to do so must be justified by adequate facts concerning business necessity.

~~((6) Disability))~~ (d) Employers may be required to provide family medical leave, in addition to leave under this chapter. Please see appropriate federal and state family and medical leave laws and regulations.

(5) Employee benefits. ~~((Illness or disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom are temporary disabilities and must be treated as such under any sick leave plan or temporary disability benefit plan provided in whole or in part by the employer. All written and unwritten policies and practices concerning disabilities must be applied to disabilities resulting from pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities. For example, if the following benefits or privileges are available for other temporary disabilities, then they must be available also for disabilities resulting from pregnancy or childbirth:~~

(a) Payment in lieu of wages under a sick leave plan or temporary disability benefit plan. (If no leave pay is granted for other temporary disabilities, then it need not be granted for disabilities relating to pregnancy or childbirth.)

(b) Extensions of leave time (e.g., use of vacation or leave without pay);

(c) Retention and accrual of benefits, such as seniority, retirement, and pension rights, during the leave period.

(7) Insurance benefits. ~~(Insurance))~~ Employee benefits provided in part or in whole by the employer must be equal for male and female employees. For example, it is an unfair practice to:

(a) ~~((If full health insurance coverage is provided for male employees, then full coverage, including maternity and abortion, must be provided for female employees;~~

(b) ~~If maternity insurance is provided for the wives of male employees, then the same coverage must be provided for the female employees.~~

Subsection 7 applies only if the employer pays the premium in whole or in part or has participated in negotiating the terms of the insurance policy.

(8)) Provide full health insurance coverage to male employees but fail to provide full health insurance coverage, including pregnancy and childbirth, to female employees.

(b) Provide maternity insurance to the wives of male employees but fail to provide the same coverage to female employees.

(6) Marital status immaterial. ~~((Discrimination because of marital status is an unfair practice. An employer's leave policies and benefits, including health insurance, must apply equally to married and unmarried employees.~~

(9)) The provisions of this chapter apply irrespective of marital status.

(7) Labor unions and employment agencies. ~~((It is an unfair practice for a labor union or employment agency to conduct its own affairs so as to deny anyone his or her rights under the law and this regulation.~~

(10) Commission rulings. Any person in doubt as to the application of this regulation to a particular set of facts may request an opinion letter from the executive secretary of the

~~Washington state human rights commission or a declaratory ruling of the commission under WAC 162-08-620.~~

~~(11) **Construction with federal law.** This regulation is intended to be consistent with Title VII of the United States Civil Rights Act of 1964 and the United States Equal Employment Opportunity Commission Employment Policies Relating to Pregnancy and Childbirth, 29 CFR § 1604.10, and shall be construed accordingly.) The provisions of this chapter apply equally to employers, labor unions, and employment agencies.~~

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-38-040 Definitions. The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

"Accessible" means usable or understandable by a person who is disabled, with reasonable effort and in reasonable safety.

"Standards for barrier-free facilities" means standards for making building and facilities accessible to physically disabled persons, pursuant to chapter 51-30 WAC and chapter 70.92 RCW. See WAC 162-38-030(2), 162-38-070.

"Disability" is short for "the presence of a sensory, mental or physical disability."

"Landlord" means anyone other than the occupant of real property who attempts to control use of the property under claim of right arising out of an ownership interest in real property by that person or another person for whom that person acts. The term includes owners of rental property, trustees, receivers, persons controlling the common areas used in connection with condominiums, and agents or others acting in the interest of any such persons.

"Rental property" includes real property that is rented or leased, offered for rental or lease, or built or maintained for rental or lease.

"Structural" means the load-bearing members and essential structure or composition of a place, as distinguished from its finish, decorations or fittings. Examples of structural components are floors, walls, stairs, door openings, sidewalks, elevators, and escalators. Examples of things that are not structural are moveable walls, bathroom fixtures and partitions, fixtures such as water fountains (whether or not attached to a wall), doors and door hardware, cabinets, counters, handrails, signs (attached or painted), elevator controls, alarm systems, and carpeting and other floor covers.

"Tenant" is a person who rents or seeks to rent real property.

"~~(?)~~Dog guide~~(?)~~" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons.~~(?)~~

"~~(?)~~Service animal~~(?)~~" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability.~~(?)~~

AMENDATORY SECTION (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

WAC 162-38-100 Persons with dog guides or service animals. (1) **Are protected.** RCW 49.60.222 protects persons with disabilities from discrimination because of their use of a trained dog guide or service animal the same as it protects them from discrimination directly because of disability.

(2) **General rule.** The same rules that apply to the treatment of persons because of disability under RCW 49.60.222 and this chapter apply to the treatment of persons with disabilities because they use a trained dog guide or service animal.

(3) **Landlord's duty.** It is an unfair practice for a landlord to refuse to rent to a person with a disability because the person uses a trained dog guide or service animal. A landlord's no-pet policy cannot be applied to the dog guide or service animal of a person with a disability.

~~(4) **Cleaning or damage deposits not unfair.** It is not an unfair practice for a landlord to enforce on a tenant with a disability using a dog guide or service animal its standard cleaning or damage deposit ((for dogs or other animals. It is not an unfair practice for a landlord who otherwise doesn't allow dogs or other animals in the rented property to require a reasonable cleaning or damage deposit for the dog or other animal when renting to a person with a disability using a trained dog guide or service animal)) if the same cleaning or damage deposit is enforced equally on all tenants.~~

~~(5) **Pet deposits unfair.** It is an unfair practice for a landlord to enforce on a tenant with a disability using a dog guide or service animal a pet deposit in addition to any standard cleaning or damage deposit.~~

NEW SECTION

WAC 162-38-105 Removal of dog guides and service animals. (1) **General rule.** It is an unfair practice to request that a trained dog guide or service animal be removed, unless the person can show:

(a) That the presence, behavior or actions of that dog guide or service animal constitutes an unreasonable risk of injury or harm to property or other persons; and

(b) A reasonable attempt to eliminate the behavior or actions of that dog guide or service animal that constitutes an unreasonable risk fails.

It is an unfair practice to remove a trained dog guide or service animal from the entire rental property because the animal presents a risk of injury or harm when in part of the rental property.

(2) **Assessing risk of injury or harm.**

(a) Risk to property or other persons must be immediate or reasonably foreseeable under the circumstances, not remote or speculative. Risk to persons may be given more weight than risk to property. Risk of severe injury or harm may be given more weight than risk of slight injury or harm. For example, an apartment manager excludes a tenant's dog guide because, "a pet dog bit one of the kids here a while back, so now I don't allow any dogs in the complex." This is

not "reasonably foreseeable risk" justifying removal of the dog guide.

(b) Annoyance on the part of staff or other tenants of the rental property at the presence of the dog guide or service animal is not an unreasonable "risk to property or other persons" justifying the removal of the dog guide or service animal.

(c) Risk of injury or harm to the dog guide or service animal is not a reason to remove or exclude the animal. The decision whether to bring the animal into the rental property under such circumstances most properly rests with the person with a disability using the dog guide or service animal.

(3) **Reasonable accommodation.** When risk justifies the removal of a dog guide or service animal from a rental property, efforts must be made to reasonably accommodate the person with the disability.

(4) **Liability.** Law other than the law against discrimination governs liability for injury or harm. Generally, a person with a disability using a dog guide or service animal is responsible for the animal and may be held liable for the actions or behavior of the animal.

AMENDATORY SECTION (Amending WSR 96-13-045, filed 6/13/96, effective 7/14/96)

WAC 162-38-110 Inquiries to disabled applicants. ~~(((+)) Unfair practice.~~ It is an unfair practice under RCW 49.60.222 (1)(g) for a landlord to inquire into matters personal to a disabled applicant beyond what is necessary and appropriate to the landlord-tenant relationship. For example, the landlord may inquire as to how many persons will occupy the unit, but ordinarily will have no other reason to know whether ~~((a disabled person is assisted by))~~ an aide assists a person with a disability, and when.

~~(((2) Reference to employment rules. The commission's rules on pre-employment inquiries, chapter 162-12 WAC, implement a parallel statute and furnish analogies for the application of this portion of the real estate transactions law.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 162-38-130 Behavior causing risk.

WSR 99-15-027
PERMANENT RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
 [Filed July 13, 1999, 9:31 a.m.]

Date of Adoption: July 8, 1999.

Purpose: The amendments are designed largely to ensure the integrity of the gasoline vapor recovery program. This will be accomplished through periodic inspection and testing of vapor recovery equipment at gas stations, and

enhancements to the periodic testing requirements for transport tanks.

A number of changes will clarify and simplify the regulations, including but not limited to the addition of a definitions section specific to the gasoline marketing regulations, and segregation of the requirements for transport tanks from those for bulk gasoline distribution facilities. The requirements for large volatile organic compound storage tanks are being moved to a different article and revised slightly to reflect that they are sometimes used for products other than petroleum.

Citation of Existing Rules Affected by this Order: Amending Regulation II, Sections 1.05, 2.04, 2.07, and 2.08.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 99-10-097 on May 5, 1999; and WSR 99-13-152 on June 21, 1999.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

July 12, 1999

Gerald S. Pade

Air Pollution Engineer

PERMANENT

AMENDATORY SECTION

REGULATION II SECTION 1.05 SPECIAL DEFINITIONS

When used in Regulation II of the Puget Sound Air Pollution Control Agency:

(a) **AEROSPACE COMPONENT** means the fabricated part, assembly of parts, or completed unit of any aircraft, helicopter, missile or space vehicle.

(b) **ANTIGLARE/SAFETY COATING** means a coating that does not reflect light.

~~(((c) **BOTTOM LOADING** means the filling of a tank through a line entering the bottom of the tank.~~

~~(d) **BULK GASOLINE PLANT** means a gasoline storage and transfer facility that receives more than 90% of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.)~~

~~(((e)))~~ (c) **CAMOUFLAGE COATING** means a coating applied on motor vehicles to conceal such vehicles from detection.

((f)) (d) **COLOR MATCH** means the ability of a repair coating to blend into an existing coating so that color difference is not visible.

((g)) (e) **COMMERCIAL AEROSPACE PRIMER** means BMS 10-11, Type I.

((h)) (f) **COMMERCIAL AEROSPACE TOPCOAT** means BMS 10-11, Type II.

((i)) (g) **CUTBACK ASPHALT** means an asphalt that has been blended with more than 7% petroleum distillates by weight.

((j)) (h) **EXTREME PERFORMANCE COATING** means any coating used on the surface of a Group II vehicle, mobile equipment or their parts or components that during intended use is exposed to industrial grade detergents, cleaners or abrasive scouring agents or extreme environmental conditions as determined by the Control Officer.

((k)) (i) **FLEXOGRAPHIC PRINTING** means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

~~((l) **GASOLINE** means a volatile organic compound having a true vapor pressure greater than 10.5 kilopascals (kPa) (1.5 pounds per square inch absolute - psia) at 20°C temperature, that is a liquid at standard conditions of 102.0 kPa (14.7 psi) and 20°C, and is used as a fuel for internal combustion engines.~~

~~((m) **GASOLINE LOADING TERMINAL** means a gasoline transfer facility that receives more than 10% of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.)~~

((n)) (j) **GELCOAT** means a polyester resin surface coating that provides a cosmetic enhancement and improves resistance to degradation from exposure to the environment.

((o)) (k) **GROUP I VEHICLES** means passenger cars, large/heavy-duty truck cabs and chassis (≥10,000 pounds gross vehicle weight), light- and medium-duty trucks and vans (<10,000 pounds gross vehicle weight), and motorcycles.

((p)) (l) **GROUP II VEHICLES** means public transit buses.

((q)) (m) **METALLIC/IRIDESCENT TOPCOAT** means any coating that contains more than 5 grams per liter (0.042 lb/gal) of metal or iridescent particles, as applied, where such particles are visible in the dried film.

((r)) (n) **MILITARY AEROSPACE PRIMER** means the current version of MIL-P-85582.

((s)) (o) **MILITARY AEROSPACE TOPCOAT** means the current version of MIL-C-85285.

((t)) (p) **MOBILE EQUIPMENT** means any equipment that may be drawn or is capable of being driven on a roadway, including, but not limited to, truck bodies, truck trailers, utility bodies, camper shells, mobile cranes, bulldozers, street cleaners, golf carts and implements of husbandry.

((u)) (q) **PACKAGING ROTOGRAVURE PRINTING** means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, that are, in subsequent operations, formed into packaging products and labels for articles to be sold.

~~((v) **PETROLEUM REFINERY** means a facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting or reforming unfinished petroleum derivatives.)~~

((w)) (r) **PETROLEUM SOLVENT** means organic material produced by petroleum distillation comprising a hydrocarbon range of 8 to 12 carbon atoms that exists as a liquid under standard conditions, frequently called "Stoddard" solvent.

((x)) (s) **POLYESTER RESIN** means a group of synthetic resins containing ethylenic unsaturation and capable of undergoing free radical polymerization with styrene monomer.

((y)) (t) **PRECOAT** means any coating that is applied to bare metal primarily to deactivate the metal surface for corrosion resistance to a subsequent water-based primer.

((z)) (u) **PRETREATMENT WASH PRIMER** means any coating that contains a minimum of 0.5% acid by weight, is necessary to provide surface etching and is applied directly to bare metal surfaces to provide corrosion resistance and adhesion.

((aa)) (v) **PRIMER** means a coating applied directly to a component for purposes of corrosion protection, protection from the environment, functional fluid resistance and adhesion of subsequent coatings.

((bb)) (w) **PRIMER SEALER** means any coating applied prior to the application of a topcoat for the purpose of corrosion resistance, adhesion of the topcoat, color uniformity, and to promote the ability of an undercoat to resist penetration by the topcoat.

((cc)) (x) **PRIMER SURFACER** means any coating applied prior to the application of topcoat for the purpose of corrosion resistance, adhesion of the topcoat, and that promotes a uniform surface by filling in surface imperfections.

~~((dd) **PROCESS UNIT** means all the equipment essential to a particular production process.)~~

((ee)) (y) **PUBLICATION ROTOGRAVURE PRINTING** means rotogravure printing upon paper that is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements and other types of printed materials.

((ff)) (z) **ROTOGRAVURE PRINTING** means the application of ink to a substrate by means of a roll printing technique that involves an intaglio or recessed image areas in the form of cells.

((gg)) (aa) **SOLVENT RECOVERY DRYER** means a dry cleaning dryer that employs a condenser to liquify and recover solvent vapors evaporated in a closed-loop, recirculating stream of heated air.

((hh)) (bb) **SPECIALTY COATINGS** are coatings that are necessary due to unusual job performance requirements. Said coatings include, but are not limited to, adhesion promoters, uniform finish blenders, elastomeric materials, gloss flatteners, bright metal trim repair, and antiglare/safety coatings.

~~((ii) **SUBMERGED FILL LINE** means any discharge pipe or nozzle that meets either of the following conditions:~~

(1) Where the tank is filled from the top, the end of the discharge pipe or nozzle must be totally submerged when the liquid level is 6" from the bottom of the tank; or

(2) Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is 18" from the bottom of the tank;))

((jj)) (cc) TEMPORARY PROTECTIVE COATING means a coating applied to an aerospace component to protect it from mechanical and environmental damage during manufacturing.

((kk)) (dd) TOPCOAT means a coating applied over a primer or directly to a component primarily for purposes of appearance or identification.

((ll)) (ee) TOUCHUP means the portion of the operation that is necessary to cover minor imperfections.

((mm) ~~TRANSPORT TANK~~ means a container with a capacity greater than 1,000 liters (264 gallons) used for transporting gasoline, including but not limited to, tank truck, tank trailer, railroad car, and metallic or nonmetallic tank or cell conveyed on a flatbed truck, trailer, or railroad car.

((nn) ~~TRUE VAPOR PRESSURE~~ means the equilibrium partial pressure of an organic liquid (determined with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks", May 1994).

((oo) ~~TURNAROUND~~ means the shutting down and starting up of process units for periodic maintenance and repair of equipment, or other planned purpose.

((pp) ~~VAPOR RECOVERY SYSTEM~~ means a process that prevents emission to the atmosphere of volatile organic compounds released by the operation of any transfer, storage, or process equipment.))

NEW SECTION

REGULATION II SECTION 2.01 DEFINITIONS

When used in this Article:

(a) GASOLINE means any petroleum distillate or petroleum distillate/alcohol blend with a Reid vapor pressure of 4 pounds per square inch (27.6 kPa) or greater, which is used as a fuel for motor vehicles, marine vessels, or aircraft.

(b) GASOLINE STATION means any site that dispenses gasoline from stationary storage tanks into fuel tanks of motor vehicles, marine vessels, or aircraft.

(c) PETROLEUM REFINERY means a facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting, or reforming unfinished petroleum derivatives. Not included are facilities re-refining used motor oils or waste chemicals, processing finished petroleum products, separating blended products, or air blowing asphalt.

(d) SUBMERGED FILL LINE means any discharge pipe or nozzle that meets either of the following conditions:

(1) Where the tank is filled from the top, the end of the discharge pipe or nozzle must be totally submerged when the liquid level is 6 inches (15 cm) from the bottom of the tank; or

(2) Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is 18 inches (46 cm) from the bottom of the tank.

(e) TRANSPORT TANK means a container with a capacity greater than 264 gallons (1000 liters) used for shipping gasoline over roadways.

(f) VAPOR RECOVERY SYSTEM means a process that prevents the emission to the atmosphere of volatile organic compounds released by the operation of any transfer, storage, or process equipment.

AMENDATORY SECTION

REGULATION II SECTION ((2.04)) 3.02 VOLATILE ORGANIC COMPOUND STORAGE TANKS

(a) ((Section 2.04)) This section shall apply to all stationary storage tanks with a capacity of 40,000 gallons (151,400 liters) or greater storing ((that store)) volatile organic compounds with a true vapor pressure of ((10.5 kilopascals (kPa) f)) 1.5 pounds per square inch ((psia)) (10.5 (kPa)) or greater at actual monthly average storage temperatures ((and have a capacity of 151,400 liters (40,000 gallons) or greater. Tanks used for the storage of gasoline in bulk gasoline plants equipped with vapor balance systems as required in Section 2.06(b) shall be exempt from the requirements of Section 2.04)).

(b) It shall be unlawful for any person to cause or allow ((the)) such storage ((of volatile organic compounds as specified in Section 2.04(a)) unless ((such stationary)) the storage tank ((or container)) is a pressure tank maintaining working pressures sufficient at all times to prevent organic vapor loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices:

(1) An external floating roof, consisting of a pontoon-type or double deck-type cover that rests on the surface of the liquid contents at all times and is equipped with a closure device between the tank shell and the roof edge. The closure device shall consist of two seals, a primary seal and a rim mounted secondary seal above the primary; or

(2) A fixed roof with an internal floating-type cover that rests on the surface of the liquid contents at all times and is equipped with a closure device. The closure device shall prevent the emission of organic vapors such that the concentration of such vapors in the vapor space above the internal floating roof does not exceed 50% of the lower explosive limit (LEL) measured as propane; or

(3) A fixed roof tank with control equipment ((a vapor recovery system,)) that reduces emissions by 95% or greater ((meets the requirements of Section 2.05 of this regulation)).

(c) All primary seals or closure devices ((used with equipment subject to Section 2.04)) shall meet the following requirements:

(1) The primary seal shall contain no visible holes, tears, or other openings.

(2) No gap between the tank shell and the primary seal shall exceed 1 1/2 inches (3.8 cm) ((1 1/2 inches)). No continuous gap greater than 1/8 inch (0.32 cm) ((1/8 inch)) shall exceed 10% of the circumference of the tank. The cumulative length of all primary seal gaps exceeding 1/2 inch

(1.3 cm) ~~((1/2 inch))~~) shall not be more than 10% of the circumference; and the cumulative length of all primary seal gaps exceeding 1/8 inch (0.32 cm) ~~((1/8 inch))~~ shall not be more than 40% of the circumference.

(d) All secondary seals or closure devices shall meet the following requirements:

(1) There shall be no visible holes, tears, or other openings in the secondary seal or seal fabric;

(2) The secondary seal shall be intact and uniformly in place around the circumference of the floating roof between the roof and the tank wall; and

(3) No gap between the tank shell and the secondary seal shall exceed 1/2 inch (1.3 cm) ~~((1/2 inch))~~. The cumulative length of all gaps exceeding 1/8 inch (0.32 cm) ~~((1/8 inch))~~ in width between the secondary seal and the tank wall shall not exceed 5% of the circumference of the tank.

(e) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves shall be:

(1) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and

(2) Equipped with projections into the tank that remain below the liquid surface at all times.

(f) Automatic bleeder vents shall be closed at all times except when the roof is floated off or landed on the roof leg supports.

(g) Rim vents shall be set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting.

(h) Emergency roof drains shall be provided with slotted membrane fabric covers or equivalent that cover at least 90% of the area of the opening.

(i) Routine inspections shall be performed by the owner or operator as follows:

(1) For external floating roof tanks, conduct a semiannual visual inspection of all seals and closure devices and measure the primary and secondary seal gap annually;

(2) For internal floating roof tanks, visually inspect all seals and measure the concentration of VOC in the vapor space above the internal floating roof semiannually; and

(3) Maintain records of the results of any inspections performed for a period of 2 years after the date on which the record was made.

AMENDATORY SECTION

REGULATION II SECTION 2.07 GASOLINE STATIONS

~~((a) Stage 1 vapor recovery system requirements shall apply to:~~

~~(1) All gasoline stations with a total annual gasoline throughput greater than 200,000 gallons and total gasoline storage capacity greater than 10,000 gallons; and~~

~~(2) All new stationary gasoline storage tanks greater than 1,000 gallons capacity.~~

~~(b) It shall be unlawful for the owner or operator of a gasoline station subject to Stage 1 vapor recovery system requirements to cause or allow the transfer of gasoline from any transport tank into any stationary storage tank unless:~~

~~(1) The stationary storage tank is equipped with a permanent submerged fill line and a Stage 1 vapor recovery system certified by the California Air Resources Board;~~

~~(2) The transport tank is equipped to balance vapors; and~~

~~(3) All vapor return lines are connected between the transport tank and the stationary storage tank, and the Stage 1 vapor recovery system is operating.~~

~~(c) Stage 2 vapor recovery system requirements shall apply to:~~

~~(1) All gasoline stations located in King, Pierce, and Snohomish Counties with a total annual gasoline throughput greater than 600,000 gallons and a total gasoline storage capacity greater than 10,000 gallons;~~

~~(2) All gasoline stations located in Kitsap County with a total annual gasoline throughput greater than 840,000 gallons and a total gasoline storage capacity greater than 10,000 gallons; and~~

~~(3) All new stationary gasoline storage tanks greater than 1,000 gallons capacity.~~

~~(d) The owner or operator of a gasoline station subject to Stage 2 vapor recovery system requirements shall install a Stage 2 vapor recovery system in accordance with the following schedule:~~

~~(1) Businesses that own 10 or more gasoline stations in King, Pierce, Snohomish, and Clark Counties:~~

~~(A) At least 50% of facilities with an annual throughput greater than 840,000 gallons by May 1, 1994;~~

~~(B) The remaining facilities with an annual throughput greater than 840,000 gallons by May 1, 1995; and~~

~~(2) All gasoline stations with an annual throughput greater than 1,200,000 gallons by May 1, 1994; and~~

~~(3) All other gasoline stations by December 31, 1998.~~

~~(e) It shall be unlawful for the owner or operator of a gasoline station subject to Stage 2 vapor recovery system requirements to cause or allow the transfer of gasoline from any stationary storage tank into any motor vehicle fuel tank (except motorcycles) unless:~~

~~(1) The gasoline dispenser is equipped with a Stage 2 vapor recovery system certified by the California Air Resources Board and installed in accordance with the system's certification requirements;~~

~~(2) The vapor return line is connected between the stationary storage tank and the motor vehicle fuel tank;~~

~~(3) All bellows type nozzles are inspected daily, and if determined to be defective are taken out of service until repaired or replaced;~~

~~(4) Operating instructions for the Stage 2 vapor recovery nozzles are conspicuously posted and include a warning against topping off. The instructions shall include a prominent display of the Department of Ecology's toll-free telephone number for complaints regarding the operation and condition of the nozzles.)~~

(a) Applicability. This section shall apply to all facilities that load gasoline into the fuel tanks of motor vehicles, marine vessels, or aircraft directly from stationary storage tanks.

(1) Stage 1 vapor recovery system requirements shall apply to all gasoline storage tanks with a capacity of greater than 1,000 gallons:

(A) Installed after January 1, 1979; or

(B) Located at facilities with a gasoline throughput greater than 200,000 gallons per a calendar year.

(2) Stage 2 vapor recovery system requirements shall apply to all gasoline storage tanks with a capacity of greater than 1,000 gallons (except those used exclusively for aviation or marine gasoline):

(A) Installed after August 2, 1991;

(B) Located at facilities in King, Pierce, and Snohomish Counties with a gasoline throughput greater than 600,000 gallons per calendar year; or

(C) Located at facilities in Kitsap County with a gasoline throughput greater than 840,000 gallons per calendar year.

(b) Stage 1 Requirements. It shall be unlawful for an owner or operator of the facility to cause or allow the transfer of gasoline from a transport tank into a stationary storage tank unless:

(1) The stationary storage tank is equipped with a submerged fill line and a Stage 1 vapor recovery system certified by the California Air Resources Board and installed in accordance with the system's certification requirements; and

(2) The system is visually inspected after each product delivery and any equipment found to be defective (e.g., loose caps or adaptors, stuck poppet valves, damaged gaskets) is repaired or replaced as soon as possible but no later than 7 days after the inspection.

(c) Stage 2 Requirements. It shall be unlawful for an owner or operator of the facility to cause or allow the transfer of gasoline from the stationary storage tank into a motor vehicle fuel tank (except motorcycles) unless:

(1) The stationary storage tank and dispenser are equipped with a Stage 2 vapor recovery system certified by the California Air Resources Board and installed in accordance with the system's certification requirements;

(2) Operating instructions are conspicuously posted and include a warning against topping off and the Department of Ecology's toll-free telephone number for complaints about the system;

(3) The system is inspected on a weekly basis and any equipment found to be defective (e.g., torn bellows, mini-boots or hoses, leaking spouts, swivels or hoses, missing latch coils, stiff swivels) is taken out of service until repaired or replaced; and

(4) The system is tested for compliance with its certification requirements (e.g., pressure decay, back-pressure, air/liquid ratio) and any equipment found to be defective is repaired/replaced and retested for compliance within 30 days. In the event that repair and retesting of defective equipment cannot be accomplished within 30 days, a 30-day extension may be granted in writing, provided that the owner or operator demonstrates in advance to the Control Officer that the equipment is being repaired and retested as soon as possible.

(d) Compliance Tests. Compliance with the requirements in Section 2.07 (c)(4) of this regulation shall be achieved no later than July 1, 2000. Tests shall be performed in accordance with the test methods and Executive Orders of the California Air Resources Board in effect July 1, 1998. (Testing frequencies are specified in the Executive Orders.) These tests shall be exempt from the requirements of Section 3.07 of this regulation. However, notification of the test date shall be submitted to the Agency at least 5 days in advance of

the test and copies of all test results shall be kept on site for at least 2 years from the date of the test.

AMENDATORY SECTION

REGULATION II SECTION 2.08 (~~LEAKS FROM~~) GASOLINE TRANSPORT TANKS (~~AND VAPOR RECOVERY SYSTEMS~~)

(~~(a)~~) Section 2.08 shall apply to all gasoline transport tanks and all facilities subject to Sections 2.05, 2.06, and 2.07 of Regulation II.

(~~b)~~) It shall be unlawful for any person to cause or allow the transfer of gasoline between a facility subject to the requirements of Section 2.08 and a gasoline transport tank unless a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle.

(~~c)~~) It shall be unlawful for any person to cause or allow the use of any transport tank for the transfer of gasoline at a facility subject to the requirements of Section 2.08, unless the tank:

(1) Is leak tested annually;

(2) Displays a sticker and carries a certificate that:

(A) Shows the date the tank last passed the leak test; and

(B) Shows the identification number of the tank; and

(3) Is loaded and unloaded in such a manner that the concentration of gasoline vapors is below the lower explosive limit (expressed as propane) at all points a distance of 2.5 cm (1 inch) or greater from any potential leak source. Any transport tank that fails to meet the requirements of this paragraph shall be repaired and retested in accordance with the provisions of Section 2.08(e) within 10 days. The Control Officer shall be notified in writing within 5 days after the completion of the required leak test.

(~~d)~~) It shall be unlawful for any person to cause or allow the operation of any facility subject to Section 2.08 unless the vapor recovery system and the gasoline loading equipment is operated during all loading and unloading of gasoline such that:

(1) The concentration of gasoline vapors is below the lower explosive limit (expressed as propane) at all points a distance of 2.5 cm (1 inch) or greater from any potential leak source; and

(2) There are no liquid leaks in excess of 3 drops per minute and there is no more than 10 ml of liquid drainage per disconnect.

(~~e)~~) During the test required by Section 2.08(e), each transport tank shall sustain a pressure change of no more than 0.75 kPa (3 inches) of water in 5 minutes when pressurized to a gauge pressure of 4.5 kPa (18 inches) of water and evacuated to a gauge pressure of 1.5 kPa (6 inches) of water during the test.)

(a) This section shall apply to all transport tanks that deliver gasoline to gasoline stations or bulk gasoline distribution facilities equipped with a vapor recovery system.

(b) It shall be unlawful for the owner or operator of a transport tank to cause or allow the transfer of gasoline at a facility equipped with a vapor recovery system unless:

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(1) The transport tank is also equipped with a vapor recovery system;

(2) The transport tank is tested annually in accordance with the procedures in Method 27 of 40 CFR Part 60, Appendix A by pressurizing the tank to gauge pressures of 18 and -6 inches of water and waiting for a time period of 5 minutes during which the pressure change is no more than:

tank capacity (gallons)	pressure change (inches of water)
2,500 or more	1.0
1,500-2,499	1.5
1,000-1,499	2.0
999 or less	2.5

(3) The internal vapor valve of the transport tank is tested annually in accordance with the procedures in Method 27 of 40 CFR Part 60, Appendix A by repressurizing the tank to 18 inches of water, closing the vapor valve, relieving all the pressure in the vapor return line, resealing the vapor return line, and waiting for a time period of 5 minutes during which the pressure change in the vapor return line and manifold is no more than 5 inches of water;

(4) The transport tank carries a certificate that includes the following information:

(A) Testing company name, date, and test location;

(B) Tester's name, title, and signature;

(C) Transport tank owner's name and address;

(D) Transport tank identification number;

(E) Type of test: pressure decay, vacuum decay, or internal vapor valve;

(F) Vapor tightness repair (if any): nature of repair work and when performed in relation to the test; and

(G) Test results: pressure or vacuum change, time period of test.

(5) The transport tank displays a sticker near the Department of Transportation certification plate, which shows the identification number of the transport tank and the date the transport tank last passed the tests specified in this section; and

(6) The vapor recovery system is employed and the concentration of gasoline vapors is below the lower explosive limit (measured as propane) at all points a distance of 1 inch or greater from any potential leak source on the transport tank. (Any transport tank that fails to meet this requirement shall be repaired and retested for compliance with Sections 2.08 (b)(2) and (b)(3) of this regulation within 10 days, and a copy of the revised compliance certificate shall be sent to the Agency within 5 days after completing the required leak test.)

(c) Transport tanks tested prior to August 1, 1999 shall be subject to the requirements in Sections 2.08 (b)(2) and (b)(3) of this regulation at the time of their next annual test.

Purpose: To clarify reasonably available control technology (RACT) for spray-coating operations and to clearly define the exemptions that apply. Also to clarify the outdoor spray-coating requirements for a notice of construction approval.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Sections 5.03, 6.03, and 9.16.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 99-10-098 on May 5, 1999; and WSR 99-13-153 on June 21, 1999.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

July 9, 1999

Larry C. Vaughn

Engineer I

AMENDATORY SECTION

REGULATION I SECTION 5.03 REGISTRATION REQUIRED

(a) The registration requirements of this article do not apply to:

(1) motor vehicles;

(2) nonroad engines or nonroad vehicles as defined in Section 216 of the federal Clean Air Act;

(3) sources that require an operating permit under Article 7; ~~((4))~~

(4) spray-coating operations exempt under Section 9.16(b) of this regulation; or

~~((4))~~ (5) any source, including any listed in Section 5.03(b) below, that has been determined through review by the Control Officer not to warrant registration, due to the amount and nature of air contaminants produced or the potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property.

(b) It shall be unlawful for any person to cause or allow the operation of any source required to register under Section 5.03, unless it conforms to all the requirements of Article 5. Except as provided in Section 5.03(a), the owner or operator of each of the following stationary air contaminant sources shall register the source with the Agency by paying the annual fee required by Section 5.07 and submitting any reports required by Section 5.05.

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**WSR 99-15-028
PERMANENT RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY**

[Filed July 13, 1999, 9:36 a.m.]

Date of Adoption: July 8, 1999.

(1) Any category of stationary sources to which a federal standard of performance (NSPS) under 40 CFR Part 60, other than Subpart S (Primary Aluminum Reduction Plants), BB (Kraft Pulp Mills), or AAA (New Residential Wood Heaters), applies;

(2) Any source category subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) under 40 CFR Part 61, other than Subpart M (asbestos on roadways, asbestos demolition or renovation activities, or asbestos spraying), or 40 CFR Part 63;

(3) Any source that emits any of the following pollutants at a rate of emission equal to or greater than any one of the following rates (tons/year):

carbon monoxide	25
nitrogen oxides	25
sulfur dioxide	25
particulate matter (PM ₁₀)	25
particulate matter (PM _{2.5})	25
volatile organic compounds (VOC)	25
facility-combined total of all toxic air contaminants (TAC)	6
any single toxic air contaminant (TAC)	2

(4) Any source that has equipment or control equipment, with an approved Notice of Construction under Article 6 of Regulation I;

(5) Any source that has been determined through review by the Control Officer to warrant registration, due to the amount and nature of air contaminants produced, or the potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property;

(6) Any source that has elected to opt out of the operating permit program by limiting its potential-to-emit (synthetic minor) or is required to report periodically to demonstrate nonapplicability to EPA requirements under Sections 111 or 112 of the federal Clean Air Act;

- (7) Other sources, such as:
- aerosol can-filling facilities;
 - agricultural chemical facilities engaging in the manufacturing of liquid or dry fertilizers or pesticides;
 - agricultural drying and dehydrating operations;
 - alumina processing;
 - ammonium sulfate manufacturing plants;
 - asphalt and asphalt products production facilities;
 - automobile or light-duty truck surface coating operations;
 - baker's yeast manufacturing;
 - brick and clay manufacturing plants, including tiles and ceramics;
 - cattle feedlots with operational facilities that have an inventory of 1,000 or more cattle in operation between June 1 and October 1, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season;
 - chemical manufacturing plants;
 - coal preparation plants;
 - coffee roasting facilities;

- composting operations, including commercial, industrial and municipal, but exempting agricultural and residential composting activities;
- concrete product manufacturers and ready-mix and pre-mix concrete plants;
- crematoria or animal carcass incinerators;
- dry cleaning plants;
- ethylene dichloride, polyvinyl chloride, or vinyl chloride plants;
- explosives production;
- flexible polyurethane foam production;
- flexible vinyl and urethane coating and printing operations;
- gasoline stations, bulk gasoline plants, and gasoline loading terminals;
- gelcoat, polyester, resin, or vinylester coating manufacturing operations at commercial or industrial facilities;
- glass manufacturing plants;
- grain, seed, animal feed, legume, and flour processing operations and handling facilities;
- hazardous waste treatment and disposal facilities;
- ink manufacturers;
- insulation fiber manufacturers;
- landfills, active and inactive, including covers, gas collection systems, or flares;
- lead-acid battery manufacturing plants;
- lime manufacturing plants;
- metal casting facilities and foundries, ferrous and non-ferrous;
- metal plating and anodizing operations;
- metallic and nonmetallic mineral processing plants, including rock crushing plants and sand and gravel operations;
- metallurgical processing plants;
- mills such as lumber, plywood, shake, shingle, wood-chip, veneer operations, dry kilns, pulpwood insulating board, or any combination thereof;
- mineral wool production;
- mineralogical processing plants;
- municipal waste combustors;
- nitric acid plants;
- paper manufacturers, except Kraft and sulfite pulp mills;
- petroleum refineries;
- pharmaceuticals production;
- plastics and fiberglass product fabrication facilities;
- pneumatic materials conveying operations and industrial house-keeping vacuuming systems that exhaust more than 1,000 acfm to the atmosphere;
- portland cement plants;
- primary copper smelters, lead smelters, magnesium refining and zinc smelters, but excluding primary aluminum plants;
- rendering plants;
- semiconductor manufacturing;
- shipbuilding and ship repair (surface coating);
- soil vapor extraction (active), thermal soil contaminant desorption, or groundwater air stripping remediation projects;
- sulfuric acid plants;
- surface-coating manufacturers;

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surface spray-coating operations, including automotive, metal, cans, pressure-sensitive tape, labels, coils, wood, plastic, rubber, glass, paper, and other substrates;

- synthetic fiber production facilities;
- synthetic organic chemical manufacturing industries;
- tire recapping facilities;
- vegetable oil production;
- wastewater treatment plants; or
- wood treatment.

AMENDATORY SECTION

REGULATION I SECTION 6.03 NOTICE OF CONSTRUCTION

(a) It shall be unlawful for any person to cause or allow the construction, installation, establishment, or modification of an air contaminant source, except those sources that are excluded in Section 6.03(b), unless a "Notice of Construction and Application for Approval" has been filed with and approved by the Agency.

(b) Except when part of a new major source or major modification in a nonattainment area, or when constructing or reconstructing a major source of hazardous air pollutants, the following air contaminant sources do not need a "Notice of Construction and Application for Approval" approved by the Agency prior to construction, installation, establishment, or modification:

(1) Ventilating systems, including fume hoods, not designed to prevent or reduce air contaminant emissions.

(2) Fuel burning equipment that has a maximum input rate of:

(A) less than 0.5 million Btu per hour (0.15 million joules per second) burning waste-derived fuel; or

(B) less than 10 million Btu per hour (3 million joules per second) burning natural gas, propane, or butane; or

(C) less than 1 million Btu per hour (0.3 million joules per second) burning any other fuel.

(3) Insecticide, pesticide, or fertilizer spray equipment.

(4) Internal combustion engines less than the size thresholds of the proposed United States Environmental Protection Agency (EPA) New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart FF (Stationary Internal Combustion Engines, 44 FR 43152 7/23/79) or the promulgated EPA NSPS 40 CFR Part 60 Subpart GG (Stationary Gas Turbines).

(5) Laboratory equipment used exclusively for chemical or physical analyses.

(6) Laundry dryers without control equipment.

(7) Dryers or ovens used solely to accelerate evaporation.

(8) Routing, turning, carving, cutting, and drilling equipment used for metal, wood, plastics, rubber, leather, or ceramics which does not release air contaminants to the ambient air.

(9) Storage tanks:

(A) that do not store substances capable of emitting air contaminants; or

(B) with a rated capacity of 1,000 gallons (3,780 liters) or less used for storage of gasoline; or

(C) with a rated capacity of less than 10,000 gallons (38,000 liters) used for storage of volatile organic compounds; or

(D) with a rated capacity of less than 40,000 gallons (150,000 liters) used for storage of volatile organic compounds with a true vapor pressure less than 0.01 kPa (0.002 psia).

(10) Sanitary or storm drainage systems.

(11) Welding, brazing, or soldering equipment.

(12) Asphalt roofing and laying equipment (not including manufacturing or storage).

(13) Restaurants and other retail food-preparing establishments.

(14) Cold solvent cleaners using a solvent with a true vapor pressure less than or equal to 4.2 kPa (0.6 psia).

(15) Retail printing operations (not including web presses).

~~((16) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or similar structures.))~~

(16) Blasting equipment used at a temporary location to clean bridges, water towers, buildings, or similar structures.

(17) Spray-coating operations exempt under Section 9.16 (b)(1), (3), (4), (5), and (6) of this regulation.

~~((17))~~ (18) Any source that has been determined through review by the Control Officer not to warrant a "Notice of Construction and Application for Approval", due to the minimal amount and nature of air contaminants produced and potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property. The owner or operator shall submit to the Control Officer, the information necessary to make this determination. The Control Officer shall notify the owner or operator in writing whether a "Notice of Construction and Application for Approval" is required for the source.

(c) Each Notice of Construction and Application for Approval shall be submitted on forms provided by the Agency and shall be accompanied by a set of plans that fully describes the proposed source, the means for prevention or control of the emissions of air contaminants, the appropriate fee as required by Section 6.04, and any additional information required by the Board or Control Officer to demonstrate that the proposed source will meet the requirements of Section 6.07.

(d) Within 30 days of receipt of a Notice of Construction and Application for Approval, the Agency shall notify the applicant in writing if any additional information is necessary to complete the application.

AMENDATORY SECTION

REGULATION I SECTION 9.16 SPRAY-COATING OPERATIONS

~~((a) It shall be unlawful for any person to cause or allow the use of spray equipment to apply any VOC-containing material, including any negligibly reactive compound, unless the operation is conducted inside an enclosed spray area that is registered with the Agency and incorporates either dry filters or water wash curtains to control the overspray or the use~~

~~of another technique that has received the prior written approval of the Control Officer. The exhaust from the spray area shall be vented to the atmosphere through a vertical stack or through the use of another technique that has received the prior written approval of the Control Officer.~~

~~(b) The provisions of Section 9.16 shall not apply to:~~

- ~~(1) the use of hand-held aerosol cans;~~
- ~~(2) touch-up operations;~~
- ~~(3) the coating of marine vessels in dry docks;~~
- ~~(4) the coating of bridges, water towers, buildings or similar structures;~~
- ~~(5) insecticide, pesticide, or fertilizer spray equipment;~~
- ~~(6) the coating of items that cannot be reasonably handled in an enclosed spray area, provided the operation has received the prior written approval of the Control Officer.~~

~~(e) The provisions of Section 9.16 shall become effective January 1, 1992.)~~

(a) Applicability. This section applies to spray-coating operations at facilities subject to Article 5 (Registration), Article 6 (New Source Review), or Article 7 (Operating Permits) of this regulation, where a coating that protects or beautifies a surface is applied with spray-coating equipment.

(b) Exemptions. The following activities are exempt from the provisions of Sections 9.16 (c) and (d) of this regulation. Persons claiming any of the following spray-coating exemptions shall have the burden of demonstrating compliance with the claimed exemption.

(1) Application of architectural or maintenance coatings to stationary structures (e.g., bridges, water towers, buildings, stationary machinery, or similar structures);

(2) Aerospace coating operations subject to 40 CFR Part 63, Subpart GG. This includes all activities and materials listed in 40 CFR 63.741(f);

(3) Use of high-volume, low-pressure (HVLP) spray guns when:

(A) spray-coating operations do not involve motor vehicles or motor vehicle components;

(B) the gun cup capacity is 8 fluid ounces or less;

(C) the spray gun is used to spray-coat less than 9 square feet per day per facility;

(D) coatings are purchased in containers of 1 quart or less; and

(E) spray-coating is allowed by fire department, fire marshal, or other government agency requirements.

(4) Use of air-brush spray equipment with 0.5 to 2.0 CFM airflow and a maximum cup capacity of 2 fluid ounces;

(5) Use of hand-held aerosol spray cans with a capacity of 1 quart or less; or

(6) Indoor application of automotive undercoating materials using organic solvents having a flash point in excess of 100°F.

(c) General Requirements for Indoor Spray-Coating Operations. It shall be unlawful for any person subject to the provisions of this section to cause or allow spray-coating inside a structure, or spray-coating of any motor vehicles or motor vehicle components, unless the spray-coating is conducted inside an enclosed spray area. The enclosed spray area shall employ either properly seated paint arresters, or water-wash curtains with a continuous water curtain to con-

trol the overspray. All emissions from the spray-coating operation shall be vented to the atmosphere through an unobstructed vertical exhaust vent.

(d) General Requirements for Outdoor Spray-Coating Operations. After January 1, 2000, it shall be unlawful for any person subject to the provisions of this section to cause or allow spray-coating outside an enclosed structure unless such spray-coating operations are approved in a notice of construction permit issued in accordance with Article 6 of this regulation. The following minimum requirements for outdoor spray-coating operations will be included in all such notice of construction permits:

(1) Reasonable methods to confine overspray to the property where the spray-coating is being conducted shall be used (e.g., tarps, shrink wrap, mobile enclosure, or similar methods for control of overspray); and

(2) High-transfer efficiency spray equipment that minimizes overspray shall be used (e.g., HVLP, low-volume, low-pressure (LVLP), electrostatic, or air-assisted airless). Airless spray equipment may be used where low viscosity and high solid coatings preclude the use of higher-transfer efficiency spray equipment.

(e) Compliance with Other Regulations. Compliance with this regulation does not exempt any person from compliance with Regulation I, Sections 9.11 and 9.15 and all other applicable regulations including those of other agencies.

WSR 99-15-030

PERMANENT RULES

PARKS AND RECREATION COMMISSION

[Filed July 13, 1999, 12:24 p.m.]

Date of Adoption: June 11, 1999.

Purpose: The commission intends to improve the process for designating trails as open or closed for equestrian or animal recreation, as well as for use by nonmotorized cycles. The amendments provide greater consistency between trail use rules and greater clarity for public access and compliance. The amendments allow greater public participation in evaluating user conflicts and clarify the agency's decision-making process for designate [designating] trails as open or closed for these specific uses.

Citation of Existing Rules Affected by this Order: Amending WAC 352-32-070 and 352-32-075.

Statutory Authority for Adoption: RCW 43.51.040, 43.51.045, 43.51.050, 43.51.060(1), 43.51.061, and 43.51.395.

Adopted under notice filed as WSR 99-10-065 on May 3, 1999.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

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

Effective Date of Rule: Thirty-one days after filing.

July 13, 1999

Jim French

Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 96-01-078, filed 12/18/95, effective 1/18/96)

WAC 352-32-070 Use of horses, llamas, sled dogs or similar animals for recreation. (1) No horses, llamas, sled dogs or similar animals used for recreation shall be permitted on trails in any state park area, except where designated and posted to specifically ~~((permit,))~~ or conditionally permit~~((;))~~ such activity. The director or designee may open or close trails to such use. This decision shall include an evaluation of factors including, but not limited to, conflict with other park users, public safety, and damage to park resources and/or facilities. This evaluation shall include a reasonable effort to involve interested trail users of the park in question, including, at a minimum, one public meeting advertised and conducted in the region where the park is located. Trails designated open for such use may be temporarily closed by the park manager due to emergency health, safety, or resource protection considerations.

(2) No horses, llamas, sled dogs or similar animals used for recreation shall be permitted off trails in any state park area, except where authorized by the commission and posted to specifically or conditionally permit such activity.

(3) Horses, llamas, sled dogs or similar animals used for recreation shall not be permitted in any designated swimming areas, campgrounds - except designated horse- or pack-oriented camping areas - or picnic areas, nor within a natural area preserve.

~~((3))~~ (4) Horses, llamas, sled dogs or similar animals used for recreation shall not be permitted within natural areas or natural forest areas, except that relocation of existing equestrian or other similar trails into natural areas or natural forest areas may be permitted upon a finding by the director that such relocation is for the purpose of reducing overall resource impacts to a state park area.

~~((4))~~ (5) No person shall ride any horse or other animal in such a manner that might endanger life or limb of any person or animal, or damage park resources and/or facilities, and no person shall allow a horse or other animal to stand unattended or insecurely tied. Persons using horses or other animals for recreation shall obey regulatory signs, including those permanently or temporarily erected, that govern the timing, location, speed, type and/or manner of use.

~~((5))~~ (6) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-075 Use of nonmotorized cycles or similar devices. (1) Whenever used in this section, nonmotorized cycle or similar device shall mean any wheeled, operator-propelled equipment that transports the operator on land, including cycles, roller blades and skateboards, but not including wheelchairs or other devices utilized by persons with disabilities.

(2) Operation of nonmotorized cycles or similar devices shall be permitted upon public roads ~~((and trails))~~ in state park areas~~((, except:~~

~~((a) Where posted with prohibitory signing by approval of the director or designee. Prior to such posting, a public meeting shall be advertised and conducted in the region where the park is located. A closure decision shall be based on))~~.

(3) No operation of nonmotorized cycles or similar devices shall be permitted on trails in any state park area, except where designated and posted to specifically or conditionally permit such activity, or as specified in (b) of this subsection.

(a) The director or designee may open or close trails to such use. This decision shall include an evaluation of factors including, but not limited to, the degree of conflict with other park users, public safety, ~~((or))~~ and damage to park resources and/or facilities related to these devices. This evaluation shall include a reasonable effort to involve interested trail users of the park in question, including, at a minimum, one public meeting advertised and conducted in the region where the park is located.

(b) No existing trails open to use by nonmotorized cycles or similar devices prior to January 1, 1999, shall be closed to such use without an evaluation of use suitability following the criteria and process of (a) of this subsection; except for temporary closures by the park manager due to emergency health, safety, or resource protection considerations.

(4) No operation of nonmotorized cycles or similar devices shall be permitted off trails in any state park area, except where authorized by the commission and posted to specifically or conditionally permit such activity.

(5) Use of nonmotorized cycles or similar devices is prohibited in the following state park areas:

(a) Within designated natural areas, natural forest areas, or natural area preserves: Provided, That relocation of existing nonmotorized trails into natural areas or natural forest areas may be permitted upon a finding by the director that such relocation is for the purpose of reducing overall resource impacts to a state park area.

~~((e))~~ (b) Upon designated special use trails such as interpretive or exercise trails.

~~((d))~~ (c) Upon docks, piers, floats, and connecting ramps.

~~((3))~~ (6) Persons operating such devices in state park areas shall:

(a) Obey regulatory signs, including those permanently or temporarily erected, that govern the timing, location, speed, type and/or manner of operation, designed to promote visitor health and safety.

(b) Restrict speed and manner of operation to reasonable and prudent practices relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety, and the safety of all other park visitors.

(c) Yield the right of way to pedestrians and animals.

(d) Dismount and walk in congested areas and posted walk zones.

(e) Slow down, make presence known well in advance, and use courtesy and caution when approaching or overtaking other persons or animals.

(f) Display adequate lighting during hours of darkness.

(g) Use caution when approaching turns or areas of limited sight distance.

(h) Not disturb or harass wildlife.

(i) When on public roads within a state park area, operate in compliance with any additional requirements of RCW 46.61.750 through 46.61.850.

~~((4))~~ (7) The director or designee may designate trails for preferential use by cyclists and may specifically authorize use of any facilities for special cycling recreation events, excluding roads or trails specified in subsection ~~((2))~~ (5) of this section.

~~((5))~~ (8) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

WSR 99-15-050

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed July 15, 1999, 4:32 p.m.]

Date of Adoption: June 22, 1999.

Purpose: Write a new rule that defines direct supervision and describes how direct supervision should be applied in practice between the licensee and the person doing the work.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 99-10-086 on May 4, 1999.

Changes Other than Editing from Proposed to Adopted Version: In the first part of the second paragraph, the words "the employee, co-worker or subordinate (support staff), as defined herein," were deleted and replaced with the words "those persons performing the work."

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

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

July 15, 1999

George A. Twiss

Executive Director

NEW SECTION

WAC 196-23-030 Providing direct supervision.

Direct supervision is a combination of activities by which a licensee maintains control over those decisions that are the basis for the finding, conclusions, analysis, rationale, details, and judgments that are embodied in the development and preparation of engineering or land surveying plans, specifications, plats, reports, and related activities. **Direct supervision** explains the relationship between the licensee and those persons who are performing the work controlled by the licensee. **Direct supervision** requires providing personal direction, oversight, inspection, observation and supervision of the work being certified.

Communications between the licensee and those persons who are performing the work include, but are not limited to, use of any of the following ways: Direct face-to-face communications; written communications; U.S. mail; electronic mail; facsimiles; telecommunications, or other current technology: Provided, That the licensee retains, maintains, and asserts continuing control and judgment.

WSR 99-15-051

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed July 15, 1999, 4:33 p.m.]

Date of Adoption: June 22, 1999.

Purpose: Repeal WAC 196-24-060. It is redundant with language in other parts of the code. Make a housekeeping change to WAC 196-24-100 to change the title of the board's senior staff member from "registrar" to "executive director."

Citation of Existing Rules Affected by this Order: Repealing WAC 196-24-060; and amending WAC 196-24-100.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 99-10-088 on May 4, 1999.

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 1.

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

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

Effective Date of Rule: Thirty-one days after filing.

July 15, 1999

George A. Twiss
Executive Director

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 1, Amended 0, Repealed 1.

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

Effective Date of Rule: Thirty-one days after filing.

July 15, 1999

George A. Twiss
Executive Director

AMENDATORY SECTION (Amending Order PM 606, filed 6/4/87)

WAC 196-24-100 Meetings and officers. The Washington state board of registration for professional engineers and land surveyors shall hold its regular public meeting annually in June. Special public meetings may be held at such times and places as the board may deem necessary. Public notice of all public meetings shall be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

At the regular annual meeting the board shall elect a chairman and vice-chairman to hold office for one year commencing July 9. The ~~((registrar))~~ **executive director** of the board shall serve as secretary. A vacancy in any office shall be filled for the remainder of the term by special election at the next special public meeting.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-24-060 Renewals.

WSR 99-15-052
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed July 15, 1999, 4:34 p.m.]

Date of Adoption: June 22, 1999.

Purpose: Make housekeeping changes to the rule relative to limited liability companies and designated land surveyor to make the rule compliant with RCW 18.43.130. In addition, repeal WAC 196-24-058 from chapter 196-24 WAC and move the rule to chapter 196-25 WAC. Its new section number is WAC 196-25-100.

Citation of Existing Rules Affected by this Order: Repealing WAC 196-24-058.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 99-10-081 on May 4, 1999.

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.

NEW SECTION

WAC 196-25-100 Retired status certificate of registration. In accordance with RCW 18.43.075, any individual who has been issued a certificate of registration, in accordance with chapter 18.43 RCW, as a professional engineer or professional land surveyor, having reached at least the age of sixty-five and having discontinued active practice as an engineer and/or land surveyor, may be eligible to obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees are waived. For the purpose of this provision, "active practice" is defined as exercising direct supervision and control over the development and production of an engineering or land surveying document as provided in RCW 18.43.070 and/or any related activities pertaining to the offer of and/or the providing of professional engineering or land surveying services as defined in RCW 18.43.020.

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application on a form as provided by the board. Applications shall be sent to the executive director at the address of the board. Upon receipt of said application and, if deemed eligible by the board, the retired status would become effective on the first scheduled renewal date of the certificate of registration that occurs on or after the applicant reaches the age of sixty-five. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for "retired" status is made and granted before the date of expiration of the certificate of registration.

(2) Privileges. In addition to the waiver of the renewal fee, a retired registrant is permitted to:

(a) Retain the board issued wall certificate of registration;

(b) Use the title professional engineer (PE) or professional land surveyor (PLS), provided that it is supplemented by the term retired, or the abbreviation "ret";

(c) Work as an engineer or land surveyor in a volunteer capacity, provided that the retired registrant does not create an engineering or land surveying document, and does not use their seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.43 RCW. If using their professional seal the retired registrant may place the word "retired" in the space designated for the date of expiration;

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(e) Serve in an instructional capacity on engineering and/or land surveying topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to engineering or land surveying work performed by the registrant before they were granted a retired registration;

(g) Serve in a function that supports the principles of registration and/or promotes the professions of engineering and land surveying, such as members of commissions, boards or committees;

(h) Serve in an engineering or land surveying capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.43 RCW.

(3) Restrictions. A retired registrant is not permitted to:

(a) Perform any engineering or land surveying activity, as provided for in RCW 18.43.020, unless said activity is under the direct supervision of a Washington state professional engineer or professional land surveyor who has a valid/active registration in the records of the board;

(b) Act as the designated engineer or the engineer in responsible charge for a Washington engineering corporation or Washington engineering limited liability company, or act as the designated land surveyor or land surveyor in responsible charge for a Washington land surveying corporation or Washington land surveying limited liability company;

(c) Apply their professional engineers or land surveyors seal, as provided for in RCW 18.43.070, to any plan, specification, plat or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active engineering or land surveying practice. At that time the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board. All rights and responsibilities of a valid/active registration will be in effect. At the date of expiration of the reinstated certificate of registration, the registrant may elect to either continue active registration or may again apply for retired registration in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired registration if their certificate of registration has been revoked, surrendered or in any way permanently terminated by the board under RCW 18.43.110. Registrants who are suspended from practice and/or who are subject to terms of a board order at the time they reach age sixty-five shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered "misconduct and/or malpractice" as defined in RCW 18.43.105. Such violations are subject to penalties as provided for in RCW 18.43.110 and 18.43.120.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-24-058

Retired status certificate of registration.

WSR 99-15-053

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed July 15, 1999, 4:35 p.m.]

Date of Adoption: June 22, 1999.

Purpose: Amend the rule to more clearly define the terms "branch office," "project office," "resident professional engineer" and "resident professional land surveyor"; and clearly state that each branch office must have a resident professional engineer and/or a resident professional land surveyor employed there. Repeal the amended rule, WAC 196-24-090, from chapter 196-24 WAC and move it to chapter 196-25 WAC. The rules' new section number is WAC 196-25-050.

Citation of Existing Rules Affected by this Order: Repealing WAC 196-24-090.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 99-10-082 on May 4, 1999.

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 1, Amended 0, Repealed 1.

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

Effective Date of Rule: Thirty-one days after filing.

July 15, 1999

George A. Twiss
Executive Director

NEW SECTION

WAC 196-25-050 Branch offices and places of business. (1) An engineering firm or land surveying firm maintaining branch offices shall have a resident professional engineer or resident professional land surveyor, as applicable, for each branch office as well as the parent location. A branch office of an engineering or land surveying firm shall be defined as an office established to solicit and/or provide engineering and/or land surveying services. A resident profes-

sional engineer or professional land surveyor shall be defined as a person who:

- (a) Holds a valid license in this state;
- (b) Maintains said branch office or parent location as his/her normal place of employment; and
- (c) Is in responsible charge of said engineering and/or land surveying services.

(2) A project office shall be defined as an extension of a firm that is used:

- (a) For supervision for construction of a project designed elsewhere.
- (b) As a convenient workplace for a specific land surveying or engineering project. A project office is not allowed to offer services and shall not be required to have a resident professional engineer or resident land surveyor.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-24-090 Branch offices.

WSR 99-15-054
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed July 15, 1999, 4:37 p.m.]

Date of Adoption: June 22, 1999.

Purpose: Amend the rule to succinctly state that the offer to practice or provide engineering or land surveying services must be made by, or under the direct supervision of, a licensee qualified under chapter 18.43 RCW. Repeal the amended rule, WAC 196-24-092, from chapter 196-24 WAC and move it to chapter 196-25 WAC. Its new section number is WAC 196-25-060.

Citation of Existing Rules Affected by this Order: Repealing WAC 196-24-092.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 99-10-083 on May 4, 1999.

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 1, Amended 0, Repealed 1.

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

Effective Date of Rule: Thirty-one days after filing.

July 15, 1999

George A. Twiss
Executive Director

NEW SECTION

WAC 196-25-060 Offer to practice. The offer to practice or provide engineering or land surveying services must be made by or under the direct supervision of a licensee qualified to offer said services under the provisions of chapter 18.43 RCW.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-24-092 Offer to practice.

WSR 99-15-055
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed July 15, 1999, 4:38 p.m.]

Date of Adoption: June 22, 1999.

Purpose: Amend the rule to more clearly define "final documents," "preliminary documents," "plan sets," and "specifications," and describe when and how the seal/stamp must be affixed to those documents. Add a new category called "document review" which the seal/stamp must also be affixed to. Repeal the amended rule, WAC 196-24-097 from chapter 196-24 WAC and move it to the new chapter 196-23 WAC titled Stamping and seals. The rules' new section number is WAC 196-23-020.

Citation of Existing Rules Affected by this Order: Repealing WAC 196-24-097.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 99-10-085 on May 4, 1999.

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 1, Amended 0, Repealed 1.

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

PERMANENT

Effective Date of Rule: Thirty-one days after filing.

July 15, 1999

George A. Twiss
Executive Director

NEW SECTION

WAC 196-23-020 Seal/stamp usage. The use of the seal/stamp shall be in accordance with chapter 18.43 RCW or as otherwise described herein:

(1) Final documents are those documents that are prepared and distributed for filing with public officials, use for construction, final agency approvals or use by clients. Any final document must contain the seal/stamp, license expiration date and signature of the licensee who prepared or directly supervised the work. For the purpose of this section "document" is defined as plans, specifications, plats, surveys and reports.

(2) Preliminary documents are those documents not considered final as defined herein, but are released or distributed by the licensee. Preliminary documents must be clearly identified as "PRELIMINARY" or contain such wording so it may be differentiated from a final document. Preliminary documents shall be stamped and dated, but need not be signed by the licensee.

(3) Plan sets: Every page of a plan set must contain the seal/stamp and signature of the licensee(s) who prepared or who had direct supervision over the preparation of the work.

(a) Plans/plats containing work prepared by or under the direct supervision of more than one licensee shall be sealed/stamped by each licensee and shall clearly note the extent of each licensee's responsibility.

(b) As provided for in subsections (1) and (2) of this section, each page of a plan set must contain the seal/stamp of the licensee who prepared or who had direct supervision over the preparation of the work and may contain the signature of the licensee depending on whether the plan set is final or preliminary.

(c) Plan/plat sheets containing and/or depicting background and/or supporting information that is duplicated from other plans need only be sealed/stamped by the licensee(s) who prepared or was in direct supervision of the design on that plan sheet. Whenever possible, the origin of the background information should be noted on the plan sheet.

(d) All design revisions to final plan/plat sheets shall be performed by qualified licensees and shall be done in accordance with the provisions of RCW 18.43.070. The revised plan/plat sheets shall clearly identify on each sheet; the revisions made and shall contain the name and seal of the licensee, and signature of licensee with the date the revision was made.

(4) Specifications: Specifications that are prepared by or under the direct supervision of a licensee shall contain the seal/stamp and signature of the licensee. If the specifications prepared by a licensee are a portion of a bound specification document that contains specifications other than that of an engineering or land surveying nature, the licensee need only seal/stamp that portion or portions of the documents for which the licensee is responsible. Nothing herein should be

construed to require that each page of an engineering or land surveying specification be sealed/stamped by the licensee.

(5) Document review: When a licensee is required to review work prepared by another professional engineer or land surveyor, the reviewing licensee shall fully review those documents and shall prepare a report that discusses the findings of the review with any supporting calculations and sketches. The reviewing licensee would then seal/stamp and sign the report. The report would make reference to and/or be attached to the subject document(s) reviewed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-24-097 Seal/stamp usage.

WSR 99-15-056

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed July 15, 1999, 4:38 p.m.]

Date of Adoption: June 22, 1999.

Purpose: Amend to change the emphasis of the rule and to recognize that there are other forms of businesses besides corporations that offer engineering and land surveying services. The current emphasis is on having licensed employees to seal and sign documents. The rule was changed to emphasize that when a business, organization of public agency offers or performs engineering services, it must be done in accordance with chapter 18.43 RCW and the applicable rules. The amended rule, WAC 196-24-098, was repealed from chapter 196-24 WAC and moved to the new chapter 196-23 WAC. The rules' new section number is WAC 196-23-050.

Citation of Existing Rules Affected by this Order:
Repealing WAC 196-24-098.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 99-10-087 on May 4, 1999.

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 1, Amended 0, Repealed 1.

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

Effective Date of Rule: Thirty-one days after filing.

July 15, 1999
George A. Twiss
Executive Director

Effective Date of Rule: Thirty-one days after filing.

July 15, 1999
George A. Twiss
Executive Director

NEW SECTION

WAC 196-23-050 Practice by businesses, organizations or public agencies. When a business, organization or public agency offers or performs engineering or land surveying services as defined in RCW 18.43.020, the business, organization or public agency shall perform its duties and responsibilities in accordance with chapter 18.43 RCW and applicable rules.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-24-098 Documents prepared by a corporation, organization, or public agency.

WSR 99-15-057

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed July 15, 1999, 4:39 p.m.]

Date of Adoption: June 22, 1999.

Purpose: Amend the rule to clarify and describe the appropriate document that a corporation or limited liability company must submit to the board yearly to renew their certificate of authority to practice engineering and/or land surveying in the state.

Citation of Existing Rules Affected by this Order: Amending WAC 196-25-040.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 99-10-080 on May 4, 1999.

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.

AMENDATORY SECTION (Amending WSR 98-12-053, filed 5/29/98, effective 7/1/98)

WAC 196-25-040 Provisions pertaining to both corporations and limited liability companies. (1) If the business offers both engineering and land surveying services, there must be a designee for each profession. If a person is licensed in both engineering and land surveying, that person may be designated for both professions.

(2) An affidavit must be signed by the designee(s) stating that he or she knows they have been designated by the business as being responsible for the engineering and/or land surveying activities in the state of Washington.

(3) The designated engineer and/or designated land surveyor must be an employee of the business.

(4) No person may be the designated engineer or designated land surveyor at more than one business at any one time.

(5) If there is a change in the designee(s), the business must notify the board in writing within thirty days of the effective date of the change and submit a new affidavit.

(6) If the business changes its name, the business must submit a copy of its amended certificate of authority or amended certificate of incorporation (for corporations) or a copy of the certificate of amendment (for LLC's), as filed with the secretary of state within thirty days of the filing.

(7) At the time of renewal, ~~((a copy of the business' business license must be submitted to insure that the company is registered with the secretary of state and has a current uniform business identification (UBI) number))~~ the corporation or limited liability company must submit a copy of the document issued to their company by the state of Washington master license service which states that the corporation or limited liability company has been "renewed by the authority of the secretary of state" and shows a current expiration date.

(8) The filing of the resolution shall not relieve the business of any responsibility or liability imposed upon it by law or by contract. Any business that is certified under chapter 18.43 RCW and this chapter is subject to the authority of the board as provided in RCW 18.43.035, 18.43.105, 18.43.110, and 18.43.120.

WSR 99-15-058

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed July 15, 1999, 4:43 p.m.]

Date of Adoption: June 22, 1999.

Purpose: Delete parts of the rule discussing "direct supervision" and "signature" to write as separate rules. Further amend the rule to describe what information must be on the seal and to modernize the use of the stamp/seal in keeping with today's technology. Repeal the amended rule, WAC

196-24-095, from chapter 196-24 WAC and move it to a newly created chapter 196-23 WAC titled Stamping and seals. The rules' new section number is WAC 196-23-010.

Citation of Existing Rules Affected by this Order: Repealing WAC 196-24-095.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 99-10-084 on May 4, 1999.

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 1, Amended 0, Repealed 1.

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

Effective Date of Rule: Thirty-one days after filing.

July 15, 1999

George A. Twiss

Executive Director

Chapter 196-23 WAC

STAMPING AND SEALS

NEW SECTION

WAC 196-23-010 Seals. All individuals licensed in accordance with chapter 18.43 RCW shall procure a seal/stamp that conforms to the design as authorized by the board. It is the responsibility of the licensee to maintain control over the use of his/her stamp/seal. The impression or image of the seal/stamp shall conform to the below-illustrated design and be of a size that assures full legibility of the following required information:

- (1) State of Washington;
- (2) Registered professional engineer or registered professional land surveyor;
- (3) Certificate number;
- (4) Licensee's name as shown on wall certificate;
- (5) Date of license expiration.

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EXPIRES



REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-24-095 Seals.

WSR 99-15-062

PERMANENT RULES

**DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

[Filed July 16, 1999, 4:37 p.m.]

Date of Adoption: July 15, 1999.

Purpose: To revise sections to help with the administration of the program, increase participation, allow for greater flexibility of tribes, and update RCW references.

Citation of Existing Rules Affected by this Order: Chapter 365-140 WAC, amending WAC 365-140-010, 365-140-030, 365-140-040, 365-140-050, and 365-140-060.

Statutory Authority for Adoption: RCW 43.330.040.

Adopted under notice filed as WSR 99-10-114 on May 5, 1999.

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 3, Repealed 0.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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 5, Repealed 0.

PERMANENT

Effective Date of Rule: Thirty-one days after filing.

July 16, 1999

Jean L. Ameluxen, Director
Intergovernmental Relations

AMENDATORY SECTION (Amending Order 87-11, filed 9/18/87)

WAC 365-140-010 Authority. These rules are adopted under the authority of RCW ((~~43.63A.060~~) 43.330.040) (2)(g) which provides that the director shall ((~~make such rules and regulations and do all other things~~) adopt rules necessary ((~~and proper~~)) to carry out the purposes of the chapter ((~~43.63A RCW~~)). RCW ((~~43.63A.065(2)~~) 43.330.130 provides that among its functions and responsibilities the department shall ((~~administer state and federal grants and programs which are assigned to the department by the governor or the legislature~~)) coordinate services to communities that are directed to the poor and disadvantaged, including emergency food assistance.

AMENDATORY SECTION (Amending WSR 95-12-002, filed 5/24/95, effective 7/1/95)

WAC 365-140-030 Definitions. (1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "Food bank" means an emergency food program that distributes unprepared food ((~~on a regular basis without a charge~~)) without charge to its clients, is open a fixed number of hours and days each week or month, and such hours and days are publicly posted.

(4) "Food distributor" means a food distribution agency that collects, warehouses, and distributes food to emergency food programs and other charities on a county, regional, or state-wide basis.

(5) "Commodity program" means a program that primarily distributes USDA surplus commodities to clients (TEFAP).

(6) "Emergency food assistance program" means the state-wide activities of the department to assist local emergency food programs by allocating and awarding state funds.

(7) "Applicant" means a public or private nonprofit organization, tribe or tribal organization which applies for state emergency food assistance.

(8) "Contractor" means an applicant which has been awarded state funds under the emergency food assistance program, and which has entered into a contract with the department of community, trade, and economic development to provide emergency food assistance to individuals.

(9) "Lead agency contractor" means a contractor which may subcontract with one or more local food banks to provide emergency food assistance to individuals, and with food distributors to provide food to food banks.

(10) "Tribal food voucher program" means the state-wide activities of the department which allocate and award state funds to tribes and tribal organizations that issue food vouchers to clients.

(11) "Religious service" means any sectarian or non-denominational service, rite, or meeting that involves worship of a higher being.

(12) "Participating food bank" means a local public or private nonprofit food bank which enters into a subcontract with a lead agency contractor to provide emergency food assistance to individuals.

(13) "Emergency food" means food that is given to clients who do not have the means to acquire that food themselves, so that they will not go hungry.

(14) "Special dietary needs" mean funds to purchase food that meets the nutritional needs of special needs population.

(15) "In-kind" means the value of volunteer services or donated goods such as staff time, rent, food, supplies and transportation.

(16) "Administrative costs" mean management and general expenses, including membership dues, that cannot be readily identified with a particular program or direct services.

(17) "Operational expenses" mean those costs clearly identifiable with providing direct services to eligible clients, or distribution services to food banks such as staff time, transportation costs, and equipment rental.

AMENDATORY SECTION (Amending WSR 95-12-002, filed 5/24/95, effective 7/1/95)

WAC 365-140-040 Contractor funding allocation and award of contracts. At least seventy percent of the total allocation appropriated by the legislature shall be contracted to lead agency contractors. These funds shall be for the purpose of funding the activities of food banks and food distributors, the purchase of special dietary needs foods, and providing special dietary needs training. The specific appropriation for timber and salmon dependent communities shall be contracted to food banks in those communities. Of the remainder of the total allocation, not including department administrative costs, allocations shall be contracted to a discretionary program if the department elects to award such contracts, the tribal food voucher program, and additional special dietary needs training. Allocations for each county shall be contracted to lead agency contractors on the following basis:

(1) A formula for distributing the funds in proportion to need shall be established by the department in consultation with a committee appointed by the director or the director's designee.

((~~The formula shall address the following:~~

(a) ~~Poverty population in each county; and~~

(b) ~~Unemployed population in each county.)) This formula may only be changed at the beginning of a biennial contract period.~~

(2) The department shall award the lead agency contract to an eligible contractor as defined by the department, that is supported by a least two-thirds of the participating food banks in a county.

(3) The department may award the combined allocation for two or more counties to a single applicant.

(4) The department shall award a contract to no more than one lead agency contractor in each county, with the

exception of King County, where there may be three lead agency contractors, to administer subcontracts with one or more participating food banks and food distributors.

(5) ~~Federally recognized tribes ((that have signed the Centennial Accord))~~ may apply to the department directly for the food bank program without having to subcontract with the lead agency. They must meet all the same criteria and requirements as lead agencies.

(6) Within each lead agency service area, except for the additional funds specifically allocated for food banks in timber and salmon dependent communities, funds shall be allocated between food distributors, food banks, and special dietary needs foods and training based on a two-thirds vote of all participating food banks and the lead agency.

(7) The additional funds specifically allocated for food banks in timber and salmon dependent communities shall remain in the amounts identified by the legislature.

(8) If participating food banks designate funds for food distribution, they shall elect with a two-thirds vote of the participating food banks and the lead agency, an eligible distributor as defined by the department. They may choose more than one distributor with which to subcontract. The lead agency contractor shall be responsible for subcontracting with the food distributor(s).

(9) A formula for distributing the funds to each tribe and tribal organization participating in the ~~((tribal food voucher))~~ emergency food assistance program in proportion to need shall be established by the department in consultation with a committee ~~((appointed by the director or the director's designee. The formula shall address the following:~~

~~(a) Poverty population in each tribe; and
(b) Unemployment population in each tribe))~~ consisting of representatives from all tribes participating in the program. This formula may only be changed at the beginning of a biennial contract period.

(10) The department shall pay for services provided under the emergency food assistance program after the contractor submits a monthly report of expenditures incurred and a request for reimbursement.

(11) Tribes may apply for ~~((either))~~ the food bank funds or ((tribal)) the food voucher funds((- but not for)) or both. ((A tribe's allocation for either the tribal food voucher program or the food bank program shall be the amount that the tribe would receive as a participant in the tribal voucher program. (E.g., should a tribe participate in the food bank program, its allocation will not be computed from the county's total food bank funds available, but from the tribal food voucher program's total funds available.)) Tribes will receive the same amount of funds whether they participate in one or both programs, computed as their share of the allocated EFAP tribal funds. It will be up to the discretion of each participating tribe how it allocates the EFAP funds.

(12) In the event that funds are not claimed by an eligible organization in a county or that a portion of the funds allocated to a county remains unspent, the lead agency contractor may request authorization from the department to reallocate funds, within its service area, to an area of unmet need.

(13) In the event that a portion of the funds allocated to a subcontracting tribe within a tribal contractor's contract remains unspent or unclaimed, the tribal contractor may

request authorization from the department to reallocate funds to one of its other subcontracting tribes with unmet needs.

AMENDATORY SECTION (Amending WSR 95-12-002, filed 5/24/95, effective 7/1/95)

WAC 365-140-050 Applicant eligibility criteria. (1) The applicant must have a certified form from the IRS stating nonprofit status under section 501 (c)3, or be a public nonprofit agency, be a recognized tribe, a tribal organization with 501 (c)3 status, or an unrecognized tribe with 501 (c)3 status.

(2) The applicant for funding as lead agency must have been operating as a public nonprofit or private nonprofit with 501 (c)3 status for one year prior to the beginning date of the contract.

(3) The applicant for funding as a participating food bank must have been operating as a public nonprofit or private nonprofit with 501 (c)3 status food bank for one year prior to the beginning date of the subcontract. ~~((Participating private nonprofit food banks without 501 (c)3 status may also be sponsored by a local public nonprofit agency or private nonprofit agency with 501 (c)3 status.))~~

(4) The applicant for funding as a food distributor must have been operating as a public nonprofit or a private nonprofit with 501 (c)3 status food distributor for one year prior to the beginning date of the contract.

(5) The applicant for lead agency or tribal contractor may or may not actually provide emergency food program services.

(6) The applicant must practice nondiscrimination in providing services and employment.

(7) The applicant must not require participation in a religious service as a condition of receiving emergency food or a food voucher.

(8) Applicants within a county or multicounty region, or tribes with established parameters for service, may define their service area boundaries for the purpose of equitably allocating resources. The department encourages the provider to serve the client no matter what service areas the client resides in. If appropriate, the provider may then refer the client to the agency servicing the area in which the client resides, or to the tribe which has established jurisdiction over the individual, for further assistance. Providers must practice nondiscrimination when applying their service area policies.

(9) The applicant may not charge for food or food vouchers given to a client.

AMENDATORY SECTION (Amending WSR 95-12-002, filed 5/24/95, effective 7/1/95)

WAC 365-140-060 Financial support application process. (1) Potential applicants will be notified by the department that in order to be considered for state emergency food financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period indicated on the contract face sheet. Failure of an applicant to make application in

a timely manner, as specified by the department, may result in denial of the funding request.

(3) Department funds may not supplant other existing funding sources.

(4) Department funds may not be used to defray costs of distributing USDA commodities under the commodity program.

(5) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

(6) Applicants that receive food bank or food distribution funds are subject to the following fiscal requirements:

(a) The total funds from the department received by a nontribal lead agency contractor (~~((participating food bank))~~) or a food (~~(distributor)~~) distribution subcontractor (~~((for the emergency food assistance program))~~) must be equally matched by funds from other sources during the fiscal year. No more than fifty percent of that match may be documented in-kind contributions. Nontribal participating food banks receiving funds from the department have two options for matching funds: They may equally match the EFAP funds, with no more than fifty percent being documented in-kind contributions; if they do not have at least one-half of their minimum match as cash, they may match their department funds by at least two hundred percent in in-kind contributions from other sources.

(b) Administrative costs for food bank and food distributor subcontractors under this program are limited to ten percent of their total contract award. Administrative costs for a lead agency contractor ~~((s))~~ who also provides direct emergency food assistance services as a participating food bank and/or services as a food distributor are limited to ten percent of the contractor's allocation for providing direct services (~~as a participating food bank, and~~), ten percent of the contractor's allocation for providing direct services, ten percent of the contractor's allocation for providing food distributor services, and ten percent of the total contract award as food bank lead agency (~~(contractor)~~); total administrative costs, however, may not exceed fifteen percent of the total contract award. Administrative costs for agencies who are lead agency contractors only are limited to ten percent of their total contract award.

(7) Tribal applicants (~~((that receive tribal food voucher funds))~~) are subject to the following fiscal requirements:

(a) Tribal contractors and subcontractors must match thirty-five percent of the funds received by the department for the emergency food assistance program. No more than fifty percent of that match may be documented in-kind contributions.

(b) Of ~~((their total))~~ a contract award allocated to the tribal food voucher program, tribal contractors may not spend more than ten percent on administrative costs, and five percent on operational expenditures. The balance of funds is to be used for food vouchers issued to clients. Of funds allocated to the food bank program, tribal contractors are subject to the same spending requirements as nontribal food bank contractors as per WAC 365-140-060 (6)(b).

WSR 99-15-065
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Management Services Administration)
[Filed July 19, 1999, 10:23 a.m.]

Date of Adoption: July 19, 1999.

Purpose: Repeals old chapter 388-320 WAC, Public records disclosure—Administrative procedures, and replaces it with new chapter 388-01 WAC, DSHS organization/disclosure of public records. Chapter 388-01 WAC is written in clear rule writing style to comply with the criteria in the Governor's Executive Order 97-02. These rules clearly explain how individuals or organizations request public records from DSHS, and how DSHS responds to public records requests.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-320-010, 388-320-030, 388-320-100, 388-320-110, 388-320-115, 388-320-130, 388-320-132, 388-320-133, 388-320-135, 388-320-140, 388-320-170, 388-320-205, 388-320-210, 388-320-220, 388-320-225, 388-320-235, 388-320-240, 388-320-375, 388-320-450, and 388-320-460.

Statutory Authority for Adoption: RCW 42.17.250 and 34.05.220.

Adopted under notice filed as WSR 99-11-085 on May 19, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-01-060(4), added the underlined information "(4) DSHS may ask an individual requesting a public record for personal identification when the law makes a record disclosable to a specific person."

WAC 388-01-070, added subsection (2) to clarify the department's right to protect public records.

WAC 388-01-100 was removed from the rules because it conflicted with WAC 388-01-090, as a result of this subsequent rules were renumbered. Other editorial and organizational changes were made to make the rules clearer and more user friendly.

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 20, Amended 0, Repealed 20.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 20, Amended 0, Repealed 20.

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 20, Amended 0, Repealed 20.

Effective Date of Rule: Thirty-one days after filing.

July 19, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Chapter 388-01 WAC**DSHS ORGANIZATION/DISCLOSURE OF PUBLIC RECORDS**NEW SECTION

WAC 388-01-010 What are the purposes of this chapter? The purposes of this chapter are to:

- (1) Describe the organization of the department of social and health services (DSHS);
- (2) Ensure that DSHS complies with laws governing the disclosure (release) of public records; and
- (3) Explain how an individual or organization can obtain public records.

DSHS ORGANIZATIONNEW SECTION

WAC 388-01-020 What is DSHS and how is DSHS organized? (1) DSHS was created to unite related statewide social and health service programs within a single agency. DSHS programs are designed to protect the general public, as well as persons who are unable to fully care for themselves or meet their basic needs.

(2) It is organized into seven administrations plus the secretary's and deputy secretary's offices:

- (a) Aging and adult services,
- (b) Children's services,
- (c) Economic services,
- (d) Health and rehabilitative services,
- (e) Juvenile rehabilitation,
- (f) Management services, and
- (g) Medical assistance.

(3) To request an organizational chart, contact: DSHS, Office of the Secretary, P.O. Box 45010, Olympia, WA 98504-5010, or telephone number (360) 902-7800.

(4) DSHS has offices in the community to serve clients. Local DSHS offices have various names, such as community services office (CSO), regional offices, home and community services (HCS), division of child support (DCS), children's services, division of developmental disabilities (DDD) field service offices, and facilities.

DISCLOSURE OF PUBLIC RECORDSNEW SECTION

WAC 388-01-030 What department records are considered public? (1) Public records are those records that are not confidential or otherwise exempt from release to the public. DSHS prepares and keeps public records that relate to the programs it administers.

(2) Different types of public records may include: documents, audio and video recordings, pictures, electronic disks, and magnetic tapes.

NEW SECTION

WAC 388-01-040 What public records are available for release? (1) Public records kept by DSHS are available for release unless the law specifically excludes (or exempts) them.

(2) For a list of public records that are excluded from public disclosure by law, see RCW 42.17.310 through RCW 42.17.31911, and other disclosure laws specific to DSHS programs.

NEW SECTION

WAC 388-01-050 Who should be contacted to request a public record? An individual should contact the public disclosure coordinators at DSHS offices to request a public record. Public disclosure coordinators are located at local community service offices (CSO), regional offices, home and community services (HCS), division of child support (DCS), children's services, DDD field services offices, DSHS facilities, and within each DSHS administration.

NEW SECTION

WAC 388-01-060 How can an individual request a public record? (1) An individual can request a public record orally or in writing. DSHS encourages that all public record requests be in writing on a "request for disclosure of DSHS records" form, DSHS 17-041(X). Individuals may request this form from DSHS, Forms and Records Management Services, P.O. Box 45805, Olympia, WA 98504-5805, (360) 664-6120, or e-mail at DSHSFormsRecordsMgmt@dshs.wa.gov.

(2) If the form is not used, the written public record request should include the following information:

- (a) The requester's name, organization, mailing address, telephone number, fax number, and e-mail address;
- (b) The date of the request;
- (c) A detailed description of the public record being requested;
- (d) The address where copies of the record are to be mailed, or if the requester wants to examine the record at DSHS; and
- (e) The signature of the requester.

(3) An individual can fill out a record request at a DSHS office, or send it by regular mail, electronic mail, or fax to the public disclosure coordinator at the appropriate DSHS office.

(4) DSHS may ask an individual requesting a public record for personal identification when the law makes a record disclosable to a specific person.

NEW SECTION

WAC 388-01-070 When can a public record be examined? (1) Individuals can examine public records during DSHS office hours. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, except for legal holidays. Contact the public disclosure coordinator in the appropriate office to arrange a time to examine the public record.

(2) In order to preserve the record or prevent interference in the performance of departmental duties, DSHS reserves the right to restrict an individual's ability to examine or copy public records. This does not prevent DSHS from providing copies of the public record by mail.

NEW SECTION

WAC 388-01-080 Does DSHS charge for examining or copying public records? (1) There is no fee for examining public records.

(2) DSHS charges one or more of the following fees for copies of public records:

(a) Up to fifteen cents per page for black and white photocopies of a record;

(b) The actual cost of manuals, blueprints, and other non-printed materials such as audio or video tapes; and

(c) The cost of postage, when items are mailed (see RCW 42.17.260).

(3) Government agencies, or DSHS clients involved in an administrative hearing procedure, may receive public records reasonably related to the hearing free of charge.

(4) DSHS may waive copying and postage fees if:

(a) Providing a copy of the record assists in managing a program; or

(b) The expense of billing exceeds the copying and postage costs.

NEW SECTION

WAC 388-01-090 When and how must DSHS respond to a public record request? Within five business days after receiving the public record request, DSHS must review the public record and must:

(1) Provide the public record; or

(2) Acknowledge receipt of the request, and give the DSHS date for response; or

(3) Deny the request in writing, noting the reason(s) for denial.

NEW SECTION

WAC 388-01-100 When might DSHS need to extend the time to respond to a public record request? (1) DSHS might need to extend the time to respond to a public record request to:

(a) Locate and gather the information requested;

(b) Notify an individual or organization affected by the request; and/or

(c) Determine whether the information requested is exempt and whether all or part of the public record requested can be released; and/or

(d) Contact the individual requesting the public record to clarify the intent, scope or specifics of the request. If the individual requesting the public record fails to clarify the request, DSHS does not have to respond to the request.

NEW SECTION

WAC 388-01-110 What if an individual thinks DSHS is unreasonably delaying the release of a public record? If an individual requesting a public record thinks DSHS is unreasonably delaying the release of a public record, the individual may:

(1) Petition the public disclosure coordinator to release the public record before the date indicated on DSHS response (see WAC 388-01-090); or

(2) File a lawsuit in superior court to require DSHS to release the public record.

NEW SECTION

WAC 388-01-120 What if the public record that is requested contains information that is exempt from public disclosure? (1) If the requested public record contains information that is exempt from public disclosure, DSHS may:

(a) Release the nonexempt portion, explaining what exemption applies to the deleted portion of the record; or

(b) Deny release of the entire record, sending a written explanation citing the exemption that applies to the denial.

(2) DSHS may release information to law enforcement officers and United States immigration officials to the extent authorized by RCW 74.04.062.

NEW SECTION

WAC 388-01-130 What are an individual's options if DSHS denies a public record request? If DSHS denies a public record request, an individual may do any of the following:

(1) Petition for a review of the denied request from the denying public disclosure coordinator or a director approved designee. Contact DSHS to obtain a petition form (DSHS 17-062(X)) at: DSHS Forms and Records Management Services, P.O. Box 45805, Olympia, WA 98504-5805, (360) 664-6120, or e-mail DSHSFormsRecordsMgmt@dshs.wa.gov. DSHS has two business days after receiving the petition to respond. If DSHS upholds the denial, the decision is considered final; or

(2) Ask the office of the attorney general to review the public record request.

(a) Send a copy of the denied public record request and the DSHS written denial to:

Office of Attorney General

Public Records Review

P.O. Box 40100

Olympia WA 98504-0100

(b) The office of the attorney general will review the request and DSHS denial. The office of attorney general issues a written opinion as to whether the requested public record is excluded from disclosure.

(3) File a lawsuit for release of a public record in superior court in the county where the public record is located.

(a) DSHS must establish that its denial of a public record is legal.

(b) If the DSHS denial is reversed, the court may require DSHS to pay costs and attorney fees. DSHS may be fined five dollars to one hundred dollars a day for each day they denied the public record.

NEW SECTION

WAC 388-01-140 If a public record contains personal information that identifies an individual or organization, other than the subject of the record, is that individual or organization notified? (1) If a public record contains personal information that identifies an individual or organization other than the subject of the requested public record, DSHS may notify that individual or organization.

(2) DSHS may send a written notice to the individual or organization if releasing the personal information could damage the individual or organization, or government operations, or is not in the best interest of the public. The notice should include:

- (a) The record being requested;
- (b) The date DSHS intends to release the record; and
- (c) How the individual or organization can prevent release of the record (see RCW 42.17.330).

(3) DSHS may also send a written notice to the record requester notifying them that:

- (a) The individual or organization whose personal information is contained in the requested public record has been notified;
 - (b) DSHS expects a response from the individual or organization regarding disclosure of their personal information by a specified date; and
 - (c) Disclosure may be denied.
- (4) DSHS releases the record by the specified date if no one objects or the contacted party does not respond by the specified date.

(5) DSHS must notify the office of the attorney general when an individual or organization, other than the subject of a record, files a lawsuit to prevent release of the record.

NEW SECTION

WAC 388-01-150 Can an individual's record be requested by his or her representative? (1) An individual's attorney, legal guardian, or lay representative can request the individual's record with a signed written release.

- (2) The written release must include:
 - (a) The identity of the individual(s) or organization(s) authorized to receive the records;
 - (b) An identification of the record(s), or part of the record, that the individual wants released; and
 - (c) The date the release expires.
- (3) DSHS may ask for identification verifying the representatives's relationship to the individual.

NEW SECTION

WAC 388-01-160 Is DSHS required to create public records for requesters? (1) DSHS is only required to provide access to existing, identifiable public records in its possession at the time of the request (see RCW 42.17.270).

(2) DSHS is not required to collect information to create a public record that does not exist at the time of the public record request.

NEW SECTION

WAC 388-01-170 Can DSHS release public records to its offices and to outside agencies? (1) For the purposes of this chapter, outside agencies include, but are not limited to, group homes, mental health centers, drug and alcohol agencies, and other state agencies.

(2) DSHS may release public records to its offices and to outside agencies when the information relates to the administration of DSHS programs unless exempt by 45 C.F.R. 205.50 or other law.

(3) If an outside agency requests a public record for reasons other than information that relates to the administration of DSHS programs, the outside agency must have the individual's written authorization.

(4) Outside agencies receiving information are subject to applicable disclosure confidentiality laws.

NEW SECTION

WAC 388-01-180 Who should be contacted to review an interpretive or policy statement index, or to get a copy of the documents? DSHS issues administrative policy statements that apply to the whole department. Administrations may issue policies and interpretive statements that relate to their own programs. See RCW 34.05.010.

(1) To receive a copy of a DSHS administrative policy, send a written request to: Office of Legal Affairs, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, Washington 98504-5850.

(2) To receive a copy or review a specific administration's policies or interpretive statements, send a written request to the administration.

NEW SECTION

WAC 388-01-190 How can an individual get an index of DSHS significant decisions? (1) The DSHS board of appeals reviews and selects orders and creates an index of significant decisions that substantially affect DSHS performance (see RCW 42.17.260).

- (2) The index:
 - (a) Is divided into program categories;
 - (b) Contains a copy or synopsis of the order; and
 - (c) Is updated, as needed.
- (3) An individual can inspect or request a copy of the index by contacting the board of appeals located at:

Board of Appeals
 Blake Office Park
 4500 - 10th Avenue Southeast
 Lacey, WA 98503-5803
 (360) 664-6100

Mailing address:
 Board of Appeals
 P.O. Box 45803

Olympia, WA 98503-5803

(4) An individual may ask the board of appeals to index an order as a significant decision by sending a written request with a copy of the order to the mailing address.

NEW SECTION

WAC 388-01-200 How are petitions for declaratory orders filed? (1) First, read the information on declaratory orders in RCW 34.05.240 and WAC 10-08-250, 10-08-251, and 10-08-252.

(2) Next, file the petition with the Rules and Policies Assistance Unit; DSHS; P.O. Box 45850; Olympia, WA 98504-5850.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-320-010 Purpose.
- WAC 388-320-030 Establishment of department.
- WAC 388-320-100 Public records available.
- WAC 388-320-110 Public records officer.
- WAC 388-320-115 Disclosure coordinator.
- WAC 388-320-130 Request for disclosure of a public record.
- WAC 388-320-132 Preserving requested records.
- WAC 388-320-133 Approval or denial of request.
- WAC 388-320-135 Disclosure to client's representative.
- WAC 388-320-140 Fees—Inspection and copying.
- WAC 388-320-170 Protection of public records.
- WAC 388-320-205 Disclosure procedure.
- WAC 388-320-210 Remedy for review of denial of disclosure.
- WAC 388-320-220 Exemptions to public records disclosure.
- WAC 388-320-225 Qualifications on nondisclosure.
- WAC 388-320-235 Disclosure for program purposes.
- WAC 388-320-240 Disclosure for other than program purposes.
- WAC 388-320-375 How do I file petitions for declaratory orders?
- WAC 388-320-450 Interpretive and policy statements roster and index.

WAC 388-320-460

Final adjudicative and declaratory order index.

**WSR 99-15-067
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Adult Services)
(Office of Rates Management)
[Filed July 19, 1999, 10:32 a.m.]

Date of Adoption: July 19, 1999.

Purpose: To change cross references in chapter 388-78A WAC from chapter 246-316 WAC to chapter 388-78A WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-78A-020, 388-78A-040, 388-78A-050, 388-78A-055, 388-78A-150, 388-78A-240, 388-78A-265, 388-78A-320, and 388-78A-330.

Statutory Authority for Adoption: RCW 18.20.240.

Adopted under notice filed as WSR 99-09-052 on April 19, 1999.

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 9, 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 9, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 19, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 99-16 issue of the Register.

**WSR 99-15-069
PERMANENT RULES
EMPLOYMENT SECURITY DEPARTMENT**

[Filed July 19, 1999, 1:50 p.m.]

Date of Adoption: July 13, 1999.

Purpose: To clarify procedures for filing appeals, petitions for hearing, and petitions for review, and the procedures to be used by interstate claimants when filing applications for unemployment benefits, following the implementation of unemployment claims telecenters.

PERMANENT

Citation of Existing Rules Affected by this Order: Repealing WAC 192-12-130; and amending WAC 192-04-060.

Statutory Authority for Adoption: RCW 50.20.010, 50.12.040.

Adopted under notice filed as WSR 99-01-161 on December 23, 1998.

Changes Other than Editing from Proposed to Adopted Version: Additional language was added to WAC 192-110-010(6) to clarify the appeals process; the change is not substantive.

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 1, Repealed 1.

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

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

Effective Date of Rule: Thirty-one days after filing.

July 17, 1999

Carver Gayton

Commissioner

AMENDATORY SECTION (Amending WSR 95-18-055, filed 8/31/95, effective 10/1/95)

WAC 192-04-060 Appeals—Petitions for hearing—Petitions for review—Time limitation—Forms. (1) Appeals and petitions for hearing. Any interested party who is aggrieved by any decision of the department set forth in WAC 192-04-050 may file a written appeal or petition for hearing ~~((in person at, or))~~ by mailing it or sending it via electronic telefacsimile to ((, any job service center or district tax office or the unemployment compensation agency in any other state or territory in which he or she then resides)) the unemployment claims telecenter indicated on the determination notice or order and notice of assessment.

The appeal or petition for hearing shall be filed within thirty days of the date the decision is delivered or mailed, whichever is the earlier. ~~((If-))~~The appeal and/or petition for hearing ~~((is mailed, it))~~ shall be filed in accordance with the provisions of RCW 50.32.025.

(2) Petitions for review. Any interested party who is aggrieved by a decision of the office of administrative hearings, other than an order approving a withdrawal of appeal, an order approving a withdrawal of a petition for hearing, a consent order, or an interim order, may file a written petition for review in accordance with the provisions of WAC 192-04-170. The petition for review shall be filed within thirty days of the date of delivery or mailing of the decision of the

office of administrative hearings, whichever is the earlier. ~~((If-))~~The petition for review ~~((is mailed, it))~~ shall be filed in accordance with the provisions of RCW 50.32.025.

(3) Forms. At the request of an interested, aggrieved party, the employment security department shall furnish forms for the filing of a notice of appeal, petition for hearing, or petition for review, but the use of such forms is not a jurisdictional requirement.

NEW SECTION

WAC 192-110-010 Applications for benefits by interstate claimants. (1) **What is an "interstate claimant"?** An "interstate claimant" is a person who files a claim for one state's unemployment benefits from another state. The state that pays your claim is called the "liable state". For example:

(a) You are an interstate claimant if you live in Oregon and file a claim from Oregon for benefits that will be paid by Washington.

(b) You are an interstate claimant if you live in Washington and file a claim in Washington for benefits that will be paid by Oregon.

(c) You are NOT an interstate claimant if you live in Oregon but file your claim for Washington benefits in Washington; this is because your claim was filed in the same state that will be paying your benefits.

(2) **Where can I apply for benefits?** You can file your application for benefits from any state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or Canada.

(3) **How do I apply for benefits?** Place a telephone call to the unemployment claims telecenter in Washington. You will be asked whether you worked in any state other than Washington within the last two years. This will help decide which state will be paying your claim.

(a) If Washington will be paying your claim, your application for benefits will be taken over the telephone;

(b) If another state will be paying your claim, you will be told how to file your claim with that state.

(4) **Who decides if I am eligible for benefits?** Every state has its own laws which control eligibility for benefits. If you file a claim for Washington benefits, your eligibility for benefits will be decided by Washington state law even if you file from another state. If you file for benefits against another state, your eligibility for benefits will be decided under that state's laws.

(5) **When can I apply for benefits?** You can apply for benefits at any time, even if you are working. However, if you already have a valid claim in one state, you must continue with that claim as long as benefits are available before a new claim against another state can be established. A "valid" claim is one that has not been denied, terminated, or the benefits exhausted (paid out).

(6) **How do I file an appeal?** If you wish to file an appeal about your claim, do so by filing it directly with the state that is paying your claim (liable state):

(a) If Washington is paying your claim, use one of the filing methods listed in WAC 192-04-060. If mailed, your appeal will be considered filed on the postmarked date.

PERMANENT

(b) If another state is paying your claim, mail your appeal directly to that state.

All appeal hearings will be conducted by the liable state by telephone. The liable state will notify you of the date, time, and telephone number of the hearing.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-12-130 Unemployment benefits for interstate claimants.

WSR 99-15-070
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed July 19, 1999, 1:56 p.m.]

Date of Adoption: July 17, 1999.

Purpose: To amend rules which are outdated and/or which require streamlining to facilitate additional flexibility to public procurement procedures and to enable OSP to improve our business.

Citation of Existing Rules Affected by this Order: Amending WAC 236-48-003, 236-48-011, 236-48-012, 236-48-013, 236-48-021, 236-48-024, 236-48-025, 236-48-035, 236-48-036, 236-48-071, 236-48-079, 236-48-083, 236-48-085, 236-48-094, 236-48-096, 236-48-098, 236-48-099, 236-48-111, 236-48-121, 236-48-122, 236-48-123, 236-48-124, 236-48-132, 236-48-141, 236-48-142, 236-48-143, 236-48-153, 236-48-165, 236-48-166, 236-48-167, 236-48-190, 236-48-230, 236-48-250, 236-48-251, 236-48-252, 236-48-253, 236-49-001, 236-49-010, 236-49-020, 236-49-055, and 236-49-060.

Statutory Authority for Adoption: Chapter 43.19 RCW.

Adopted under notice filed as WSR 99-10-069 on May 4, 1999.

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 41, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 41, 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 17, 1999

Pat Kohler
Assistant Director

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-003 Definitions. As used in this chapter the following terms shall have the following meanings; additional terms shall have meanings as outlined under WAC 236-49-010:

(1) **Agency.** Shall include state of Washington institutions, ~~((colleges, community colleges and universities;))~~ the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state. "Agency" does not include the legislature but does include colleges, community colleges and universities who choose to participate in state contract(s).

(2) **All or nothing award.** A method of award resulting from a competitive solicitation by which the purchaser will award all items to a single bidder.

(3) **Alternate.** A substitute offer of goods and services which ~~((are))~~ is not at least a functional equal in features, performance ~~((or))~~ and use ~~((of the brand, model or specification designated as the standard))~~ and which materially deviates from one or more of the specifications in a competitive solicitation.

~~((3))~~ (4) **Bid.** A written offer to perform a contract to purchase or supply goods or services in response to an invitation for bid.

~~((4))~~ (5) **Bidder.** A supplier who submits a bid ~~((or))~~, quotation or proposal.

~~((5))~~ (6) **Bidder's bond.** As used in RCW 43.19.1915 shall mean either a bid guarantee or performance guarantee as addressed herein and as further outlined in WAC 236-48-035 through 236-48-036.

~~((6))~~ (7) **Buyer.** An employee of the office of state procurement designated as a buyer, contract administrator, or similar designation by the director, including, where appropriate, the director and other management personnel. Also, authorized employee(s) of a purchasing activity.)

(7) **Brand.** A specification identifying a manufacturer of the goods described in a competitive solicitation to identify a standard of quality against which other products will be evaluated.

(8) **Confidential information.** Any information meeting the criteria in RCW 42.17.310 or any information designated as confidential pursuant to state law.

~~((8))~~ (9) **Contractor.** Individual, company, corporation, firm, or combination thereof with whom purchaser develops a contract for the procurement of goods and services.

~~((9))~~ (10) **Delegated authority.** Authority to purchase goods and/or services delegated to an agency by office of state procurement pursuant to RCW 43.19.190(4) and which is delegated in ~~((three))~~ one of the following forms:

(a) General. Those purchases delegated (~~((annually))~~) by the office of state procurement which are common to multiple state agencies.

(b) Specific. Those purchases delegated (~~((annually))~~) to specific agencies for continuing individual commodity requirements.

(c) Limited. Those purchases delegated to a specific agency for one-time commodity requirements.

~~((+0))~~ **(11) Direct buy limit.** Dollar amount (~~((established by the supply management advisory board))~~) pursuant to RCW 43.19.1906(2) below which (~~((competitive acquisition))~~) competition is not required.

~~((+1))~~ **(12) Director.** Except where otherwise specifically noted shall mean the state purchasing and material control director, who is the assistant director, office of state procurement.

~~((+2))~~ **(13) Emergency purchase.** A purchase made pursuant to RCW 43.19.200 in which the normal competitive purchasing procedures have been waived by a declaration of emergency issued by the agency director as defined in RCW 43.19.200.

~~((+3))~~ **(14) Equal.** An offer of goods and/or services which meets or exceeds the quality, performance and use of the ((brand, model, or)) specifications identified in ((the invitation for bid or request for quotation)) a competitive solicitation.

~~((+4))~~ **(15) Fair market price.** The price determined by the purchasing activity to be consistent with current market value for the goods or services being purchased from community rehabilitation programs and eligible programs of the department of social and health services which has been determined pursuant to RCW 43.19.530.

~~((+5))~~ **(16) Formal sealed bid procedure.** Procedure by which the (~~((buyer))~~) purchasing activity solicits written competitive bids or proposals from a sufficient number of prospective bidders (~~((drawn from established supplier lists and from any other source))~~) thought to be of advantage to the state to assure adequate price and product competition by means of a written invitation for bid (IFB) or request for proposal (RFP) or other solicitation method setting forth specifications and all material and objectively measurable criteria for the intended purchase. Unless exception(s) are authorized in the solicitation document for electronic bid procedures, all bids are to be submitted in sealed envelopes to the location indicated in the bid documents and must be received by the time indicated therein. No disclosure of bids or bid information is made prior to the public bid opening. After the (~~((pub-lic))~~) bid opening, all bid information shall be referred to the (~~((buyer))~~) purchasing activity and treated as confidential working papers until after award at which time all bids become public information. The award is to be made in accordance with RCW 43.19.1911.

~~((+6))~~ **(17) Goods and/or services.** Material, supplies, services, and equipment offered for sale by a supplier(s) and required by an agency to accomplish continuing and necessary functions and not otherwise statutorily exempted from chapter 43.19 RCW (~~((as a personal service under RCW 39.29.006(8); an architectural and engineering service under RCW 39.80.020(5); or data information systems and tele-~~

~~communications equipment, software, and services under chapter 43.105 RCW)).~~

~~((+7))~~ **(18) Informality.** An immaterial variation from the exact requirements of the (~~((invitation for bids))~~) competitive solicitation, having no effect or merely a minor or negligible effect on quality, quantity, or delivery of the supplies or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial to bidders.

~~((+8))~~ **(19) Invitation for bid.** The form utilized to solicit bids in the formal, sealed bid procedure and any amendments thereto issued in writing by the (~~((buyer))~~) purchasing activity. Factors impacting cost and conditions of responsiveness and responsibility are normally evaluated. Noncost factors may be evaluated and all factors may be weighted if considered appropriate.

~~((+9))~~ **(20) Office of state procurement.** The division of purchasing of the department of general administration in RCW 43.19.180 et seq. Whenever a purchase or sale is made by the office of state procurement on behalf of another agency, the office of state procurement is acting in the capacity of agent for such agency.

~~((+0))~~ **(21) Prompt payment discount.** A discount offered by the bidder to encourage timely payment by purchaser within the stated term identified by bidder.

(22) Proposal. An offer to perform a contract to supply goods or services in response to a request for proposal.

(23) Public agency. Shall include all agencies outlined under RCW 39.34.020.

(24) Purchase. Shall include purchase, lease, renting or lease-purchase of goods and services.

~~((+1))~~ **(25) Purchasing activity.** The office of state procurement or an agency authorized by state statute to conduct acquisition of goods and services or delegated that authority by the office of state procurement.

~~((+2))~~ **(26) Quotation.** An offer to perform a contract to supply goods and/or services in response to a request for quotation.

~~((+3))~~ **(27) Recovered material.** Goods containing recovered materials as defined in RCW 43.19.537 et seq. and federal, regional, or state guidelines approved by the director.

~~((+4))~~ **(28) Request for quotation.** The form used (~~((when purchases are solicited))~~) to solicit written quotations in accordance with RCW 43.19.1906(2). The request and the quote in response may be either written or oral as specified by the (~~((buyer))~~) purchasing activity. Factors impacting cost and conditions of responsiveness and responsibility are normally evaluated. Noncost factors may be evaluated and all factors may be weighted if considered appropriate.

~~((+5))~~ **(29) Request for proposal.** The form utilized to solicit written proposals from potential suppliers. Both cost and noncost factors are evaluated in addition to conditions of responsiveness and responsibility to achieve best value. A weighted point assignment method of evaluation may be used if considered appropriate.

(30) Requisition. A standard state form which serves as a procurement request and which requests the office of state procurement to purchase stated requirements.

~~((26))~~ (31) **Sealed bid limit.** That dollar amount established by RCW 43.19.1906(2) or ~~((pursuant thereto))~~ subsequently amended by the office of financial management due to inflationary trends above which the formal sealed bid procedure will be used. ~~((Said amount may be lowered by the director to maintain full disclosure or competitive procurement or otherwise achieve overall state efficiency and economy.~~

~~((27))~~ (32) **Single source purchase.** A purchase of goods or services which is clearly and legitimately limited to a single source of supply.

~~((28))~~ (33) **Solicitation.** The process of notifying prospective bidders or offerors that the purchasing activity desires to receive competitive bids, quotes or proposals for furnishing goods or services. Also includes reference to the actual document used in that process.

(34) **Specifications.** The explicit requirements furnished with ~~((an invitation for bid or request for quotation))~~ a competitive solicitation upon which a purchase order or contract is to be based. Specifications set forth the characteristics of the goods and/or services to be purchased or sold so as to enable the bidder or supplier to determine and understand ~~((that which is to be supplied or sold. This information))~~ requirements of the purchaser. Specifications may be in the form of a description of the physical or performance characteristics, a reference brand ~~((name))~~ or both. It may include a description of any requirement for inspecting, testing, or preparing a material, equipment, supplies, or service for delivery.

~~((29))~~ (35) **State contract.** Contracts for goods and/or services administered by the office of state procurement on behalf of agencies which normally include quantity and fixed term. The contract document will identify the conditions under which usage by agencies is required.

~~((30))~~ (36) **State procurement officer.** An employee of the office of state procurement designated as a state procurement officer, contract administrator, or similar designation by the director, including, where appropriate, the director and other management personnel.

(37) **Supplier.** A vendor of purchased goods and services.

~~((31))~~ (38) **Supplier list.** List of potential bidders maintained by the office of state procurement or purchasing activity from which names may be drawn for solicitation of ~~((bids/quotes))~~ bids, quotes or proposals.

~~((32))~~ (39) **Used equipment.** Goods offered for sale to the state which do not have a full factory warranty and which are not being rented, leased, or otherwise in the actual possession of the state agency considering the purchase at the time of the purchase transaction.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-011 Public notice. A listing or copy of all purchases being made through formal sealed bid by or through the office of state procurement shall be posted in the foyer of the office of state procurement ~~((, Room 216, General Administration Building, Olympia, Washington 98504))~~ and/or posted via internet website or made available via other

electronic means. Purchases made by ~~((colleges or universities))~~ agencies shall be posted or otherwise publicized by ~~((the purchasing office of that college or university))~~ that purchasing activity in accordance with policy established by that agency.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-012 ~~((Bidding or quoting time.))~~ Receipt of bids, quotes or proposals. The ~~((bidding or quoting))~~ date and time selected for opening of bids, quotes or proposals shall be ~~((as))~~ determined by the ~~((buyer involved))~~ purchasing activity. ~~((All invitations for bid shall provide))~~ Bidders shall be provided sufficient time ~~((to allow bidders an opportunity))~~ to prepare and submit their bid, quote or proposal. The ~~((buyer))~~ purchasing activity shall have the discretion to lengthen or shorten bid ~~((or))~~, quote ~~((times))~~ or proposal dates, should special circumstances or needs dictate a shorter or longer time frame. When extending or shortening the time allowed to submit a bid ~~((or))~~, quote, or proposal, the ~~((buyer is to))~~ purchasing activity shall issue an addendum notifying bidders of the revised opening/due date. If it is determined that ~~((regular mail))~~ this information will not reach bidders in time to respond, the ~~((buyer))~~ purchasing activity shall attempt to notify each prospective bidder by telephone or other available means of communication. All bids must be received in the office of the purchasing activity by the date and time specified ~~((for bid opening))~~ in the document or addenda. No deviations will be allowed. Late bids or proposals will be returned unopened unless retention is deemed by the ~~((director))~~ purchasing activity to be in the best interests of the ~~((state))~~ agency. Late bids or proposals may be opened only by authorized personnel for identification purposes. Quotations must be received by close of the normal business day on the date indicated. Late quotations will not be considered or returned to bidders. Time of receipt will be determined by the official time stamp located at the purchasing activity or in the case of electronic bids, time of receipt shall be as identified in the solicitation document issued by the purchasing activity.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-013 Amendment of invitation ~~((to))~~ for bid, request for quotation or request for proposal. An invitation for bid, request for quotation or request for proposal may be changed or amended by the ~~((buyer involved))~~ purchasing activity, provided the change is issued ~~((in writing))~~ prior to the ~~((bid))~~ opening date and time specified. Any material information provided a prospective bidder ~~((with regard to an invitation for bid;))~~ shall be furnished ~~((in writing))~~ by the ~~((buyer))~~ purchasing activity to all bidders receiving a copy of the original ~~((invitation))~~ solicitation. Oral interpretations of contract terms and conditions shall not be binding ~~((on the state unless confirmed in writing by the buyer)).~~

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-021 Supplier lists. Supplier lists (~~are categorized according to specific categories of purchased goods and services and are maintained and updated by the office of state procurement. Such lists are used by buyers to determine suppliers from which to solicit bids. Due to cost considerations not all suppliers are solicited for each bid invitation. In order to be considered for inclusion on a supplier list, suppliers must apply to the office of state procurement. A purchasing activity may deny issuance of a bid to a prospective supplier until such supplier registers on a supplier list when requested. The office of state procurement may deny or limit placement on supplier list(s) for reason(s) outlined under WAC 236-48-024~~) may be maintained by the office of state procurement. Opportunities for doing business with the office of state procurement include:

- (1) Register on supplier list; or
- (2) Review website maintained by the office of state procurement; or
- (3) Contact office of state procurement staff for information about current opportunities.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-024 Removal or suspension. The director, or designee, may remove or suspend a supplier from any supplier list(s) maintained by the office of state procurement for cause. Impacted state agencies will be notified of such action(s). Agencies may continue to do business with such supplier if they choose to do so or they may sever that relationship at their discretion. Examples of reasons for removal or suspension include but are not limited to the following:

- (1) Illegal act(s);
- (2) Repetitive failure to respond to invitations to bid;
- (3) Unreasonable number of "no bid" responses;
- (4) Any material failure to perform, e.g., delivery, quality;
- (5) Any significant detrimental change in supplier status, e.g., financial condition, lines carried, service ability;
- (6) Unauthorized product substitution, or representation of an alternate as an equal; or
- (7) Discriminatory practices.

Any supplier so removed or suspended shall be notified in writing of the reason(s) therefore, the conditions of any removal or suspension, and/or corrective action required for reinstatement.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-025 Appeal, reapplication or reinstatement. Any supplier removed from a supplier list maintained by the office of state procurement or who is not placed upon such list after request, may appeal the decision to the director or designee. If such an appeal is made, it must be submitted in writing within ten days of notification of the action taken.

If a supplier's application to be placed on a supplier list has been refused, or if a supplier has been removed or suspended from such list, that supplier may reapply to be placed on such list, or apply for reinstatement when the conditions for reinstatement have been met.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-035 Bid guarantee. When required in the ~~((invitation for bid))~~ competitive solicitation, all bidders shall provide with their bid a bid guarantee unilaterally payable to the purchasing activity. The amount of the bid guarantee shall be identified in the ~~((invitation for bid))~~ competitive solicitation document in dollars and shall be sufficient to ~~((redress))~~ cover damages to the ((state)) purchasing activity in the event ~~((of))~~ that bidder ((withdrawal as determined by the buyer)) fails to accept a contract award with the purchasing activity. Failure of bidder to accept an award will result in forfeiture of the bid guarantee and such funds made payable to the Washington state treasury as liquidated damages.

Bid guarantees may be in the form of a certified check, cashier's check, escrow agreement, or irrevocable letter of credit drawn on a separate account in a banking or savings and loan institution regulated by the state of Washington or federal government, cash or a surety bond with a surety company. Surety bonds or escrow agreements must be on a form approved by the purchasing activity. Personal or company checks are not acceptable. Failure to submit a bid guarantee in the specified form will be a cause for rejection. Bid guarantees shall be returned to bidders after award of contract. Interest will not be paid on funds deposited directly with the state. ~~((Bidders who regularly conduct business with the purchasing activity shall be permitted to file an annual bid guarantee in lieu of bid guarantees for individual contracts in an amount determined by the purchasing activity. When a bid guarantee is submitted, the bidder covenants that he/she will accept a contract award. Violation of this covenant will result in forfeiture of the bid guarantee and payment of the same into the Washington state treasury as and for liquidated damages.))~~

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-036 Performance guarantees. When required in the ~~((invitation for bid))~~ competitive solicitation, the successful bidder shall post a performance guarantee unilaterally payable to the purchasing activity ~~((after notice of award))~~. The amount of the performance guarantee shall be identified in the ~~((invitation for bid))~~ competitive solicitation in dollars and/or a percentage of contract worth sufficient to redress damages to the ~~((state))~~ purchasing activity in the event of breach by the contractor(s). The required performance guarantee shall be in the form of a certified check, cashier's check, escrow agreement, ~~((or))~~ irrevocable letter of credit drawn on a separate account in a banking or savings and loan institution regulated by the state or federal government, cash, or surety bond with a surety company. Surety bonds or escrow agreements must be on a form approved by

the purchasing activity. Personal or company checks are not acceptable. The performance guarantee shall be held by the ~~((state))~~ purchasing activity or deposited to the ~~((state))~~ purchasing activity's account until contract terms have been fully executed to the satisfaction of the state. Interest will not be paid on funds deposited directly with the ~~((state))~~ purchasing activity. Failure to submit a performance ~~((bond))~~ guarantee as required ~~((in the invitation for bid))~~ shall be grounds for contract termination.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-071 Form of bid, quote or proposal. To receive consideration, bids ~~((and))~~, quotes, and proposals must be legible and shall be made on the form provided by the purchasing activity, or on a letter containing the information. If a letter is used it must meet the satisfaction of the ~~((buyer))~~ purchasing activity, be properly headed and signed, properly marked on the outside of the envelope, received by the date and time specified, and be accompanied by a signed and completed ~~((bid))~~ solicitation form provided by the purchasing activity. Unless otherwise authorized, bids, quotes and proposals must be filled out in ink or with ~~((typewriter))~~ electronic printer or other similar office equipment and properly signed by an authorized representative of the bidder. All changes and/or erasures shall be initialed in ink. ~~((The buyer may declare that a quotation (not a bid) prepared in pencil is an informality and may accept and consider a clear pencil quotation.))~~ Unsigned bids will be rejected on opening. However, the ~~((buyer))~~ purchasing activity may accept such bids if it is determined that satisfactory evidence was submitted prior to ~~((bid))~~ opening date and time which clearly indicates the bidder's desire to be bound by his/her bid such as a signed cover letter ~~((or bid bond))~~.

In lieu of the requirement for an original signature as outlined above, the purchasing activity may implement a policy which authorizes the use of digital signature(s) or electronic submission of bid, quote or proposals provided that such policy provides adequate safeguards to ensure the integrity of the sealed bid process.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-079 Standard specifications. Specifications contained in the ~~((invitation for bid))~~ competitive solicitation will, ~~((where practical))~~ to the maximum extent feasible, be nonrestrictive so as to provide an equal basis for competition and participation by an optimum number of qualified bidders. ~~((Unless otherwise specifically provided in the invitation for bid, reference to any equipment, material or supplies by trade name, make, or catalog number, shall be regarded as establishing a standard of quality and shall not be construed as limiting competition.))~~ The purchasing activity may specify a brand name or equal provided that the intent in doing so is to establish a standard of quality against which other brands will be evaluated. When doing so, the purchasing activity should not substitute the word "equivalent" for "equal" in the competitive solicitation document. All bids,

quotes or proposals which offer a different trade name, make, or catalog number must state whether the item offered is an equal or an alternate, and literature which describes the item offered must be provided ~~((when available))~~. The final decision as to whether an item is an equal or an alternate shall rest with the purchasing activity. ~~((In the absence of a bidder's statement of a bid being an "alternate" it shall be evaluated as an "equal."))~~ In the event of discrepancies in specifications, or doubts as to meaning, the bidder shall immediately request clarification from the purchasing activity. To facilitate consistent responses and to ensure all bidders receive the same information, all such questions shall be directed only to that person directly assigned by the purchasing activity or otherwise identified in the bid, quote or proposal document.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-083 Acceptance of alternate bid~~((s))~~, quote or proposal. The ~~((buyer shall be under no obligation whatever to))~~ purchasing activity need not accept alternate bids ~~((or))~~, quotes or proposals but shall have the discretion to ~~((accept a bid or quote))~~ do so if it substantially conforms to the bid specifications. Unless their bid, quotation or proposal is clearly identified as an alternate, bidders warrant the goods and/or services ~~((bid))~~ offered to be at least equal to specifications ~~((on the invitation for bid or request for quotation))~~ indicated by purchaser and shall submit with their bid ~~((or))~~, quotation or proposal complete documentation ~~((sufficient to so establish))~~ to enable the purchasing activity to evaluate. Bids, quotations or proposals without sufficient documentation may be rejected. If a bidder misrepresents ~~((their))~~ goods and/or services bid as being an equal when it is an alternate, their bid, quotation or proposal may be rejected and bidder will be liable for damages caused by the misrepresentation.

Where required by the purchasing activity, the bidder shall, at bidder's expense, provide product samples and/or descriptive literature with returned bid, quote or proposal. If not received within the required time period or as otherwise required, the purchasing activity may reject the bid, quote or proposal as nonresponsive. If not destroyed in testing or if sample is not required by the purchasing activity to be retained for demonstration purposes, bidders may request return of samples at their expense. Samples not claimed within ten days after notification may be disposed of as deemed necessary without cost to the purchasing activity.

If necessary, the purchasing activity may require competitive demonstrations at bidder's expense to ensure that the proposed product satisfactorily meets the purchaser's needs.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-085 In-state preference bids. ~~((In accordance with the Laws of 1983 and chapter 43.19 RCW, the director of general administration))~~ The office of state procurement shall compile a list of each state, relating to state purchasing practices, ~~((which))~~ whose statutes or regulations ~~((the director believes))~~ grant a preference to suppliers

located within that state or ~~((to))~~ goods manufactured within that state. This list shall be updated on an annual basis and shall include only those states with currently active in-state preference clauses for procuring goods and services and the list shall contain the percentage of preference allowed. States with only reciprocity legislation will not be included on the list. The office of state procurement ~~((will be responsible for the official compilation of))~~ shall compile the list and ~~((notification to))~~ notify impacted state agency, college and university purchasing offices. ~~((The notification shall be made by office of state procurement circular letter.~~

~~For the purposes of))~~ In determining whether to assess a percentage ~~((penalty))~~ increase against a ~~((supplier's bid))~~ bidder, and the amount of that ~~((penalty))~~ increase, the ~~((buyer in charge of the bid))~~ purchasing activity will consider only the business address from which the bid or proposal was submitted. ~~((It is recognized that under certain circumstances this will adversely affect bidders with in-state operations whose bids are prepared centrally in an out-of-state office.~~

~~Buyers))~~ The purchasing activity will add the appropriate percentage ~~((penalty))~~ increase to each bid or proposal bearing the address from a state with in-state preference rather than subtracting a like amount from Washington state bidders.

This action will be used only ~~((for bid analysis and))~~ when evaluating bids or proposals for award. In no instance shall the increase be paid to a supplier whose bid is accepted.

This WAC section applies only to formal invitations for bid and requests for proposals solicited in accordance with chapter 43.19 RCW.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-094 Partial award. ~~((A buyer))~~ The purchasing activity shall have the discretion to award on an "all or nothing" basis as outlined in the competitive solicitation document or to accept any portion of the items bid, excluding others unless the bidder stipulates all or nothing ~~((or))~~ in their bid.

AMENDATORY SECTION (Amending WSR 94-21-017, filed 10/6/94, effective 11/6/94)

WAC 236-48-096 Bid award preference. In conducting purchases of goods and/or services, preference shall be given to the extent allowed by statute:

(1) Under RCW ~~((43.19.536))~~ 43.19.534, to those goods and services produced in whole or in part by Class II inmate programs operated by the department of corrections as described in WAC 236-49-055. ~~((These goods and services shall be purchased from correctional industries through state contracts administered by the department of general administration, unless upon application by a state agency, the legislature or departments, the director of the department of general administration, or his or her representative, finds that:~~

~~(a) The correctional industries products or services do not meet the reasonable requirements of the applicant/agency, legislature or department;~~

~~(b) The correctional industries products or services are not of equal or better quality; or~~

~~(c) The correctional industries price for the product or service is higher than that available in the private sector.~~

However, goods or services produced by Class II correctional industries programs which primarily replace goods manufactured or services obtained from outside the state of Washington are not subject to the criteria contained in subsection (1) of this section, and shall be purchased solely from correctional industries.

(2) To bids responsive to invitations for bid with minority and women's business enterprises (MWBE) goals pursuant to chapter 39.19 RCW and chapter 236.40 WAC.

~~(3))~~ (2) To goods containing recovered material as outlined under RCW 43.19.538 provided that the ~~((buyer))~~ purchasing activity sets forth in the ~~((invitation for bid))~~ competitive solicitation a minimum percent content of recovered material that must be certified by ~~((the bidder and))~~ the producer of the goods to qualify for the preference. Bids for goods so certified shall be given a preference of ten percent of the amount of the bid in determining the lowest responsive bid for any item or grouping of items to be awarded to a single bidder. This preference shall be separate from and applied after any other preferences allowed by statute. The minimum content of recovered material shall be not less than fifteen percent provided that for those goods for which the Environmental Protection Agency has adopted procurement guidelines under the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C. §6901 et seq.), as amended, the minimum content of recovered material shall not be less than specified in the most current adopted issue of those guidelines. ~~((Bidders))~~ The producer of the goods shall certify the post consumer and recovered or waste material content at the time of submitting bid. To qualify for the preference, the goods shall otherwise be at least functionally equal to all other ~~((invitation for bid))~~ specifications and use requirements. The preference shall be used for bid evaluation purposes only and the actual dollars bid shall be the contracted amount. In the event of a tie for lowest responsive bid between products otherwise meeting all bid specifications, the ~~((buyer))~~ purchasing activity shall consider the larger post consumer material content as a factor in determining the award. Should the ~~((buyer))~~ purchasing activity determine that the use of this preference does not encourage the use of more recovered material for reasons including inadequate competition, economics, environmental constraints, quality or availability, the ~~((buyer))~~ purchasing activity shall issue, consider and award bids without the preference. For the purpose of meeting Resource Conservation and Recovery Act requirements for state agency purchase of goods complying with Environmental Protection Agency recovered or waste guidelines, the office of state procurement may adopt specifications requiring that only goods meeting these guidelines are responsive and may consider bids for such goods though the cost exceeds ten percent of goods not meeting such guidelines.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-098 Rejection. No rejection notice will be sent to unsuccessful bidders (~~((submitting))~~) whose net pricing (or scoring) after evaluation is higher ((bid/quote pricing)) than awarded. Bidders whose bids are (~~((lower than the lowest responsive bidder))~~) nonresponsive will be rejected (~~((as nonresponsive))~~) and will be notified of the reasons for such rejection.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-099 Acceptance of terms. Acceptance of bids (~~((or)),~~) quotes, or proposals shall be expressly limited to the terms and conditions of the (~~((invitation for bid or request for quotation))~~) solicitation document issued by the purchasing activity. All material alterations, additional or different terms proposed by the bidder shall be (~~((and are))~~) rejected unless otherwise provided for in (~~((writing by the director or their designee))~~) the solicitation document issued by the purchasing activity.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-111 Handling of bids (~~((at opening))~~) and proposals if publicly opened. The (~~((person designated as))~~) purchasing activity's official bid supervisor shall decide when the time set for bid opening has arrived and shall so declare to those present. The bid supervisor shall then personally and publicly open all bids and read pertinent information as determined by the (~~((office of state procurement))~~) purchasing activity for recording. The (~~((bid))~~) solicitation form may not be completed, signed, or amended (~~((or clarified))~~) by bidders after official opening time. The bid supervisor will, on request, read the documents in detail provided that sufficient time is available. (~~((Bids))~~) All bids become the property of the purchasing activity when received and must remain under the control of the bid supervisor or staff.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-121 Mistakes in bid(s) or proposals detected prior to ((bid)) opening. Mistakes in bids or proposals detected prior to ((bid)) opening may be corrected by the bidder by withdrawing the original bid or proposal and submitting a corrected bid or proposal to the purchasing activity before the ((bid)) time specified for opening. If there is not sufficient time prior to ((bid)) the time specified for opening to withdraw the original bid or proposal and submit a corrected bid or proposal, the bidder, or an authorized representative, may correct the mistake on the face of the original bid or proposal: Provided, That the corrected bid or proposal is time stamped by the purchasing activity upon resubmission prior to the time designated (~~((in the invitation for bid))~~) for opening.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-122 Mistakes in bid(s) or proposals detected during or after bid opening. Bidder mistakes in a bid or proposal detected during or after bid opening may not be corrected. If the bidder submits evidence in writing satisfactory to the (~~((director or designee))~~) purchasing activity that a mistake has been made by the bidder in the calculation of its bid or proposal, the (~~((director or designee))~~) purchasing activity may allow the bid or proposal to be withdrawn: Provided, That the claim of mistake and the evidence in support thereof must be made and provided within three business days after the bid or proposal has been opened. Compliance with this section within the specified time limit, shall relieve the bidder of forfeiture of its bid (~~((bond))~~) guarantee. If the purchasing activity subsequently reissues the solicitation, the bidder having made the mistake may not participate in that bid or proposal.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-123 Disclosure of ((bid)) information. After bids, quotes or proposals have been received, all such information becomes the property of the purchasing activity and shall not be released or otherwise distributed until after the evaluation has been completed and final award(s) announced. Evaluation team members shall maintain confidentiality of information to ensure the integrity of the process. After award and distribution of award information or posting of such information electronically for public review, the bids ((and)), quotes, and proposals of all bidders shall be open to public inspection at the offices of the purchasing activity during normal office hours. Copies of documents subject to public disclosure will be made available upon request in accordance with purchasing activity policy. ((Bidders must provide a self-addressed stamped envelope to obtain invitation for bid or request for quotation results. A copy of awarded purchase order or contract will be provided. Unless noted to the contrary in this invitation for bid or request for quotation,)) The purchasing activity assumes no responsibility for the confidentiality of bids, quotes or proposals after award.

Any document(s) or information which the bidder believes is exempt from public disclosure per RCW 42.17.310 shall be clearly identified by bidder and placed in a separate envelope marked with bid number, bidder's name, and the words "proprietary data" along with a statement of the basis for such claim of exemption. The state's sole responsibility shall be limited to maintaining the above data in a secure area and to notify bidder of any request(s) for disclosure within a period of five years from date of award. Failure to so label such materials or failure to provide a timely response after notice of request for public disclosure has been given shall be deemed a waiver by the bidder of any claim that such materials are, in fact, so exempt.

PERMANENT

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-124 (~~Minor~~) **Informalities** (~~or irregularities~~) in bids (~~or~~), quotes, or proposals. The purchasing activity reserves the right to waive (~~minor~~) informalities (~~or irregularities as defined in WAC 236-48-003~~) in bids, quotes or proposals.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-132 **Notice of cancellation or rejection of bids.** In the event of a cancellation of (~~an invitation for bid or a request for quotation;~~) a competitive solicitation or (~~in the event~~) if all bids are rejected, all bidders will be notified by mail, facsimile or electronic means by the purchasing activity.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-141 **Protests and appeals—Form and substance.** Purchasing activities shall make available to bidders upon request a copy of their policy which outlines how the protest review process will be administered within their agency. All protests and appeals must be in writing (~~and~~), signed by the protestant or appellant or an authorized agent and delivered within the time frame(s) outlined by the protest policy. Protests must be addressed to that individual within the purchasing activity assigned review responsibilities. Such writing must state all facts and arguments on which the protestant or appellant is relying as the basis for its action. Such protestant or appellant shall also attach, or supply on demand by the (~~director~~) purchasing activity, any relevant exhibits related, or referred to in the (~~writing~~) protest. Copies of all protests, appeals, and exhibits shall be mailed, faxed or delivered by the protestant or appellant to the bidder or bidders against whom the protest is made at the same time such protest, appeal, and exhibits are submitted to the purchasing activity.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-142 **Office of state procurement protest procedure prior to award.** (~~After a bid opening, and~~) Prior to award, a bidder desiring to protest the bid of another bidder, the specifications or the manner in which the solicitation process has been conducted must (~~send or deliver its protest to~~) notify the (~~buyer~~) state procurement officer in charge of the (~~bid~~) solicitation of his/her intent to file a protest as soon as possible after (~~it~~) he/she becomes aware of the reason(s) for the protest. (~~If the protest is mailed the protestant shall immediately notify the buyer in charge of the bid by telephone, or some other means of instant communication, that a protest is being made.~~) Such protest(s) must be received not later than five business days after notification has been given to the state procurement officer of bidder's intent to protest. Should the protest not be received within that time frame, the state procurement officer may proceed with the award.

The (~~buyer~~) state procurement officer shall consider all of the facts available and issue a decision in writing within ten business days after receipt of the protest, unless more time is needed. The protestant and, where applicable, the bidder(s) against whom the protest is made will be notified if (~~longer~~) additional time is necessary. If the protesting bidder or the bidder against whom the protest is made is not satisfied with the decision of the (~~buyer~~) state procurement officer, he/she shall have the right to appeal to the director, office of state procurement. Such appeal must be received by the director within five business days after notification of the (~~buyer's~~) state procurement officer's decision. The director shall consider all of the facts available and issue a decision in writing within ten business days after receipt of the appeal, unless more time is needed. The appealing bidder will be notified if (~~longer~~) additional time is necessary.

Unless an emergency exists as determined by the director, award of the contract, if one is to be made, will be postponed until after the director has issued a decision. Unless the director subsequently considers it necessary to pursue further clarification(s), the decision of the director on the protest is final.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-143 **Office of state procurement protest procedure after award.** Protests after award will not be considered unless the protest concerns a matter which arises after the award or could not reasonably have been known or discovered prior to award. Such protests shall be received by the director, office of state procurement not later than five business days after (~~mailing~~) distribution of the award information by the office of state procurement. If the protest is mailed the protestant shall immediately notify by telephone, or some other means of instant communication, the (~~buyer~~) state procurement officer in charge of the bid and the bidder that has received the award that a protest is being made. The director shall consider all of the facts available and issue a decision on the protest within ten business days after receipt thereof, unless more time is needed. In such event, the protestant and the bidder that has received the award shall be notified of any delay. If the director upholds the award, the decision of the director is final, unless the director subsequently considers it necessary to pursue further clarifications.

If the director finds that the award should not have been made he/she shall notify the bidder which received the award of his/her intent to cancel the award and the reasons (~~therefor~~) therefore. (~~Such~~) The bidder that has received the award shall then have five business days after receipt of notification in which to appeal the decision to cancel the award to the director of general administration. The director of general administration shall consider all of the facts available and issue a decision within ten business days after receipt of the appeal, unless more time is needed. If more time is needed, the appellant and the protestant shall be so notified.

If the director of general administration agrees that the award should be canceled he/she shall order the director of the office of state procurement to cancel the award (~~within ten business days after the decision is delivered to the bidder~~

to whom the contract had been awarded. All bids shall then be rejected and new bids solicited). Unless the director of general administration subsequently considers it necessary to pursue further clarifications, the decision of the director of general administration shall be final.

If an award is cancelled, the director, office of state procurement, after consideration of all pertinent factors, may decide to reject all bids, quotes or proposals and solicit new bids, quotes or proposals. Barring such a decision, an award shall be made to the next lowest responsive and responsible bidder.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-153 Delivery date. Whenever a specific delivery date has been ~~(stated)~~ stipulated by the purchasing activity in a solicitation document, that date shall be an essential condition of ~~(the)~~ any contract subsequently entered into by the parties. If a contractor is unable to meet the delivery date, he/she shall notify the ~~(buyer)~~ purchasing activity at the earliest possible time. The contractor shall include in such notification the ~~(projected)~~ proposed revised delivery date. The purchaser shall then have the option to accept such revised dates, or cancel and purchase elsewhere. The purchasing activity shall have the option of pursuing liquidated damage provisions or other legal remedies outlined in the solicitation document, statute or regulation.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-165 Change in product offered. ~~(A bidder or)~~ After award, a contractor shall not be allowed to substitute goods ~~(and)~~ or services from that offered: Provided, however, if the goods or services offered are no longer available to the ~~(bidder or)~~ contractor for reasons beyond its control or if the short term needs of an agency are more fully met by the proposed substitute goods or services, the purchasing activity may consider a request by the bidder or contractor for substitution. All such requests must be in writing, must set forth the reasons the product or service is no longer available, and/or must be accompanied by samples, record of performance, certified copies of tests by impartial and recognized laboratories, ~~(and)~~ or such additional data as the purchaser may request. Samples and data shall be furnished sufficiently in advance to allow for investigation before a decision is made. The bidder or contractor shall warrant that the ~~(contracted)~~ substitute article is equal or better than the specified article. If the change results in any cost savings to the bidder or contractor, the cost savings shall be reflected in full in a reduction in price to the ~~(using agency)~~ purchasing activity. State contracts may only be ~~(so)~~ amended by the office of state procurement.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-166 Contract extension. If contract provisions allow, a contractor and the purchasing activity may

~~(covenant and)~~ mutually agree ~~(that the)~~ to extend a contract ~~(in question may be extended)~~ for predetermined periods ~~(by the purchasing activity under the same terms and conditions as comprise)~~ pursuant to the terms and conditions included in the original contract.

~~(The buyer shall have discretion to extend a contract with the)~~ Justification for extension ~~(being)~~ must be fully documented in the contract file. The decision to pursue a contract extension shall include a review of price competitiveness, changes in the marketplace for such commodity or service, and/or other relevant factors. The contractor shall be notified in writing of the ~~(intent to extend)~~ purchasing activities desire to pursue a contract extension prior to the ~~(termination)~~ expiration date of the ~~(existing or extended)~~ contract. ~~(If the contractor does not wish to have the contract extended, he/she shall so notify the purchasing activity in writing-)~~ Extensions, to be effective, must be in writing and signed by authorized representatives of both the contractor and purchasing activity.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

WAC 236-48-167 Additions or deletions to ~~(the)~~ contract or purchase order. ~~(Within reason)~~ Where consistent with statutory and contract provisions, the office of state procurement may increase or decrease the items, quantities, ~~(or)~~ delivery locations or agencies specified in a state contract or purchase order. Contract provisions shall specify the extent to which this option may be exercised. Where consistent with statute and contract provisions, purchasing activities may do likewise for purchases which they administer.

AMENDATORY SECTION (Amending WSR 94-22-056, filed 11/1/94, effective 12/2/94)

WAC 236-48-190 Surplus property disposal priorities. Excess and/or surplus property will be offered for sale, transfer, or donation as designated below and according to the following priorities:

- (1) Sale or transfer to state agencies (including state universities and colleges);
- (2) Sale or transfer to other tax-supported educational agencies;
- (3) Sale or transfer to tax-supported agencies, municipalities or political subdivisions within the state of Washington;
- (4) Sale or transfer to ~~(tax-exempt nonprofits)~~ public benefit nonprofit corporations;
- (5) Donation of surplus, tangible personal property to qualified shelters as described in and in accordance with RCW 43.19.1920.
- (6) Sale to the general public including by auction, sealed bid and negotiation; and
- (7) Other action as needed, such as destruction where it has been determined that the item has no sale value.

AMENDATORY SECTION (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

~~WAC 236-48-230 Leases. ((If a purchasing activity leases without option to purchase goods or services, the state standard form lease developed by office of state procurement shall be used. Any deviations therefrom must be approved as to form by the office of state procurement and the attorney general's office.))~~ For goods to be leased with an option to purchase or lease-purchased, agencies are responsible for coordinating the finance agreement where applicable with the office of state treasurer prior to the purchasing activity conducting the purchase.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

~~WAC 236-48-250 Use of credit((s)), charge cards or purchasing cards.~~ All credit((s)), charge cards or purchasing cards, other than those for gasoline, vehicle rental, travel, and telephone, shall be ordered by the director of an agency or designee. It shall not be mandatory upon an agency to obtain credit ~~((s))~~, charge cards or purchasing cards.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

~~WAC 236-48-251 Distribution of credit((s)), charge cards or purchasing cards.~~ Agency heads (or their designees) shall institute a system for responsibility, control and distribution of credit((s)), charge or purchasing cards within each agency. Control shall be so structured that, upon request of the office of state procurement, each agency will be able to report the number of cards used, the type of cards used, the amount of purchases made by card within a stated time together with any problems they have encountered.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

~~WAC 236-48-252 Credit limits.~~ When an agency determines that the use of credit((s)), charge or purchasing cards will be to its advantage, the source will be the existing state contract. The ~~((director))~~ office of state procurement will establish an aggregate credit limit for each agency. Each agency director will then establish a credit limit for each card ordered within that aggregate limit. Any requests for exception to the agency aggregate monetary limit must be made in writing by the agency head to the director, office of state procurement, who will approve or deny. Dollar limitations shall not apply to travel related expenditures such as food, lodging, airfare, and vehicle rental.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

~~WAC 236-48-253 Payment((s)) of credit or purchasing card bills.~~ Statements received from the financial institution or firm issuing credit or purchasing cards shall be handled in the same manner as an invoice bearing a prompt payment discount. Payments shall be made in full each month to

avoid late payment penalties or interest charges imposed by credit card issuers.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

~~WAC 236-49-001 Purpose.~~ The purpose of this chapter is to ~~((set forth rules and regulations governing the relationship and procedures between the office of state procurement and state agencies))~~ outline the purchasing structure within the state of Washington and to identify the responsibilities of, and relationships between, those purchasing activities. The requirements by which state agencies shall conduct their acquisitions are outlined in general authorities delegated by the office of state procurement and/or via policy outlined by higher educational facilities.

AMENDATORY SECTION (Amending WSR 91-09-034, filed 4/12/91, effective 5/13/91)

~~WAC 236-49-010 Definitions.~~ As used in this chapter the following terms shall have the following meanings: additional terms shall have meanings as outlined under WAC 236-48-003:

(1) ~~((Agency. Shall include state of Washington institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state. Agency does not include the legislature.~~

(2) ~~Alternate. Goods and services which are not at least a functional equal in features, performance or use of the brand, model, or specification designated as the standard.~~

(3) ~~Delegated authority. Authority to purchase goods and services delegated to an agency by office of state procurement pursuant to RCW 43.19.190(4) and which is delegated in three forms:~~

(a) ~~General. Those purchases delegated annually by the office of state procurement which are common to multiple state agencies.~~

(b) ~~Specific. Those purchases delegated annually to specific agencies for continuing individual commodity requirements.~~

(c) ~~Limited. Those purchases delegated to a specific agency for one-time commodity requirements.~~

(4) ~~Director. Except where otherwise specifically noted shall mean the state purchasing and material control director, who is the assistant director of the office of state procurement.~~

(5) ~~Equal. Goods and services which meet or exceed the quality, performance and use of the brand, model, or specifications in the invitation for bid or request for quotation.~~

(6) ~~Field order. A standard state form used to make withdrawals from existing state contracts established by the office of state procurement or where an agency has received delegated authority for direct purchase.~~

(7) ~~Goods and/or services. Material, supplies, services, and equipment offered for sale by a supplier(s) and required by a state agency to accomplish continuing and necessary functions and not otherwise statutorily exempted from chap-~~

~~ter 43.19 RCW as a personal service under RCW 39.29.006(8); an architectural and engineering service under RCW 39.80.020(5); or data information systems and telecommunications equipment, software, and services under chapter 43.105 RCW.~~

(8)) Materials management center. That activity managed by the department of general administration office of state procurement whose function is to provide for the:

(a) Centralized storage and distribution of commonly used supplies and equipment to ensure administrative efficiency and economy in such purchases by state agencies;

(b) Centralized ~~((salvage, maintenance, repair, and servicing of equipment, furniture, or furnishings used by state agencies))~~ storage of agency goods, backhaul of agency goods from remote locations to Olympia and management of the administration and distribution of the emergency food assistance program (TEFAP) funding and food commodities in accordance with federal regulations.

~~((9) Office of state procurement. The division of purchasing of the department of general administration in RCW 43.19.180 et seq. Whenever a purchase or sale is made by the office of state procurement on behalf of another agency the office of state procurement is acting in the capacity of agent for such agency.~~

(10)) (2) Political subdivision. Any agency, political subdivision, or unit of local government of Washington state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any agency of Washington state government; any agency of the United States; any Indian tribe recognized as such by the federal government; and any political subdivision of another state of the United States.

~~((11) Purchase. Shall include purchase, lease, renting or lease purchase of goods and services.~~

(12)) (3) Public benefit nonprofit corporation. An entity registered with the office of secretary of state as outlined by RCW 39.34.055 which maintains a tax exempt status under 26 U.S.C. Sec. 501 (c)(3) with the Internal Revenue Service and which is receiving local, state or federal funds either directly or through a political subdivision.

(4) Purchase order. A standard state form used by the office of state procurement and institutions of higher education and signed by an authorized ((buyer)) official of the ((office of state procurement)) purchasing activity which notifies the contractor to provide the stated material, equipment, supplies, or services under the terms and conditions set forth thereon or as outlined in the contract.

~~((13) Purchasing activity. The office of state procurement or an agency authorized by state statute to conduct acquisition of goods and services or delegated that authority by the office of state procurement.~~

(14) Requisition. A standard state form which serves as a procurement request and which requests the office of state procurement to purchase stated requirements:))

AMENDATORY SECTION (Amending WSR 91-09-034, filed 4/12/91, effective 5/13/91)

WAC 236-49-020 Washington state purchasing structure. The office of state procurement has been charged

by the legislature with the responsibility to purchase all goods and/or services needed for the support, maintenance and use of all state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state. ~~((Primary authority for the purchase of specialized equipment, instructional and research material for their own use rests with the))~~ Colleges, community colleges and universities ~~((Primary authority for the purchase of goods and/or services for resale to other than public agencies rests with the state agency concerned))~~ have statutory authority for conducting their own acquisitions but shall implement policies and procedures which adhere to statutory provisions and legislative intent outlined under applicable sections of chapter 43.19 RCW. The legislature has the responsibility of making purchases necessary for the operation of the legislature.

The office of state procurement has authority to delegate to state agencies ~~((authorization to purchase or sell, which authorization shall specify types of goods and/or services: Provided, That acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with RCW 43.19.190 through 43.19.1939, as now or hereafter amended, from chapter 236-48 WAC, or from policies established by the director after consultation with the state supply management advisory board. The delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies, chapter 236-48 WAC or RCW 43.19.190 through 43.19.1939))~~ other than institutions of higher education authorization to purchase or sell goods or services required by that agency which agencies may purchase and shall identify guidelines by which those agencies shall conduct their acquisitions. Agencies receiving delegation of authority must remain in substantial compliance with procurement statutes, regulations and requirements outlined by the office of state procurement to obtain continued delegation of authority.

AMENDATORY SECTION (Amending WSR 94-21-017, filed 10/6/94, effective 11/6/94)

WAC 236-49-055 Preference for correctional industries Class II products. The following provisions ~~((indicate how the department of corrections and the department of general administration will implement a purchasing program))~~ outline purchase requirements for correctional industries, Class II goods and services:

(1) Correctional industries will identify the goods and services available for purchase through the office of state procurement and confirm the same in writing to the director of the department of general administration at least one hundred twenty days before the expiration of any existing contract(s). The writing from correctional industries will include a request that the office of state procurement tender to correctional industries a mandatory use contract to sell these goods

and services to state agencies, the legislature and departments in accordance with RCW 43.19.534. A mandatory use contract as defined in the procurement document will be executed between the office of state procurement and correctional industries that complies with state law and covers all specified Class II goods and services that are produced in whole, or in part, by correctional industries.

(2) All goods and services covered by the general administration mandatory use contract are to be purchased from correctional industries. General administration will administer these contracts.

(3) Any state agency, branch of the legislature or department may apply for an exemption from the correctional industries purchase preference by using the form developed by general administration. ~~((The exemption request shall be in the form of a written application presented to the director of general administration. For an exemption to issue, there shall first be a contract executed between correctional industries and the department of general administration, and the following elements must be proven to the satisfaction of the director of general administration:~~

~~(a) The goods or services provided by correctional industries do not meet the reasonable requirements of the applicant/agency, legislature or department;~~

~~(b) The goods or services provided by correctional industries are not of equal or better quality than comparable goods or services available from the private marketplace; or~~

~~(c) The correctional industries price for the goods or services is higher than that produced by the private sector.)) If the request for exemption is approved, that approval shall apply for the specified product or product line for a period of one year from the date of approval of the exemption. The approval shall apply to all customers of that agency requesting that product or product line.~~

(4) However, goods or services produced by Class II correctional industries programs which primarily replace goods manufactured or services obtained from outside the state of Washington are not subject to the criteria contained in subsection (3) of this section, and shall be purchased solely from correctional industries.

(5) Correctional industries, Class II purchasing requirements supersede the second proviso of RCW 43.19.190(2), where correctional industries offers the goods or services through state contract and the goods are manufactured and/or services are obtained from outside the state of Washington.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-49-060 State purchasing cooperative ~~((purchasing)). ((Under the authority of chapter 39.34 RCW, political subdivisions may enter into an interlocal cooperative purchasing agreement with the office of state procurement. Participation is voluntary. A political subdivision may use state contracts and purchase orders when the office of state procurement provides therefore.)) The office of state procurement may establish a state purchasing cooperative composed of state agencies, political subdivisions and authorized private nonprofit entities. The office of state procurement may also enter into agreements with other purchasing cooper-~~

~~atives outside the state as it deems appropriate. Authorized entities desiring to purchase goods or services from contracts or purchases administered by the office of state procurement shall first ensure current membership in the state purchasing cooperative. Participants may utilize state contracts, participate in procurement training activities sponsored by the office of state procurement and benefit from staff expertise and/or assistance in administering their own procurement programs. The office of state procurement shall fully recover costs of administering this program from members.~~

WSR 99-15-071
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 19, 1999, 4:19 p.m.]

Date of Adoption: July 19, 1999.

Purpose: To repeal WAC 296-125-019 Prerequisites to employing minors, rule is duplicative of another WAC section and should have been repealed during rule rewriting process.

Citation of Existing Rules Affected by this Order:
Repealing WAC 296-125-019.

Statutory Authority for Adoption: Chapter 49.12 RCW.

Adopted under preproposal statement of inquiry filed as WSR 99-12-113 on June 2, 1999.

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 X [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: Thirty-one days after filing.

July 15, 1999

Gary Moore

Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-125-019

Prerequisites to employing minors.

WSR 99-15-072
PERMANENT RULES
PENINSULA COLLEGE

[Filed July 20, 1999, 8:51 a.m.]

Date of Adoption: June 23, 1999.

Purpose: Updating Title 132A WAC.

Citation of Existing Rules Affected by this Order:
Amended WAC 132A-276-045.

Statutory Authority for Adoption: RCW 28B.50.140
and chapter 28B.50 RCW.

Adopted under notice filed as WSR 99-10-100 on May 5,
1999.

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 Nongov-
ernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Ini-
tiative: New 85, 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 Mak-
ing: New 0, Amended 0, Repealed 0; or Other Alternative
Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 19, 1999

Bonnie Cauffman

Assistant Vice President

Human Resources

NEW SECTION

WAC 132A-104-011 The board of trustees. The gov-
ernment of Community College District No. 1 (Peninsula
College) is vested in a five-person board of trustees. The
trustees are appointed by the governor and serve five-year
terms and/or until their successors are appointed. At its
annual October meeting, the board elects a chairperson and
vice-chairperson who serve for a term of one year and until
their successors are elected from the membership of the
board.

NEW SECTION

**WAC 132A-104-016 Meetings of the board of trust-
ees.** The board customarily holds meetings on the second
Tuesday of each month at such place as it may designate.
Notice of the time and place of all regular and special meet-
ings shall be governed by the requirements of the Open Pub-
lic Meetings Act, chapter 42.30 RCW.

NEW SECTION

**WAC 132A-104-021 Communication to the board of
trustees.** Persons who wish to bring a matter to the attention

of the board of trustees may do so by submitting written com-
munication to the Executive Secretary of the Board of Trust-
ees, President's Office, Peninsula College, 1502 E. Lauridsen
Boulevard, Port Angeles, Washington 98362.

Chapter 132A-108 WAC

PRACTICE AND PROCEDURE

NEW SECTION

**WAC 132A-108-010 Adoption of model rules of pro-
cedure.** 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 this insti-
tution. Those rules may be found in 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 by this institution, the institution's rules shall govern.
All procedural rules previously adopted at this institution are
specifically repealed. These rules supersede all procedural
rules previously adopted by this institution.

NEW SECTION

**WAC 132A-108-020 Appointment of presiding offic-
ers.** The president or president's designee shall designate a
presiding officer for an adjudicative proceeding. The presid-
ing officer shall be an administrative law judge, a member in
good standing of the Washington State Bar Association, a
panel of individuals, the resident or designee, or any combi-
nation of the above. Where more than one individual is desig-
nated to be the presiding officer, one person shall be desig-
nated by the president or president's designee to make deci-
sions concerning discovery, closure, means of recording
adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132A-108-030 Method of recording. Proceed-
ings shall be recorded by a method determined by the presid-
ing officer, among those available pursuant to the model rules
of procedure in WAC 10-08-170.

NEW SECTION

**WAC 132A-108-040 Application for adjudicative
proceeding.** Applications for adjudicative proceedings shall
be in writing. Application forms are available at the follow-
ing address:

President's Office
Peninsula College
1502 E. Lauridsen Boulevard
Port Angeles, WA 98362

Written applications for adjudicative proceedings should
be submitted to the above address within twenty days of the
agency action giving rise to the application, unless provided
for otherwise by statute or rule.

NEW SECTION**WAC 132A-108-050 Brief adjudicative procedures.**

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) Residency determination made pursuant to RCW 28B.15.013, conducted by the admissions/registration office;
- (2) Challenges to content of education records;
- (3) Student conduct proceedings. The procedural rules in chapter 132A-120 WAC apply to these proceedings;
- (4) Parking violations. The procedural rules in chapter 132A-116 WAC apply to these proceedings;
- (5) Outstanding debts owed by students or employees.

NEW SECTION

WAC 132A-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 132A-108-070 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 to the presiding officer within ten days of the request. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 132A-108-080 Recording devices. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132A-108-010, except for the method of official recording selected by the institution.

NEW SECTION

WAC 132A-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.

NEW SECTION

WAC 132A-116-001 Authority. Pursuant to the authority granted by RCW 28B.50.140(10), the board of trustees of Community College District No. 1 empowers the president or designee to make rules and regulations for

pedestrian and vehicular traffic on property owned, operated, or maintained by the college district.

NEW SECTION

WAC 132A-116-006 Registration. Employees requesting assigned parking are required to register and display parking permits on their vehicles.

NEW SECTION

WAC 132A-116-011 Parking fees. All employees on campus and all students will pay fees for campus parking. Fees for parking will be established by the board of trustees.

NEW SECTION

WAC 132A-116-016 Visitor parking. Parking spaces reserved for visitors are designated. Staff and student vehicles, regardless of registration, are not permitted to park in these areas. Unauthorized vehicles parked in violation may be towed away and impounded at the expense of the operator.

NEW SECTION

WAC 132A-116-021 General regulations. (1) Parking is prohibited:

- (a) In spaces assigned to specific vehicles.
 - (b) Along entrance or service roads to the campus designated as fire lanes.
 - (c) On the campus proper.
 - (d) In front of the residence hall.
 - (e) In assigned residence hall parking.
 - (f) In the area of the professional/technical shops except cars awaiting maintenance.
 - (g) In the area of the arts and crafts laboratories.
 - (h) In loading areas, except while in the process of loading or unloading, and not to exceed thirty minutes.
- (2) Traffic in the main parking area is one-way as marked. Back-in parking is not permitted.
- (3) Parking is permitted only in marked spaces. Cars must be parked within traffic lines on both sides.

NEW SECTION

WAC 132A-116-026 Enforcement. (1) Campus motor vehicle regulations are enforced by the Peninsula College employees operating under the direction of the college parking officer. Disabled and fire lane parking enforcement is monitored by local law enforcement agencies. Citations will be issued for traffic violations which include: Parking in "no parking" zones, parking in "visitors" area, parking in assigned staff areas, parking in disabled areas without appropriate permit, parking in service areas, parking in the residence hall area, back-in parking, violation of parking lanes.

(2) Citations issued for violations are payable at the business office. Penalty is four dollars per violation if paid within forty-eight hours and ten dollars if paid after the first forty-eight hours.

(3) Failure by students to clear violation penalties may result in the withholding of transcripts, denial or cancellation

of admission or registration, or withholding of degree awards.

(4) Vehicles in repeated, uncleared violation of the campus parking regulations and abandoned vehicles may be impounded at the expense of the operator.

NEW SECTION

WAC 132A-116-030 Appeal of fines and penalties.

Students may appeal parking fines and penalties for violations of rules and regulations in this chapter pursuant to the provisions of chapter 132A-120 WAC. Other violators may appeal fines or penalties directly to the college parking officer.

Chapter 132A-120 WAC

STUDENT ((CONDUCT CODE)) RIGHTS AND RESPONSIBILITIES

NEW SECTION

WAC 132A-120-006 Student rights. The following enumerated rights are guaranteed to each student within the limitations of the statutory law and college policy deemed necessary to achieve the educational goals of the college.

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from college course offerings and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students are entitled to a learning environment free from unlawful discrimination, sexual harassment, and disrespectful conduct.

(d) Students are entitled to protection from arbitrary and capricious academic evaluation, but are responsible for meeting the standards of academic progress established by their instructors.

(2) Due process.

(a) Students are guaranteed the right to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures.

(b) Students are guaranteed that no disciplinary sanction may be imposed against them without an attempt to notify them of the nature of the charges against them.

(c) Students accused of violating this policy are entitled, upon request, to procedural due process as set forth in this chapter.

(3) Distributing and posting. Students are entitled to distribute or post printed or published materials subject to the procedures available in the office of student activities.

(4) Hosting off-campus speakers. Recognized student organizations shall have the right to invite outside speakers to address the college and community, subject to availability of campus facilities and compliance with college procedures established for such presentations.

NEW SECTION

WAC 132A-120-011 Student responsibilities. Any student shall be subject to disciplinary action as provided in this chapter who either interferes with, or assists others in interfering with, the personal rights or privileges of others or the educational purpose of the college; violates any provision of this policy; or who commits any of the personal, property, or other offenses which are hereafter enumerated.

(1) Personal offenses.

(a) Assault, reckless endangerment, intimidation or interference with another in the pursuit of educational goals.

(b) Disorderly or abusive behavior, refusal to follow instructions, or other conduct which interferes with the rights of others or which obstructs or disrupts the teaching, research, or administrative functions of the college.

(c) Illegal assembly, obstruction, disruption, or material and substantial interference with the conduct of classes, hearings, meetings, educational and administrative functions of the college; the private rights and privileges of others, or vehicular pedestrian traffic.

(d) Sexual harassment, engaging in unwelcome sexual advances, requesting sexual favors, or engaging in physical or verbal conduct of a sexual nature which offends the recipient, causes discomfort or humiliation, or interferes with job or academic performance.

(e) Filing a false complaint accusing another student or a college employee of violating a provision of this policy.

(f) Creating a false alarm by setting off or tampering with any emergency safety equipment, alarm, or other device provided for the safety of individuals or college facilities.

(2) Property offenses.

(a) Theft of college property.

(b) Malicious mischief in causing either intentional or negligent damage to or destruction of any college facility or other public or personal property.

(c) Trespass: Either declining a legal order to vacate college property or violating a legal prohibition of access to college facilities.

(d) Unauthorized use of college equipment and supplies or conversion of college equipment for personal gain. This includes intentionally and without authorization gaining access to a computer system or electronic data of another student, a faculty member, or the district, in violation of RCW 9A.52.130.

(3) Other offenses.

(a) Cheating and plagiarism, submitting to a faculty member any work which is untruthfully represented as the student's own work for the purpose of meeting the requirements of any assignment or task required by the faculty member as a part of the student's program of instruction.

(b) Forgery or the alteration of official records, whereby a student either forges or offers a forged document as authentic to any agent acting on behalf of Peninsula College.

(c) Refusal to provide identification in appropriate circumstances to any college employee acting in the lawful discharge of the employee's duties.

(d) Illegal entry into any administrative or employee office or otherwise locked or closed college facility, at any

time, without permission of the employee or an appropriate agent of the college.

(e) The use, possession, or sale of any controlled substances (as defined in chapter 69.50 RCW, now or hereafter amended) on college owned or leased property except when the use or possession of a drug is prescribed as medication by an authorized medical professional.

(f) The use, possession, or sale of any form of alcoholic beverage, or being demonstrably under the influence of alcohol on college owned or leased property. Excepted are sanctioned events, approved by the president or his or her designee and in compliance with state law.

(g) The possession on college property of weapons, explosives, or dangerous chemicals, or the unauthorized use or possession of any device or substance which can be used to inflict bodily harm or cause damage to real or personal property.

(h) Smoking in any nonresidential building or in any campus location not designated for smoking.

NEW SECTION

WAC 132A-120-016 Hazing. Student hazing includes any method of initiation into a student organization or living group or any pastime or amusement conducted by such an organization that causes or is likely to cause physical harm, bodily danger, or serious mental/emotional harm to the student. Conduct which does not meet the formal definition of hazing but is nevertheless offensive, including conduct resulting in serious embarrassment, ridicule, sleep deprivation, verbal abuse or personal humiliation, may be grounds for disciplinary action. Hazing shall not include customary athletic events or other similar contests or competitions, according to RCW 28B.10.900. Pursuant to RCW 28B.10.901 through 28B.10.903, Peninsula College shall enforce the following:

(1) No student may conspire to engage in hazing or participate in the hazing of another.

(2) Any person who hazes another shall forfeit for a period of one year entitlements to state-funded grants, scholarships, and awards.

(3) Any organization that knowingly permits hazing shall be deprived of official recognition by the college.

(4) Any organization that knowingly permits hazing is strictly liable for harm caused to persons or property.

NEW SECTION

WAC 132A-120-021 Delegation of disciplinary authority. The director of student activities or designee shall have the authority to administer the disciplinary action prescribed in this chapter. The president shall be informed of all student dismissals, suspensions or probation proceedings by the director of student activities.

NEW SECTION

WAC 132A-120-026 Disciplinary action. The following disciplinary actions are hereby established and shall be imposed upon violators of the rules of conduct enumerated in

this chapter, pursuant to the right of appeal as outlined in this chapter.

(1) Disciplinary warning. This shall consist of verbal notice to the student that the student has violated college rules of conduct or has failed to meet the college's expectations regarding student conduct. The student will be cautioned that repeated misconduct will result in additional sanctions.

(2) Disciplinary reprimand. This shall consist of a formal written censure provided to the student and shall detail the rules violated as well as the more serious disciplinary action which may result from repeated violations of the rules of conduct.

(3) Disciplinary probation. This shall consist of formal action by the disciplinary officer, placing specific conditions on the student's continued student status. Notice of probation shall be made in writing and shall specify the period of probation and the conditions. Probation may be for a specific period or may extend through the student's period of enrollment.

(4) Suspension. This shall consist of a formal but limited dismissal from the college. Notice of the action shall be given in writing and shall specify both the length of the dismissal and any conditions which must be met before reinstatement.

(5) Expulsion. This shall result in permanent termination of a student's eligibility for enrollment. Notice of the expulsion and its cause shall be presented in writing. The expelled student shall receive no refund of any tuition or fees which have been paid for the period of enrollment in which the expulsion occurs, or for any period of enrollment.

NEW SECTION

WAC 132A-120-031 Initiation of discipline. (1) A request for disciplinary action must be referred to the official designated by the president as responsible for college discipline. The request must be made within ten days of the discovery of the facts and must be made in writing and signed by the individual making the request.

(2) If in the opinion of the college discipline official the accused student's presence on campus represents a threat of danger or disruption, the student may be placed on suspension pending the commencement of disciplinary action.

(3) The student accused will be called for an informal meeting with the college discipline official and will be informed of the charges which have been made and the range of possible penalties should the student be judged guilty of having violated college regulations.

(4) After considering all evidence in the case, the discipline officer may take any of the following actions:

(a) Terminate the proceeding, exonerating the accused;

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Impose minor sanctions directly, including verbal warning, reprimand, or such sanctions as the student may agree to in writing, such as community service or restitution;

(d) Impose the formal sanctions of probation, limited dismissal, or expulsion. All formal sanctions will be subject to the student's right of appeal as set forth in the following procedures.

(5) The discipline officer shall inform both the person(s) making the accusation and the accused student of the disposition of the accusation. If the discipline includes formal sanctions, the decision will be rendered in writing and a copy will be provided to the office of the college president.

NEW SECTION

WAC 132A-120-036 Appeals. A student may appeal any decision which imposes the sanctions of probation, suspension, or expulsion. Such appeals shall meet the following conditions:

(1) All appeals must be in writing and must be filed with the office of the college president not later than ten days from the date on which the student was notified of the disciplinary action. Appeals must clearly state either errors in fact or matters of extenuation or mitigation which justify the appeal.

(2) Initial appeals of decisions rendered by the college discipline officer shall be made to the college discipline committee, which shall be composed of three college faculty members appointed by the college president and three full-time students appointed by the associated student president.

(3) A final appeal to the president of the college may be made from a decision of the discipline committee. The president shall review the record of the proceedings which gave rise to the appeal, as well as the recommendation of the college discipline officer and the records of the discipline committee. The president's decision shall be final.

NEW SECTION

WAC 132A-120-041 Hearing of appeals. (1) The discipline committee will hear all cases in which a student has appealed the decision of the college discipline officer imposing sanctions of suspension, termination of college residence, limited dismissal, or expulsion.

(2) When notified of an appeal, the committee shall meet to select a chairperson and establish a hearing date for the appeal not later than fourteen days from the date the appeal was filed with the office of the president.

(3) The student has a right to a fair and impartial hearing.

(a) If any member of the committee is unable to render a fair and impartial decision for any reason, including conflict of interest or conscience, that member shall abstain from considering the issues.

(b) The student will be notified in writing, by personal service or by certified mail, of the time and place of the hearing. Such notice, to be provided not less than ten calendar days in advance of the hearing, shall include:

(i) A statement of the time, place and nature of the hearing;

(ii) A statement of the specific charges which will be considered;

(iii) To the extent known, a list of the witnesses who will appear, and a summary of the documentary or physical evidence which will be presented by the college.

(c) The student may request that a hearing date be advanced or that the hearing be continued for good cause. The discipline committee chair shall be authorized to alter the hearing date.

(d) The student shall be entitled to hear and examine the evidence against him or her and be informed of the identity of the source.

(e) The student shall be entitled to representation by the counsel of his or her choice at the hearing. If the student elects to choose as counsel an attorney licensed to practice in the state of Washington, the student shall notify the office of the college president of that choice at least five working days prior to the hearing.

(f) The student shall be allowed to present evidence on his or her own behalf and cross-examine witnesses testifying on behalf of the college as to the accuracy of their testimony.

(g) The hearing shall be closed unless the student specifically requests an open hearing. In a closed hearing, participants, excluding those admitted for the purpose of presenting evidence, shall be limited to: Members of the discipline committee and a single person chosen to record the proceedings; the student and counsel, not to exceed three persons in total; and the college authorities presenting the case and counsel, not to exceed three persons in total. If at any time during a closed or open hearing, there should be a disruption of the proceeding, the chairperson of the discipline committee may exclude from the hearing the person or persons causing the disruption.

(4) In all disciplinary proceedings, a college official shall be appointed to present the case of the college against the student accused of violating the rules of conduct. In cases in which the student elects to be represented by a licensed attorney, the college may elect to be represented by an assistant attorney general.

(5) An audio recording shall be made of any disciplinary hearing. In addition, the chair of the discipline committee may select either a member of the committee or an additional person to take notes during the hearing and prepare a record of the hearing. The record of the hearing shall consist of all documents presented, all evidence received and considered, all testimony offered, a statement of matters officially noted, questions and offers of proof, objections, and rulings made thereon and during the course of the hearing.

(6) All records of college disciplinary proceedings shall be maintained in the office of the college president during the disciplinary proceedings, and shall be available during that time only to the discipline committee, the student and his or her attorney, and other college officials designated by the president. After the conclusion of the proceeding, access to records of the proceeding will be limited to those records designated by the president.

(7) Only the evidence presented at a disciplinary hearing will be considered in determining whether the accused student has violated the rules as charged. The chair, with the consent of the committee, shall exclude evidence which is incompetent, irrelevant, immaterial, or unduly repetitive. Evidence or testimony to be offered on behalf of the student as extenuation or mitigation shall be presented only after substantive and factual evidence has been presented.

(8) At the conclusion of the hearing, the discipline committee shall meet in closed session to consider all information presented and shall decide by majority vote whether to uphold the decision of the college discipline official or to recommend any of the following actions:

(a) That the college terminate proceedings and exonerate the student;

(b) That the college impose any of the disciplinary sanctions defined in WAC 132A-120-026.

(9) Within seven calendar days of the hearing's conclusion, the discipline committee shall provide its recommendations to the college president. A copy of the committee's findings of fact and its recommendations will be made available to the student. The student will be advised of his or her right to present within ten days a written statement to the president of the college appealing the recommendations of the committee.

(10) Any student may appeal the findings of the discipline committee by providing a written appeal to the president of the college. The president shall then review the written record of evidence provided at the discipline committee's hearing, as well as the recommendations offered. During the review the president may, but is not required to, suspend any recommended disciplinary action. At the conclusion of the president's review, a statement of findings will be issued. The student will either be exonerated or sanctions will be imposed. The president's review shall be final.

NEW SECTION

WAC 132A-120-046 Summary suspension and appeals. (1) Except in extraordinary cases disciplinary sanctions will be imposed only after the college discipline officer has conducted an interview with the student and the student has exercised or declined to exercise the right of appeal. Extraordinary circumstances will be considered to exist when the college discipline officer has cause to believe that the student has committed a felony or has violated one of the regulations defined in this policy and presents an imminent danger to himself or herself, other persons on the college campus, or the educational process.

(2) In such cases, the college discipline officer shall attempt to notify the student personally and shall send notice by certified mail at the student's last known address that the student is summarily suspended. The notice shall state the charges against the student, refer to the regulations alleged to have been violated, and summon the student to a meeting with the discipline officer at a time as early as possible following the suspension.

(3) If after meeting with the student, the college discipline officer determines that:

(a) There is probable cause to believe the student did commit one or more of the violations alleged;

(b) The alleged violations would be sufficient grounds for disciplinary action; and

(c) That summary suspension is necessary for the safety of the student, other students or persons on college facilities, or the educational processes of the institution, the college discipline officer shall continue the summary suspension. In this event the student will be notified within three days by personal service or by certified mail sent to the student's last known address. Notification shall include:

(i) The findings of fact and the conclusion which led to the continued summary suspension.

(ii) The duration of the suspension or the nature of additional disciplinary action.

(iii) The conditions under which the suspension can be terminated.

(4) Failure of the student to attend or participate in a meeting with the discipline officer shall not limit the college's ability to extend or enforce a summary suspension.

(5) The student retains the right to appeal from the discipline officer's decision to continue a summary suspension. Appeal may be made to the college discipline committee, provided that:

(a) The student has met with the discipline officer;

(b) The student has been officially notified of the outcome of that meeting;

(c) Summary suspension or another disciplinary sanction has been upheld; and

(d) The appeal is made in accordance with administrative procedure 501.03.

(6) The college discipline committee, in accordance with procedure 501.04, will conduct a hearing within five days to consider an appeal from summary suspension. The discipline committee shall render its recommendation(s) to the college president within three days of its hearing.

(7) The president shall consider the recommendations of the discipline committee and shall issue a final decision within three days.

NEW SECTION

WAC 132A-120-051 Student grievances. If a student believes he or she has been unfairly treated by a college administrator, faculty member, or staff member, the student may pursue resolution of the grievance either informally or formally. To be considered valid, a grievance must be initiated within three weeks of the event giving rise to the grievance. The procedures outlined below are to be used, except that:

(1) Grievances may not be filed based on the outcome of summary or other disciplinary proceedings already described in earlier sections of this policy; and

(2) A grievance may not be filed in protest against federal or state laws, or against policies, regulations, or procedures adopted by the state community and technical college board or by the trustees of Peninsula College.

NEW SECTION

WAC 132A-120-056 Informal grievance procedures.

(1) A student wishing to pursue informal resolution of a grievance may contact the officer designated by the college president as ombudsman. The ombudsman may advise the grievant of possible courses of action, or may attempt to mediate or gain the satisfaction of all parties to the grievance.

(2) A student may instead choose an alternative informal grievance procedure, in which case the student shall: Contact the college employee with whom he or she has a grievance and attempt to resolve the matter through direct discussion. If such discussion does not resolve the issue, the student shall: Contact the employee's immediate supervisor, who shall serve as mediator and attempt to resolve the issue

promptly and fairly. If a resolution is not reached in this manner, it shall be the responsibility of the immediate supervisor to forward the complaint to the college administrator who provides general supervision of the employee. This administrator will investigate the complaint, and will, within one week, determine how best to resolve the grievance and will provide a written opinion to all parties.

(3) Informal grievance procedures must be completed within three weeks, unless all parties agree to an extended process.

NEW SECTION

WAC 132A-120-061 Formal grievance procedures.

(1) If a grievance cannot be resolved through informal processes, the student may petition for formal grievance procedures by presenting to the college ombudsman within five days of the conclusion of informal procedures a written request for a formal hearing of the grievance. At the time of the presentation of the petition, the student and the ombudsman will establish whether the student wishes to be assisted by counsel, provided that if the student will be represented by an attorney, the college may be represented by an assistant attorney general.

(2) Members of the college discipline committee will hear the grievance. Three additional members chosen by classified employees will be added to the discipline committee, which will then elect its own chairperson. Each member of the grievance committee shall be provided with a copy of the written request for hearing.

(a) The committee shall meet within seven days of receiving the statement and shall be free to call witnesses and receive testimony that allows them to reach a fair and prompt resolution of the grievance.

(b) The committee meeting shall be closed unless all parties to the grievance agree that it shall be public.

(c) Records of the hearing will be maintained, although it is intended that the hearing will be informal and informational.

(d) The grievant may withdraw the grievance at any point in the process by requesting termination in writing. Failure of the grievant or appellant to appear at any hearing without prior arrangement will be considered a withdrawal of the grievance or appeal.

(e) Within three days of the conclusion of the hearing, the committee shall issue a written recommendation, which shall be provided to all parties to the grievance. Additionally, the recommendation will be provided to the dean responsible for ultimate supervision of the employee involved. Within three working days the dean shall accept, modify, or reject the recommendations of the hearing committee and shall notify parties of the decision.

(3) If the student remains unsatisfied with the decision, he or she may request a review of the decision by the president of the college. Such a request shall be in writing and made within five working days of the recommendation. The president will review the record of the hearing committee, the decision of the dean, and the appeal of the grievant, and will render a final decision on behalf of the college.

NEW SECTION

WAC 132A-122-011 Policy. If any student or former student is indebted to the institution for an outstanding overdue debt, the institution need not provide services of any kind to such individual, including, but not limited to, conferring degrees and transmitting files, records, transcripts or other services which have been requested by such person.

NEW SECTION

WAC 132A-122-021 Withholding services for outstanding debts. Upon receipt of a request for services where there is an outstanding debt due the institution from the requesting person, the institution shall notify the person in writing by certified mail to the last known address, that the services will not be provided since there is an outstanding debt due the institution, and further that until that debt is satisfied, no such services will be provided to the individual.

Notification that services will be withheld shall also inform the individual that he or she has a right to a hearing before a person designated by the president of the institution if he or she believes that no debt is owed. Notification shall also indicate that the request for the hearing must be made within fifteen days from the date such notice is received. Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the institution available for review and, at that time, shall hold a brief adjudicative proceeding concerning whether the individual owes or owed any outstanding debts to the institution. After the brief adjudicative proceeding, an order shall be entered by the president's designee indicating whether the institution is correct in withholding services and/or applying off set for outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of the decision shall be sent to the individual within ten days after the hearing. This hearing shall constitute a brief adjudicative proceeding in accordance with RCW 34.05.482 through 34.05.494.

Chapter 132A-130 WAC

TUITION AND FEE SCHEDULE

NEW SECTION

WAC 132A-130-010 Tuition and fee schedules. Chapter 28B.15 RCW sets the parameters for tuition and fee levels at state community colleges. The legislature establishes the tuition and fee rates each biennium. The tuition and fee rates charged by Peninsula College are based on this legislation. The specific amounts to be charged are transmitted to Peninsula College by the state board for community college education.

NEW SECTION

WAC 132A-130-020 Location of schedules. Additional and detailed information and specific amounts to be

charged for each category of students will be found in the class schedule and at the following locations on the Peninsula campus:

- (1) The office of admissions;
- (2) The registration and records office;
- (3) The controller's office;
- (4) The continuing education office;
- (5) The financial aid office.

NEW SECTION

WAC 132A-130-030 Tuition and fee waivers. (1) Peninsula may periodically establish tuition and fee waivers as authorized by state law and by the state board for community and technical colleges. This will be done in accordance with chapter 131-28 WAC and under regular college fiscal processes. Information regarding specific waivers will be available as provided in WAC 132A-130-020.

(2) Upon an applicant's request, individual determinations on tuition and fee waivers will be reviewed by the college (registrar), in a brief adjudicative proceeding under RCW 34.05.482 through 34.05.494.

Chapter 132A-131 WAC

SCHOLARSHIPS AND FINANCIAL AID

NEW SECTION

WAC 132A-131-010 Scholarships. Detailed information concerning the criteria, eligibility, procedures for application and other information regarding scholarships may be obtained from the following address: Peninsula College, Attention: Scholarships, 1502 E. Lauridsen Blvd., Port Angeles, WA 98362.

NEW SECTION

WAC 132A-131-020 Financial aid. Federal, state, and private financial aid applications and information may be obtained from the following address: Peninsula College, Attention: Financial Aid, 1502 E. Lauridsen Blvd., Port Angeles, WA 98362.

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

Chapter 132A-133 WAC

ORGANIZATION

NEW SECTION

WAC 132A-133-020 Organization—Operation—Information. (1) Organization. Peninsula College, Community College District No. 1, is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

1502 E. Lauridsen Boulevard
Port Angeles, WA 98362

Customary office hours are 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(3) Information. Additional and detailed information concerning educational offerings may be obtained from the college catalog, copies of which are available at the following address:

1502 E. Lauridsen Boulevard
Port Angeles, WA 98362

Chapter 132A-140 WAC

USE OF COLLEGE FACILITIES(~~(—BUSINESS)~~)

NEW SECTION

WAC 132A-140-001 Use of college facilities. Community College District No. 1 serves Clallam and east Jefferson counties by providing continued educational opportunities for their citizens. In keeping with this general purpose, the college offers its facilities for a variety of uses of benefit to the general public, provided that such uses do not interfere with the educational mission of the college. However, as a state agency, Peninsula College is under no obligation to make its public facilities available for private purposes.

NEW SECTION

WAC 132A-140-006 Distribution of material on campus. (1) The college reserves the right to control and regulate the distribution of materials which might interfere with the college's educational mission.

(2) Off-campus and nonstudent groups or individuals must register with and obtain the approval of the director of student activities before distributing handbills, leaflets, or similar materials.

(3) Such materials must identify the publishing agency and distributing organization or individual.

NEW SECTION

WAC 132A-140-011 Use of facilities. (1) The buildings, properties, and facilities of the college, including those assigned to student programs, may be used for:

(a) The regularly established teaching, research, or public service activities of the college and its departments or related agencies.

(b) Cultural, educational, or recreational activities of the students, faculty, or staff.

(c) Short courses, conferences, seminars, or similar events conducted either in the public service or for the advancement of specific departmental professional interests when arranged under the sponsorship of the college or its departments.

(d) Public events of a cultural or professional nature, brought to the campus at the request of college departments or committees and presented with their active participation.

(e) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(2) Primary consideration shall be given at all times to activities specifically related to the mission of the college, and no arrangements shall be made that may interfere with or operate to the detriment of the teaching, research, or public service programs.

(3) College facilities may not be used for commercial solicitation, advertising, or promotional activities unless such activities serve educational objectives and/or further the mission of the college.

(4) Activities of a commercial or partisan political nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards or the distribution of samples outside rooms or facilities to which access may be granted.

(5) Use of exterior audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs as determined by the college.

(6) The facilities of the college are available to recognized student groups subject to these general policies.

(7) The college reserves the right to establish administrative procedures, including rental fees, for the use of college facilities. Further information about the use of college facilities is available from the Director of Student Activities, Peninsula College, 1502 E. Lauridsen Boulevard, Port Angeles, WA 98362.

NEW SECTION

WAC 132A-140-016 Administrative control. The board hereby delegates to the president the authority to set up administrative procedures for proper review of the use of district facilities; to establish, within the framework of these policies, regulation governing such use; and to establish rental schedules where appropriate.

NEW SECTION

WAC 132A-140-021 Liability. Permission to use district and college facilities will be granted to an off-campus organization only under the express understanding and condition that such off-campus organization assumes full responsibility for any loss or damage resulting from such use and agrees to hold harmless and indemnify the district for any loss or damage or claims arising out of such use and agrees that in its use of facilities it will uphold the policies of Peninsula College and the laws of the state of Washington.

NEW SECTION

WAC 132A-140-026 Use of tobacco on campus. Smoking of tobacco or any other substance, either legal or

illegal, is prohibited in all campus areas, including campus buildings, walkways, and doorways, except in designated smoking areas. This regulation shall apply to all individuals entering the campus grounds, whether as student, employee, or visitor. Except under circumstances where smoking may be allowed in individual rooms, this regulation shall also apply to the residence hall.

NEW SECTION

WAC 132A-140-030 Trespass. (1) Individuals who are not students or members of the faculty or staff and who violate these regulations will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president, or designee, to leave the college property. Such a request prohibits the entry of, and withdraws the license or privilege to enter onto or remain upon, any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest for criminal trespass.

(2) Members of the college community (students, faculty, and staff) who do not comply with college regulations will be reported to the appropriate college office or agency for action in accord with established college policies.

(3) Persons who violate a district policy may have their license or privilege to be on district property revoked and be ordered to withdraw from and refrain from entering upon any district property.

Chapter 132A-150 WAC

HEALTH AND SAFETY

NEW SECTION

WAC 132A-150-010 Animals on campus. With the exception of trained guide dogs, animals are not allowed in public areas of buildings or in areas shared by staff. Any animal on college property must be attended and on a leash at all times. Animals may not be tied up and left unattended. Animals found locked in vehicles on college property will be reported to the animal control authority. Violators are subject to institutional discipline and/or dismissal from campus.

NEW SECTION

WAC 132A-150-020 Firearms, explosives, and dangerous chemicals restrictions. No person shall have in his or her possession on college owned or leased property any guns (including shotguns, rifles, pistols, air guns and pellet guns), firearms, explosives, dangerous chemicals, or other dangerous weapons or instruments. Violation is grounds for disciplinary and/or legal action. Excepted are as follows:

- (1) Authorized law enforcement officers carrying guns while engaged in regular duties;
- (2) Activities requiring the use of prohibited items, subject to the president's approval.

NEW SECTION

WAC 132A-156-006 Applications. Application information for the residence hall can be obtained from the Residence Hall Manager, Peninsula College, 1502 E. Lauridsen Boulevard, Port Angeles, WA 98362, or in person at the residence hall.

NEW SECTION

WAC 132A-156-011 Fees. Resident fees are set each year by the board of trustees. Current fee schedules may be obtained from the residence hall manager.

NEW SECTION

WAC 132A-156-016 Discipline. Guides for residence hall conduct may be obtained from the residence hall manager and will be given to the student upon occupancy. All violations of this guide will be referred to the residence hall manager and will be handled in accordance with the guide.

NEW SECTION

WAC 132A-168-006 Purpose of the library. Peninsula College serves the information needs of students, faculty, staff, and the community in an environment which nurtures learning and fosters freedom of intellectual activity; the access, retrieval, management, application, and distribution of information are central to the college mission.

NEW SECTION

WAC 132A-168-011 Materials selection. Information resources are acquired according to the principles and practices embodied in the Library/Media Center's *Collection Development and Materials Selection Policy*. Copies of this policy may be requested at the Library/Media Center.

NEW SECTION

WAC 132A-168-016 Hours. Library/Media Center hours are posted on the exterior of the John D. Glann library building and published annually in the student handbook. Any changes to regularly scheduled hours are posted and announced in advance.

NEW SECTION

WAC 132A-168-021 Circulation. The circulating collection is generally comprised of print resources, including, but not limited to, books, periodicals, catalogs, and vertical file materials. Noncirculating materials include reference resources and multimedia programs.

Loan time periods are based upon average demand and a reasonable turn-around time within the academic quarter. The loan time schedule is available upon request.

Circulation policies and practices are periodically revised to meet changing circumstances and are available upon request.

NEW SECTION

WAC 132A-168-026 Charges. Charges are levied for lost library materials based upon the cost of replacement plus an ordering and processing fee. Replacement costs for items no longer in print, or otherwise unavailable, are based upon the average cost of similar resources plus an ordering and processing fee.

NEW SECTION

WAC 132A-176-006 Environmental policy. It shall be the policy of Community College District No. 1 that capital projects proposed and developed by the district shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA); chapter 197-10 WAC, guidelines for SEPA implementation; and WAC 131-24-030, SEPA implementation rules of the state board for community and technical college education; and comply with WAC 197-10-820 as presently enacted or hereafter amended. The district president or an administrative officer designated by the district president shall be the "responsible officer" for carrying out this policy.

NEW SECTION

WAC 132A-276-031 Public records officer. The district's public records shall be in the charge of the public records officer designated by the college president and located on the main college campus. The public records officer shall be responsible for implementing the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 3, filed 12/8/76)

WAC 132A-276-045 Copying. No fee shall be charged for the inspection of public records. The district ~~((shall charge a fee of 10¢ per page of copy for providing copies of public records and for use of the district's copy equipment. This charge is the amount necessary to reimburse the district for its actual costs incident to such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the district will provide copies at a rate sufficient to cover any additional cost))~~ may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. All fees must be paid by money order, credit card, cashier's check, or cash in advance.

NEW SECTION

WAC 132A-280-006 Purpose. The purpose of this student records policy is to establish rules and procedures that appropriately implement the Family Educational Rights and

Privacy Act of 1974 (20 U.S.C. § 1232g). Peninsula College is committed to safeguarding appropriate access to student educational records as well as to maintaining individual student privacy.

(1) Generally, students have the right to review and copy their education records. Students also have the right to challenge the content of, the release of, or denial of access to, their educational records.

(2) The college normally will not permit access to or release of the student's education records to the public without authorization by the student, though some exceptions exist. Please see below for a complete description of the policy.

(3) The college may release directory information concerning a student unless the student requests in writing that directory information not be released.

NEW SECTION

WAC 132A-280-011 Definitions. For purposes of this chapter, the following terms shall have the indicated meanings:

(1) "Student" shall mean any person who is, or has been officially registered at, and is or has been attending Peninsula College and with respect to whom the college maintains education records or personally identifiable information.

(2) "Education records" shall refer to:

(a) Records, files, documents, and other materials maintained by Peninsula College or by a person acting for Peninsula College containing information directly related to a student;

(b) Records relating to an individual in attendance at the college who is employed as a result of his or her status as a student. However, records made and maintained by the college in the normal course of business which relate exclusively to a person's capacity as an employee are not education records.

(3) The term "education records" does not include the following:

(a) Records of instructional, supervisory, or administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute.

(b) Records of the college's department of safety and security, maintained solely for law enforcement purposes, disclosed only to law enforcement officials, and maintained separately from education records in subsection (2) of this section, but only if said law enforcement personnel do not have access to the records under WAC 132A-280-065; or

(c) Records concerning a student created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment. However, such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

(4) "Personally identifiable information" shall refer to data or information which includes either:

(a) The name of a student, the student's parent, or other family member;

(b) The address of the student;

(c) The address of the student's family;

(d) A personal identifier, such as the student's Social Security number or student number;

(e) A list of personal characteristics which would make it possible to identify the student with reasonable certainty; or

(f) Other information which would make it possible to identify the student with reasonable certainty.

(5) "Registration director" shall refer to the dean of enrollment and student services.

NEW SECTION

WAC 132A-280-016 Direction to college offices retaining student education records. All college individuals or offices having custody of education records shall develop procedures in accordance with WAC 132A-280-026 through 132A-280-085. Any supplementary regulations found necessary by departments shall be filed with the college's records committee, which shall be responsible for periodic review of policy and procedures.

(1) Disciplinary records shall be kept separate from academic records, and transcripts and a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to ensure that information from disciplinary or counseling files is not revealed to unauthorized persons. Provision shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records.

(2) No records shall be kept that reflect a student's political or ideological beliefs or association.

NEW SECTION

WAC 132A-280-021 Access to education records. (1) Except as provided in WAC 132A-280-026, students at Peninsula College shall have access to their education records. The right of access shall include the right to inspect, review, and obtain copies of education records.

(2) The director of registration shall prepare and maintain a list of the types of student education records maintained by Peninsula College.

(3) Students wishing access to their education records shall submit a written request for access to the director of registration. A request for access shall be acted upon by the director of registration within a reasonable period of time, not to exceed ten days.

(4) The director of registration shall provide students of the college with a reasonable opportunity to access education records, provided that the director of registration shall be responsible for taking appropriate measures to safeguard and ensure the security and privacy of the institution's records being inspected by students.

(5) The director of registration will inform in writing students who have requested access to their education records of the nature of any records which are being withheld from the

student on the basis of exceptions set forth in WAC 132A-280-065 and 132A-280-070. A student may challenge a decision by the director of registration to withhold certain of the student's records by filing an appeal with the grievance review committee, WAC 132A-280-050.

(6) Where requested records or data include information on more than one student, the requesting student shall be entitled to receive or be informed of only that part of the record or data that pertains to him or herself.

(7) Students have the right to obtain copies of their education records. Charges for the copies shall not exceed the cost normally charged by the college (except in cases where charges have previously been approved by the board of trustees for certain specified services, such as transcripts and grade sheets).

(8) This section shall not prohibit the college from providing a student with a copy of the student's academic transcript without prior clearance from the director of registration.

NEW SECTION

WAC 132A-280-026 Access to education records—Limitations on access. (1) Peninsula College shall not make available to a student the following types of materials:

(a) The financial records of the student's parents or any information contained therein.

(b) Letters or statements of recommendation, evaluations, or comments provided to the college in express or implied confidence prior to January 1, 1975, provided that such letters or statements shall not be used for purposes other than those for which they were originally intended.

(c) If a student has signed a waiver of his or her right of access in accordance with subsection (2) of this section, confidential records relating to the following:

- (i) Admission to any educational agency or institution;
- (ii) An application for employment; or
- (iii) The receipt of an honor or honorary recognition.

(2) Students and other people applying for admission to the college may waive their right of access to the type of confidential records referred to in subsection (1)(c) of this section. Such waiver shall apply only if the student is, upon request, notified of the names of all persons making confidential recommendations, and such recommendations are used solely for the specific purpose for which the waiver has been granted. The college is not allowed to require such waivers as a condition for admissions, receipt of financial aid, or receipt of other services or benefits from the college.

(3) If any material or document in the education record of a student includes information concerning more than one student, the student shall only have the right either to inspect and review that portion of the material or document which relates to him or herself or to be informed of the specific information contained in that portion of the material or document.

NEW SECTION

WAC 132A-280-031 Right to copy education records. (1) The director of registration shall, at the request

of a student, provide the student with copies of the student's education records. The fees for providing such copies shall not exceed the actual cost to the college of providing the copies.

(2) The college shall not provide to students official copies of transcripts from other educational institutions, such as high school or other college transcripts.

NEW SECTION

WAC 132A-280-035 Request for explanation or interpretation of record. The director of registration shall respond to reasonable requests for explanation or interpretation of the contents of student education records.

NEW SECTION

WAC 132A-280-040 Challenges—To content of education records, release of education records, or denial of access to education records. (1) Students who believe that inaccurate, misleading, or otherwise inappropriate data is contained within their education records shall be permitted to have included within the records a written explanation by the student concerning the content of the records.

(2) A student shall have the right, in accordance with the procedures set forth in WAC 132A-280-045 and 132A-280-050, to:

(a) Challenge the content of education records in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the students;

(b) Have the opportunity to correct or delete inaccurate, misleading, or otherwise inappropriate data contained within education records;

(c) Challenge the release of education records to specific persons as contrary to the provisions of this chapter; and

(d) Challenge a decision by the college to deny the student access to particular types of records.

(3) A student shall not be permitted under this chapter to challenge the validity of grades given in academic courses, except on the grounds that, as a result of clerical error, the student's record fails to accurately reflect the grade actually assigned by an instructor.

NEW SECTION

WAC 132A-280-045 Challenges—Informal proceedings. A student wishing to exercise the rights set forth in WAC 132A-280-040(2) shall first discuss with the director of registration the nature of the corrective action sought by the student. Failing resolution, the student may seek formal corrective action under WAC 132A-280-050.

NEW SECTION

WAC 132A-280-050 Challenges—Hearing before grievance review committee. (1) If informal proceedings fail to resolve the complaint of a student, the student may file with the director of registration a written request for a hearing before the grievance review committee of the college.

(2) Within a reasonable time after submission of a request for hearing, the grievance review committee shall conduct a hearing concerning the student's request for corrective action. The student and the college shall be given a full opportunity to present relevant evidence at the hearing before the student rights and responsibilities committee.

(3) If a student demonstrates that his or her education records are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the student rights and responsibilities committee shall have authority to order the correction or deletion of inaccurate, misleading, or otherwise inappropriate data contained in the records.

(4) If a student demonstrates that the release of his or her education records would be improper under this chapter, the student rights and responsibilities committee shall have authority to order that the records not be released.

(5) If a student demonstrates that he or she is entitled to access particular documents under this chapter, the student rights and responsibilities committee shall have authority to order that the student be permitted access to the records.

(6) The decision of the student rights and responsibilities committee shall be rendered in writing within a reasonable period of time after the conclusion of the hearing.

NEW SECTION

WAC 132A-280-055 Release of personally identifiable information or education records. The college shall not permit access to or release of a student's education records or personally identifiable information contained therein to any person without the written consent of the student, except as provided in WAC 132A-280-065, 132A-280-070, or 132A-280-075.

NEW SECTION

WAC 132A-280-060 Release of personally identifiable information or education records—Nature of consent required. Where the consent of a student is required under WAC 132A-280-055 for the release of education records or personally identifiable materials contained therein, the student's consent shall be in writing, shall be signed and dated by the student, and shall include a specification of the records to be released, the reasons for such release, and the names of the parties to whom the records may be released.

NEW SECTION

WAC 132A-280-065 Release of personally identifiable information or education records—Exceptions to consent requirement. (1) The college may permit access to or release of a student's education records or personally identifiable information contained therein to the following parties without the written consent of the student:

(a) College officials, including faculty members, when the information is required for a legitimate educational purpose within the scope of the recipient's official responsibilities with the college and will be used only in connection with the performance of those responsibilities;

(b) Federal or state officials requiring access to education records in connection with the audit or evaluation of federally or state-supported educational programs or in connection with the enforcement of federal or state legal requirements relating to such programs. In such cases, the information required shall be protected by the federal or state officials in a manner which shall not permit the personal identification of students or their parents to other than those officials. Such personally identifiable data shall be destroyed when no longer needed for the purposes for which it was provided;

(c) Agencies or organizations requesting information in connection with a student's application for, or receipt of, financial aid;

(d) Organizations conducting studies for or on behalf of the college for purposes of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if such studies are conducted in a manner which will not permit the personal identification of students by persons other than representatives of such organizations. The information shall be destroyed when no longer needed for the purposes for which it was provided;

(e) Accrediting organizations in order to carry out their accrediting functions;

(f) Any person or entity authorized by judicial order or lawfully issued subpoena to receive such records or information, upon condition that the student is notified of all such orders or subpoenas in advance of compliance therewith by the college. Any college employee or official receiving a subpoena or judicial order for education records or personally identifiable information contained therein shall immediately notify the assistant attorney general representing the college;

(g) An alleged victim of any crime of violence (as defined in 18 U.S.C. § 16), so long as the information disclosed is the result of a disciplinary proceeding for the crime conducted by the college against the alleged perpetrator.

(2) Release to third parties, with or without the student's consent, of education records of a student, or personally identifiable information contained therein, shall be conditioned upon a written agreement indicating that the information cannot subsequently be released in a personally identifiable form to any other party without the written consent of the student involved.

(3) The college shall maintain a record, kept with the education records of each student, indicating all parties, other than those parties specified in subsection (1)(a) of this section, who have requested or obtained access to the student's education records, and indicating the legitimate interest that each such party has in obtaining the records or information contained therein. This record of access shall be available only to the student, to the employees of the college responsible for maintaining the records, and to the parties identified under subsection (1)(a) and (c) of this section.

NEW SECTION

WAC 132A-280-070 Release of information in emergencies. (1) The director of registration or that person's designee may, without the consent of a student, release the student's education records or personally identifiable informa-

tion contained therein to appropriate parties in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

(2) The following factors should be taken into consideration in determining whether records may be released under this section:

(a) The seriousness of the threat to the health or safety of the student or other persons;

(b) The need for personally identifiable information concerning the student to meet the emergency;

(c) Whether the parties to whom the records or information are released are in a position to deal with the emergency; and

(d) The extent to which time is of the essence in dealing with the emergency.

(3) If the college, pursuant to subsection (1) of this section, releases personally identifiable information concerning a student without the student's consent, the college shall notify the student as soon as possible of the identity of the parties to whom the records or information have been released and of the reasons for the release.

NEW SECTION

WAC 132A-280-075 Directory information. (1) The college may release "directory information" concerning a student to the public unless the student requests in writing of the director of registration that the student's directory information not be released except as provided in WAC 132A-280-055, 132A-280-065, or 132A-280-070.

(2) Peninsula College has designated the following items as directory information: Student name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended, and photograph.

NEW SECTION

WAC 132A-280-080 Destruction of student records. Except as otherwise provided by law, the college shall not be prevented under this chapter from destroying all or any portion of a student's education records in accordance with established records retention schedules, provided that no education record to which a student has requested access shall be removed or destroyed by the college prior to providing the student with the requested access.

NEW SECTION

WAC 132A-280-085 Notification of rights under this chapter. The college shall annually notify students currently in attendance of their rights under this chapter and the Family Educational Rights and Privacy Act.

The notice shall include a statement of the following student rights:

(1) To inspect and review his or her education records;

(2) To request an amendment of the education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;

(3) To allow or deny disclosures of personally identifiable information contained in the student's education records, except to the extent that these regulations and the regulations promulgated pursuant to the Family Educational Rights and Privacy Act allow;

(4) To file a complaint with the United States Department of Education under 34 C.F.R. 99.64 concerning alleged failures by the college to comply with the requirements of the act;

(5) To access information concerning the cost to be charged for reproducing copies of students' records; and

(6) To access a copy of the regulations in this chapter.

The notice shall indicate the places where copies of these regulations are located.

Chapter 132A-320 WAC

LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

NEW SECTION

WAC 132A-320-010 Grounds for ineligibility. Any student found to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise, insofar as it prohibits the possession, use or sale, or furnishing of legend drugs, including anabolic steroids, will be disqualified from participation in any school-sponsored athletic event or activity.

NEW SECTION

WAC 132A-320-020 Suspension procedure—Right to information hearing. Any student notified of a violation of the above shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the president or his or her designee within three days of receipt of a declaration of further athletic ineligibility. If timely written request is made, the president or his or her designee shall designate a hearing officer, who shall be a college officer not involved with the athletic program, to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student shall be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible for further participation in school-sponsored athletic events for the remainder of the school year.

NEW SECTION

WAC 132A-320-030 Decision. The college official who acts as a hearing officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered or prepared by the hear-

ing officer shall be maintained as the official record of the hearing. A decision must be promptly rendered after the conclusion of the hearing and in no event later than twenty days after the request for hearing is received by the president or his or her designee.

Chapter 132A-350 WAC

GRIEVANCES—DISCRIMINATION

NEW SECTION

WAC 132A-350-015 Peninsula College antidiscrimination policy. (1) **Preamble.** Peninsula College is committed to protecting the rights and dignity of each individual in the campus community and will not tolerate any form of discrimination. All Peninsula College employees and students may report alleged discriminatory behavior without fear of restraint, reprisal, interference, or coercion. No employee's or student's status with the college shall be adversely affected in any way because he or she utilizes the following procedures. Peninsula College's informal and formal grievance procedures are designed to ensure fairness and consistency in the college's relations with its employees and students. Nothing in these procedures shall be construed as abridging the right of an employee or student to allege discrimination in exercising constitutional or statutory rights which may be available.

(2) **Informal review procedures.** Any employee or student is urged to communicate his or her discrimination grievance to the appropriate supervisor. Every effort should be made to resolve the grievance informally within the department. However, should an employee or student feel that he or she is unable to discuss the grievance with the appropriate supervisor, then that employee or student should go to the major administrator for that unit, department, or division to discuss the problem. The employee or student may also wish to exercise his or her rights to pursue an informal resolution, which may include mediation with the assistance of the affirmative action officer.

(3) **Formal review procedures.** The following formal review procedures have been established for those kinds of discrimination problems which remain unsolved after informal review has occurred and when the informal procedure has failed to resolve the conflict to the satisfaction of the parties.

(a) Any employee or student who believes he or she has been discriminated against in connection with a violation of the college's affirmative action policy may, after the informal procedures have failed, file a formal complaint in writing with the college's affirmative action officer, stating the grievance and requesting a remedy. Within five working days of the filing, the affirmative action officer shall serve a copy of the complaint to the respondent and notify the respondent's major administrator. The respondent has five working days in which to respond to the allegations in the complaint in writing and submit the reply to the affirmative action officer. Within five working days of the receipt of the reply, the affirmative action officer shall show the reply to the complainant, and ask both the complainant and respondent if they will

mediate the complaint. If so, the affirmative action officer will initiate the mediation within ten working days of receiving the reply, unless availability of the parties involved necessitates an extension.

(b) If the complaint is unresolved after mediation, or if either party refuses to mediate, the affirmative action officer, or a qualified designee shall then investigate the complaint. Depending upon the circumstances, this investigation may include meetings with the employee, the immediate supervisor, the major administrator, and any other person who may be involved. A finding of probable cause or no probable cause shall be given to the employee or student by the affirmative action officer within sixty working days of the filing of the complaint. This time may be extended by mutual agreement between the complainant and the committee.

(c) If the complainant or respondent is not satisfied with the results of the review as indicated above, that person may appeal to the college president. All information regarding the complaint shall be forwarded to the president by the affirmative action officer, and the complainant or respondent may submit any further information desired. The president shall, within ten working days, communicate in writing to the complainant or respondent a decision, with a copy to the affirmative action officer. Again, the time may be extended by mutual agreement. The decision of the president shall be the college's final decision.

NEW SECTION

WAC 132A-350-020 Grievance procedure—Sexual harassment, sex discrimination. (1) **Preamble.** It is the policy of Peninsula College to provide an environment in which employees can work free from sexual harassment and sexual intimidation. Sexual harassment is a form of sex discrimination. As such it is a violation of Title VII of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments.

(2) **Definitions.** Sexual harassment of an employee is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when:

(a) Submission to the conduct is either explicitly or implicitly a term or condition of an individual's education, employment or career advancement; and/or

(b) Submission to or rejection of such conduct by an individual is used as the basis for education or employment decisions or any other decisions affecting that individual; and/or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's education or work or has the effect of creating an intimidating, hostile, or offensive environment.

(3) **Procedure.** A person who believes he or she has experienced gender discrimination or sexual harassment in the college environment may discuss the issue with a gender equity advisor who will help the claimant determine whether to proceed with mediation, formal hearing, or appeal. The advising process shall be designed to promote free discussion between the claimant and the advisor. Every attempt shall be made to protect the privacy of the individuals during the advising process.

(a) Mediation. After the advising process the claimant may request mediation among parties involved in his or her grievance. Both parties have the option to bring a support person to the mediation. A mutually agreed upon mediator will be selected from a list of mediators appointed by the president.

(b) Formal hearing. Any party may request a formal hearing by submitting a claim on Peninsula College's Complaint/Grievance Form to the affirmative action officer, who shall forward the claim to the sexual harassment investigative team appointed by the president and composed of classified student, faculty, and administrative representatives. At the conclusion of the investigation, the investigative team shall issue a written report which will include recommendations to the claimant, the respondent, and the college president. All parties are entitled to legal representation.

(c) Appeal. The claimant and respondent are entitled to file an appeal in writing to the college president within ten working days following receipt of the formal hearing report. Within ten working days after receipt of the written appeal, the college president shall conduct an appeal hearing and report the findings in writing to both the claimant and respondent. The decision of the college president shall be the college's final decision.

NEW SECTION

WAC 132A-350-030 Disciplinary action. The president may take disciplinary action should the investigative team find discrimination in the form of gender inequity or sexual harassment. Disciplinary action may include, but is not limited to, findings placed in a personnel or student file, suspension, or dismissal.

NEW SECTION

WAC 132A-350-040 Reasonable accommodations/academic adjustment for persons with disabilities. Persons with disabilities have the right to request reasonable accommodations/academic adjustments that:

(1) Are necessary to ensure that employment/academic requirements do not discriminate based on disability or have the effect of discriminating based on disability against a qualified individual; and

(2) Do not impose an undue hardship on the college or require alteration of essential program requirements.

NEW SECTION

WAC 132A-350-045 Definitions. (1) Academic adjustment means modifications to academic requirements as necessary to ensure that such requirements do not discriminate against students with disabilities or have the effect of excluding a student solely on the basis of a disability.

(2) Individual with a disability is a student, employee, applicant, or visitor who has a physical, mental or sensory impairment that substantially limits one or more major life activities, has a record of such an impairment, is perceived to have such an impairment, or has an abnormal condition that is capable of being medically diagnosed.

(3) Reasonable accommodations means modifications or adjustments to academic procedures and job or work environment, policies, or practices that enable qualified individuals with disabilities to enjoy equal opportunities.

NEW SECTION

WAC 132A-350-050 Reasonable accommodations/academic adjustment disputes. The college shall not be mandated to furnish the requested accommodation, but will confer with the requester in an effort to achieve reasonable appropriate accommodations. If an individual believes the special needs coordinator or the counselor for students with disabilities has not identified or provided reasonable accommodations/academic adjustment or auxiliary aids, the individual may seek review of the action by contacting the vice president of educational services for academic adjustments or the vice president of administrative services for reasonable accommodations. The individual shall submit the appeal in writing to the appropriate vice-president. The vice-president shall review the individual's position and respond within five working days. If resolution is not reached, the vice-president will refer the appeal to the college president. The president shall review the dispute and make recommendations in writing for appropriate resolution. The decision of the president shall be the final decision.

WSR 99-15-081

PERMANENT RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 99-102—Filed July 20, 1999, 1:30 p.m.]

Date of Adoption: July 20, 1999.

Purpose: Adopt personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-225, 220-56-245 and 220-57-220; amending WAC 220-16-550, 220-56-105, 220-56-115, 220-56-123, 220-56-124, 220-56-185, 220-56-190, 220-56-191, 220-56-195, 220-56-205, 220-56-235, 220-56-255, 220-56-310, 220-56-325, 220-57-120, 220-57-135, 220-57-137, 220-57-13701, 220-57-140, 220-57-145, 220-57-155, 220-57-160, 220-57-165, 220-57-175, 220-57-187, 220-57-200, 220-57-230, 220-57-235, 220-57-250, 220-57-255, 220-57-260, 220-57-270, 220-57-280, 220-57-285, 220-57-295, 220-57-300, 220-57-310, 220-57-313, 220-57-319, 220-57-321, 220-57-335, 220-57-340, 220-57-342, 220-57-350, 220-57-355, 220-57-365, 220-57-380, 220-57-405, 220-57-415, 220-57-425, 220-57-430, 220-57-435, 220-57-440, 220-57-450, 220-57-462, 220-57-465, 220-57-470, 220-57-480, 220-57-495, 220-57-505, 220-57-510, 220-57-515, 220-57-520, 220-57-525, 232-12-619 and 232-28-619; and new section WAC 220-57-341.

Statutory Authority for Adoption: RCW 75.08.080, 77.12.040.

Adopted under notice filed as WSR 99-11-098 on May 19, 1999.

PERMANENT

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 68, Repealed 3.

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

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

Effective Date of Rule: Thirty-one days after filing.

July 20, 1999

J. P. Koenings
Director

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-16-550 Octopus Hole Conservation Area. "Octopus Hole Conservation Area" is defined as those waters and bedlands of Hood Canal within a line projected due east from the western shore of Hood Canal on latitude 47°27'01"N for 200 yards, thence southerly 628 yards parallel to the high water mark to latitude ((47°26'66")) 47°26'40", thence due west to shore, but excluding those tidelands, bedlands and waters within 100 feet of the high water mark.

AMENDATORY SECTION (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

WAC 220-56-105 River mouth definitions. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek - Highway 4 Bridge.

Bear River - Highway 101 Bridge.

Bone River - Highway 101 Bridge.

Chambers Creek - Burlington Northern Railroad 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.

Humtulsips River - Mouth of Jessie Slough.

Johns River - Highway 105 Bridge.

Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

Kettle River - Barstow Bridge.

Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a boundary marker on a piling at Austin Point southerly across the Lewis River to a boundary marker on the opposite shore.

Methow River - Highway 97 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

North River - Highway 105 Bridge.

Palix River - Highway 101 Bridge.

Puyallup River - 11th Street Bridge.

Samish River - The Samish Island Bridge (Bayview-Edison Road).

Sammamish River - 68th Avenue NE Bridge.

Skagit River - A line projected from the terminus of the jetty with McGlinn 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.

Skamokawa Creek - Highway 4 Bridge.

Skookum Creek - A line 400 yards below the old railroad bridge.

Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.

South Nemah River - Lynn Point 117 degrees true to the opposite shore.

Spokane River - State Route 25 Bridge.

Tucannon River - State Highway 261 Bridge.

Wallace River - The furthest downstream railroad bridge.

Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.

Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the south-westerly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

White Salmon River - Markers downstream of the Burlington Northern Railroad Bridge.

Little White Salmon River - At boundary markers on river bank downstream from the federal salmon hatchery.

Willapa River - South Bend boat launch.

Wind River - Boundary line markers at mouth.

Yakima River - Highway 240 Bridge.

AMENDATORY SECTION (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

WAC 220-56-115 Angling—Lawful and unlawful acts. (1) It is unlawful for any person to use more than one line with three hooks while angling for food fish for personal use except:

(a) It is unlawful to use more than two hooks while fishing for bottomfish or halibut.

(b) It is lawful to use forage fish jigger gear as provided for in WAC 220-56-265 and squid jig gear as provided for in WAC 220-56-390.

(c) A second line using forage fish jigger gear is lawful while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13.

(2) It shall be unlawful for any person to take, fish for or possess food fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel except as follows:

(a) It is lawful to leave the pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(b) It is lawful to use an electric power-operated reel designed for sport fishing attached to a pole.

(c) It is lawful to fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) except use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(3) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

(4) In the following Catch Record Card Areas or designated portions during the following periods it is unlawful to use a downrigger, to use more than two ounces of weight attached to a line, or to use a lure or diver weighing more than two ounces:

(a) Area 9 - August 1 through August 31.

(b) Area 10 - July 1 through August 31.

(c) Area 12 north of Avock Point - August 1 through August 31.

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

WAC 220-56-123 Unlawful provisions—Westport Boat Basin. During the period (~~(July 1)~~) August 16 through (~~(November 30)~~) January 31, in the waters of the Westport Boat Basin:

(1) It is unlawful to fish for or possess salmon taken for personal use using any gear other than the gear provided for in this section:

(a) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook may not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have no more than two single hooks each of which may not exceed 3/4 inch from point to shank.

(b) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(c) No leads, weights, or sinkers may be attached below or less than 12 inches above a lure.

(d) All hooks must be attached within 3 inches of the bait or lure.

(2) It is unlawful to fish for or possess food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to use baitfish jigger gear.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-56-124 Unlawful provisions—Hoodspport Hatchery. During the period July 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 Hoodspport 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 salmon, (~~(except release chum salmon and)~~) of which no more than ((one)) two salmon may be ((a)) chinook salmon ((-)). Release chum salmon July 1 through October 15. ((Special daily limit of four salmon of which no more than one may be a chinook salmon—October 16 through December 15:))

(3) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

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

WAC 220-56-185 Marine area codes. The term "marine area code numbers" is defined as the catch area for

the catch record card. The following is a list of the catch areas:

(1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point. Waters west of the Buoy 10 Line and north to Leadbetter Point.

(2)(a) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(b) 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.

(c) 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.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(6) 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.) - (~~Vessel Traffic Separation Buoy "R"~~) Rosario Strait Traffic Lane Entrance Lighted Buoy R (USCG Light List No. 16340, referenced as Y "R" on National Ocean Service Chart No. 18400-1 dated 1997-08-30 - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(8)(a) 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.

(b) 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 (Fl red 4 sec.).

(c) 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 (Fl 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.

(9) 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.

(10) 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.

(11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) 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.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

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 Area 1 - Special daily limit of two salmon not more than one of which may be a chinook salmon, except release wild coho salmon, special cumulative limit of (~~four~~) six salmon in any Sunday through the following Thursday period - Sundays through Thursdays only, (~~August 3~~) July 19 through September (~~24~~) 30, except closed in the Columbia River Mouth Control Zone 1, see WAC 220-56-195.

(2) Catch Record Card Area 2 and Catch Record Card Area 2-2 west of the Buoy 13 line - Special daily limit of two salmon only one of which may be a chinook salmon, except release wild coho salmon, special cumulative limit of (~~four~~) six salmon in any Sunday through the following Thursday period - Sundays through Thursdays only, (~~August 3~~) July 19 through September (~~24~~) 30, except closed 0-3 miles offshore August 22 through September 30 and Catch Record Card Area 2-2 west of the Buoy 13 line closed during this period.

(3) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line) (a) Special daily limit of six salmon, not more than (~~one~~) two of which may be (~~an~~) adult salmon except release adult chinook - (~~August~~) September 16 through (~~January~~) October 31 (east of the Buoy 8 line. (b) ~~Special daily limit of six salmon, not more than one of which may be an adult salmon, except release chum and wild coho salmon - September 1 through September 30: Waters of Catch Record Card Area 2-2 east of the Channel Marker 13 Line~~). Single point barbless hooks required.

Westport Boat Basin: Special daily limit of six salmon not more than four of which may be adult salmon - August 16 through January 31. Barbed hooks are allowed.

(~~Twenty-Eighth Street Landing: Special daily limit of six salmon not more than one of which may be an adult salmon, except release chum and wild coho salmon - October 1 through October 31: Within posted markers at the Twenty-Eighth Street Landing at Ocean Shores. Single point barbless hooks required.~~)

(4) Willapa Bay (Catch Record Card Area 2-1) Special daily limit of six salmon, not more than (~~three~~) two of which may be adult salmon and release wild coho salmon - August 16 through January 31. Single point barbless hooks required.

(5) Catch Record Card Area 3 - Special daily limit of two salmon except release wild coho salmon - ~~((August 3)) July 19~~ through September ~~((24)) 30~~.

(6) Catch Record Card Area 4 - ~~((a) Waters west of the Bonilla-Tatoosh line - Closed to salmon angling the entire year. (b) Waters east of the Bonilla-Tatoosh line:))~~ Special daily limit of two salmon except release chinook salmon and release wild coho salmon - ~~((August 3)) July 19~~ through September ~~((24)) 30~~.

(7) ~~((Unless otherwise provided for in this section,))~~ Minimum size 24 inches for chinook salmon and 16 inches for coho salmon except minimum size 12 inches for chinook and coho salmon in Areas 2-1, 2-2 and the Westport Boat Basin. No minimum size for other salmon.

(8) For purposes of this section, adult chinook salmon are 24 inches or greater in length and adult coho salmon are 20 inches or greater in length.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

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) August 1 through September ~~((7)) 30~~, special daily limit of 2 salmon, except release chinook ~~((and))~~, chum and wild coho salmon.

(b) ~~((September 8 through September 30 - Catch and release only-))~~ Dungeness Bay inside a line from Dungeness Spit Light to the No. 2 red buoy and then to the Port Williams boat ramp open only October 1 through October 31 - Special daily limit of 2 coho salmon, release all salmon except coho salmon.

(c) November 1 through November 30 - Special daily limit of 2 salmon of which no more than one may be a chinook salmon and release all coho salmon.

(d) February 16 through April 10 - Special daily limit of 1 salmon.

(2) Catch Record Card Area 7:

(a) July 1 through ~~((August 15 - Special daily limit of 2 salmon except release chinook salmon -~~

~~(b) August 16 through))~~ September 30 - Special daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

~~((e))~~ (b) October 1 through October 31 - Special daily limit of 2 salmon, except release chinook salmon.

~~((d))~~ (c) November 1 through November 30 - Special daily limit of 2 salmon, no more than one of which may be a chinook salmon.

(d) February 16 through April 10 - Special daily limit of one salmon.

(e) Notwithstanding the provisions of this subsection during the period August 16 through October 31 the special daily limit in Bellingham Bay and adjacent waters described in WAC 220-56-195(1) is 4 salmon no more than 1 of which may be chinook.

(3) Catch Record Card Area 8-1:

(a) ~~((August 16))~~ September 1 through October 31 - Special daily limit of 2 salmon except release chinook and pink salmon.

(b) November 1 through November 30 - Special daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(c) February 16 through April 10 - Special daily limit of one salmon.

(4) Catch Record Card Area 8-2:

(a) August 1 through October 31 - Special daily limit of 2 salmon except release chinook salmon.

(b) Waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet of shore between pilings at Old Bower's Resort on the south and a fishing marker 1.4 miles northwest of Hermosa Point open only 12:01 a.m. each Friday through 11:59 a.m. the following Monday, August 1 through September 30. Special daily limit of 2 salmon not more than 1 of which may be a chinook salmon.

(c) February 16 through April 10 - Special daily limit of one salmon.

(5) Catch Record Card Area 9:

(a) August 1 through October 31 - Special daily limit of 2 salmon except release chinook salmon the entire time and release chum salmon August 1 through ~~((October 15))~~ September 30.

(b) November 1 through November 30 - Special daily limit of 2 salmon not more than one of which may be a chinook salmon.

(c) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Edmonds Fishing Pier - Special daily limit of 2 salmon not more than one of which may be a chinook salmon.

(d) Notwithstanding the provisions of this section, salmon fishing is permitted May 1 through June 30 and August 1 through April 30 from the Hood Canal Bridge Fishing pontoon - Special daily limit of 2 salmon not more than one of which may be a chinook salmon, and release chum salmon August 1 through September 30, and release chinook August 1 through August 31.

(e) February 16 through April 10 - Special daily limit of one salmon.

(6) Catch Record Card Area 10:

(a) July 1 through October 31 - Special daily limit of 2 salmon except release chinook salmon, and:

(i) During the period July 1 through ~~((September 15))~~ August 16, Elliott Bay east of a line from ~~((Fourmile rock))~~ West Point to Alki Point is closed, except waters east of a line from Pier 91 to Duwamish Head open noon August 6 to noon August 9 and noon August 13 to noon August 16 - Special daily limit of 2 salmon not more than one of which may be a chinook salmon. The 2-ounce weight restriction does not apply in this subsection.

(ii) During the period July 1 through October 31, Shilshole Bay east of a line from Meadow Point to West Point is closed.

(iii) During the period August 1 through September 30, waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true east from Illahee State Park and west of a line projected true south from Point White - Special daily limit of 2 salmon not more than one of which may be a chinook salmon. The 2-ounce weight restriction does not apply in this subsection.

(iv) During the period July 1 through August 31 waters east of a line from Point Wells to Meadow Point are closed.

(b) November 1 through November 30 - Special daily limit of 2 salmon, not more than one of which may be a chinook salmon.

~~((b))~~ (c) February 16 through April 10 - Special daily limit of one salmon.

(d) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Elliott Bay public fishing pier at Terminal 86 and Seacrest Pier - Special daily limit of 2 salmon not more than one of which may be a chinook salmon.

(7) Catch Record Card Area 11(~~(-May)~~).

(a) June 1 through November 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon and release pink salmon.

(b) February 16 through April 10 - Special daily limit of one salmon.

(c) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Dash Point Dock and the Point Defiance Boathouse Dock - Special daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(8) Catch Record Card Area 12:

~~(a) July 1 through ((October 15 - Special daily limit of 4 salmon, except release chum and chinook salmon.~~

~~(b) October 16 through December 31 - Special daily limit of 4 salmon, not more than one of which may be a chinook salmon.)~~ August 31 in waters south of Ayock Point - Special daily limit of 2 salmon, not more than one of which may be a chinook salmon and release chum and pink salmon.

(b) August 1 through August 31 in waters north of Ayock Point - Special daily limit of 4 salmon except release chinook, chum and pink salmon.

(c) September 1 through October 15 - Special daily limit of 4 salmon except release chinook, chum and pink salmon.

(d) October 16 through December 31 - Special daily limit of 4 salmon, not more than one of which may be a chinook salmon.

(e) February 16 through April 10 - Special daily limit of 1 salmon.

~~((e))~~ (f) Waters of the Hoodport Hatchery Zone are managed separately as provided for in WAC 220-56-124.

~~((d) Notwithstanding the provisions of this subsection, salmon fishing is permitted year round while fishing from)~~

~~(g) The Hood Canal Bridge fishing pier((-Special daily limit of 2 salmon not more than one of which may be a chinook salmon))~~ is managed under Area 9.

(9) Catch Record Card Area 13(~~(-)~~);

(a) May 1 through December 31 - Special daily limit of 2 salmon not more than one of which may be a chinook salmon and release wild coho salmon July 1 through October 31.

(b) January 1 through February 15 - Release all salmon.

(c) February 16 through April 10 - Special daily limit of one salmon.

(d) Notwithstanding the provisions of this section, salmon fishing is permitted year-round from the Fox Island Public Fishing Pier - Special daily limit of 2 salmon, not more than one of which may be a chinook salmon and release wild coho salmon July 1 through October 31.

(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 98-122, filed 7/15/98, effective 8/15/98)

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 McGinn 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 thence following the shoreline to ~~((Southeast Point on Guemes Island thence to March Point on Fidalgo Island))~~ Yellow Bluff on the southwest corner of Guemes Island thence to Yellow Bluff Reef range marker thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling ~~((April 16))~~ July 1 through ((July 31)) August 15.

~~((3))~~ (2) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling 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.

~~((4))~~ (3) 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)) (4) 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)) (5) 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))~~ an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W) and then along the south jetty to the point of intersection with the Buoy #10 line 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.

((7)) (6) 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 ((April 16) June 1 through July 31 and April 1 through April 10.

((8)) (7) Whidbey Island and mainland shores in Areas 5 and 6. Those waters of Catch Record Card Areas 5 and 6 within 3/4 mile of the shores of the mainland and Whidbey Island are closed to salmon angling August 1 through ((September 30) August 31 when angling from boats.

((9)) (8) Rosario Strait and eastern Strait of Juan de Fuca: ((July 1 through September 30 the following areas are closed to salmon angling:))

(a) ~~((Southeastern Rosario Strait (Deception Pass to Shannon Pt.) - Waters within 1500 feet of Fidalgo Island from the Initiative 77 marker northeast of Northwest Island to Biz Point; and waters of Burrows Bay inside a line from Biz Point to Williamson Rocks Buoy to the Dennis Shoal Buoy; to a point 1500 feet west of the Burrows Island Light, then northeast to Fidalgo Head; and waters within 1500 feet of Fidalgo Island from Fidalgo Head to Shannon Point.))~~ Waters

of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running from Sandy Point to Point Migley on Lummi Island, and following the westerly shore of Lummi Island to a line running from Lawrence Point on Orcas Island through Lummi Rocks Buoy, then from Lawrence Point along the southeasterly shore of Orcas Island to Deer Point, then true south to Blakely Island, and south along the Blakely Island shore to the southernmost point on Blakely Island, then across Thatcher Pass to Fauntleroy Point, then along the eastern shore of Decatur Island to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true west from Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon July 1 - July 31.

(b) ~~((Southwestern Rosario Strait (east side of Lopez Island, Decatur Island, and James Island) - Waters within 1500 feet of Lopez Island bounded by a line running from Point Colville due south 1500 feet then northerly along the island, across Lopez Pass, and then northerly along Decatur Island within 1500 feet of shore to Fauntleroy Point, including waters within 1500 feet of James Island.))~~ Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to the Bird Rocks Buoy, then true west from Bird Rocks Buoy to Decatur Island, and then along the eastern shore of Decatur Island to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true west from the Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon August 1 - September 30.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-56-205 Hook rules—Nonbuoyant lures and night closures. It is unlawful to fish for or to possess ~~((salmon)) any species of fish~~ taken for personal use from freshwater unless the hooks used meet the requirements of this section and it is unlawful to fish from one hour after official sunset to one hour before official sunrise during the periods shown:

(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))	
Mainstem-Hwy 101 Bridge to North Fork	September 1-November 30
South Fork-Mouth to Beam Creek	September 1-November 30

PERMANENT

Area	Time period
Willapa River	
Mouth to Hwy 6 Bridge	October 1-November 30
Hwy 6 Bridge to Fork Creek	September 1-November 30
Upstream from Fork Creek	September 1-October 31
Willapa River (South Fork)	September 1-November 30
Humptulips River	September 1-November 30
Satsop River (including all forks)	September 1-November 30
Nemah River-North Fork	October 1-November 30
Nemah River-Middle Fork	September 1-November 30
((Dungeness and Gray Wolf Rivers	August 1-October 15))
Kennedy Creek	October 1-December 31
Nooksack River-South	
Fork Mouth to Skookum Creek	August 1-October 31
((Big Quileene River	August 1-December 31))
<u>Mainstem</u>	<u>August 1-November 30</u>
<u>North Fork mouth to Maple Creek</u>	<u>August 1-November 30</u>
Samish River	
<u>Mouth to Hickson Bridge</u>	August 1-December 31
Stillaguamish River ((including all forks))	August 1-November 30))
<u>Mainstem downstream from Warm Beach Stanwood</u>	<u>August 1-November 30</u>
<u>Highway, North Fork and South Fork</u>	<u>August 1-November 30</u>
Whatcom Creek	August 1-December 31
Cowlitz River	
From Mill Creek to Barrier Dam	((August)) <u>April 1-October 31</u>
Kalama River	
Mouth to temporary rack	September 1-October 31
Lewis River-North Fork	
From Johnson Creek to	
Merwin Dam	April 1-October 31
Washougal River	
Downstream of Salmon Falls Bridge	September 1-October 31
Icicle River	
From Leavenworth Federal Fish Hatchery to mouth	((May 8)) <u>June 1-June 30</u>
((Wenatchee River-	May 8-June 15))
<u>From mouth of Icicle River to Highway 2 Bridge</u>	<u>May 8-June 15))</u>
Skagit River (and tributaries)	
Upstream of Gilligan Creek	July 1-November 30
Tokul Creek	<u>5:00 p.m. to 7:00 a.m., nightly.</u>
From mouth to posted cable markers	December 1-March 31
Capitol Lake	August 1-November 30
Deschutes River	
From 400 feet below lowest Tumwater Falls fish	
ladder to the Old Hwy 99 Bridge on Capitol Boulevard	August 1-November 30
Elochoman River	
<u>Mouth to west fork</u>	September 1- October 31
Grays River	
<u>Mouth to south fork</u>	September 1- October 31
Green/Duwamish River	
mouth to ((State Route 167 Bridge)) <u>Headworks Dam</u>	August 1-November 30

PERMANENT

Area	Time period
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)) <u>August</u> 1-November 30
Toutle River-North Fork Highway 504 Bridge near Kidd Valley to mouth of Green River	September 1-October 31
Green River (Cowlitz Co.) mouth to ((1500)) 400 feet below hatchery rack (Soos Creek	September 1-October 31 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 98-119, filed 7/7/98, effective 8/7/98)

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4):

(a) Lingcod((:

~~(i) 3 fish minimum length 24 inches in Catch Record Card Areas 1 through 3 and Area 4 west of the Bonilla-Tatoosh line;~~

~~((ii)) 2 fish minimum length 24 inches ((in Catch Record Card Area 4 east of the Bonilla-Tatoosh line)).~~

(b) Rockfish - 10 fish.

(c) Surfperch (excluding shiner perch) - 15 fish.

(d) Wolf-eel - 2 fish east of the Bonilla-Tatoosh line.

(e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(f) All other species - no limit.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	5 fish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	2 fish
Cabezon	2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish	5 fish
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pollock	2 fish

(c) Catch Record Card Areas 8-1 through 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	3 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish

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

(e) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily limit if taken by spear fishing.

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

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

WAC 220-56-255 Halibut—((Season)) Seasons—Daily and possession limits. (1) It is unlawful to fish for or possess halibut taken for personal use except from:

PERMANENT

((1)) (a) Catch Record Card Area 1: Open May 1 through September 30, unless closed earlier by emergency regulation. Minimum size limit 32 inches in length.

((2)) (b) Catch Record Card Area 2((--));

(i) Those waters south of the Queets River, north of 47° and east of 124°40'W - Open May 2 through September 30, unless closed earlier by emergency regulation.

(ii) All other open waters in Area 2 - Open May 2 through September 30, unless closed to fishing for halibut 12:01 a.m. of each Friday through 11:59 p.m. of each Saturday. ((If May 1 occurs on a closed day, the season opens on the first Sunday following-))

(iii) The following waters are closed to halibut fishing: ((West of 124°40'W, north of 47°10'N and south of 47°31'42"N (Queets River)) Inside a rectangle defined by the following four corners: 47°19'0"N, 124°53'0"W: 47°19'00"N, 124°48'0"W: 47°16'0"N, 124°53'0"W: 47°16'0"N, 124°48'0"W.

((3)) (c) Catch Record Card Area 3 and those waters of Catch Record Card Area 4 west of the Bonilla-Tatoosh line: Open May 1 ((to June 30, unless closed earlier by emergency regulation, and July 1)) through September 30 unless closed by emergency regulation. Closed to fishing for halibut 12:01 a.m. of each Sunday through 11:59 p.m. of each Monday. ((If May 1 occurs on a closed day, the season opens on the first Tuesday following-)) The following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within a ((line from)) a rectangle defined by the following four corners: 48°18'N, 125°11'W ((to)); 48°18'N, 124°59'W ((to)); 48°04'N, 125°11'W ((to)); 48°04'N, 124°59'W ((to the point of origin)).

((4)) (d) Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5 through 13: May ((21)) 27 through ((August 3)) July 12 - Closed 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period.

(2) Daily limit one halibut. The daily limit in Area 1 is the first halibut over 32 inches in length brought aboard the vessel.

(3) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

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

WAC 220-56-310 Shellfish—Daily limits. It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: 7 clams.

(5) Oysters:

(a) In all Puget Sound waters except those contiguous waters south of a line from Tala Point to Foulweather Bluff, 18 oysters in the shell, minimum size 2 1/2 inches across the longest dimension of the shell.

(b) In the Puget Sound contiguous waters south of a line from Tala Point to Foulweather Bluff and waters of the Pacific Ocean, Grays Harbor and Willapa Bay, 18 oysters, shucked and the shells left on the beach.

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: 10 pounds or 5 quarts in the shell.

(9) Shrimp:

(a) In all waters except Shrimp Districts 1 and 5 - total weight 10 pounds, fishers must retain the heads of all shrimp taken while in the field. Spot shrimp minimum size one and three-sixteenths inch from the base of the eyestalk to the top rear edge of the carapace.

(b) In shrimp district 1 (Discovery Bay) - Spot shrimp: Maximum 50 shrimp as part of the 10 pound limit. Spot shrimp minimum size one and three-sixteenths inch from base of eyestalk to top rear edge of carapace.

(c) In Shrimp District 5 (Hood Canal) - ((7 pounds, whole in the shell)) 80 shrimp. No minimum size for spot shrimp.

(10) Octopus: 2 octopus.

(11) Pinto abalone: Closed state-wide.

(12) Crawfish: 10 pounds in the shell. Minimum size 3 1/4 inches from tip of rostrum to tip of tail. Female crawfish with eggs or young attached to the abdomen must be released immediately.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs:

(a) In all waters except the Columbia River - 6 male crabs.

(b) In the Columbia River - 12 male crabs.

(19) Red rock crabs: 6 crabs.

(20) Blue mussels and sea mussels: 10 pounds in the shell.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

(23) King and box crab: Closed state-wide.

AMENDATORY SECTION (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

WAC 220-56-325 Shrimp—Areas and seasons: (1) The following areas shall be defined as personal use shrimp fishing Districts 1 through 6:

(a) Shrimp District 1 - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip

of Protection Island, to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay;

(b) Shrimp District 2 - All waters of Griffin Bay south of a line projected east-west through Turn Rock Light from San Juan Island to Lopez Island, and north of a line projected east from Cattle Point on San Juan Island to Lopez Island;

(c) Shrimp District 3 - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock;

(d) Shrimp District 4 - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula;

(e) Shrimp District 5 - All waters of Hood Canal south of the Hood Canal Floating Bridge;

(f) Shrimp District 6 - All waters of Carr Inlet north of a line from Penrose Point to Green Point.

(2) It shall be unlawful to fish for or possess shrimp taken for personal use from the following areas, except as otherwise provided in this ~~((subsection))~~ section:

(a) District 1 - First Saturday in June through ~~((July 15))~~ **September 5**;

(b) District 2 - Second Saturday in ~~((May))~~ **April** through ~~((September))~~ **October 15**;

(c) District 3 - ~~((Second))~~ **First** Saturday in ~~((May))~~ **June** through September ~~((15))~~ **30**;

(d) District 4 - Closed to all shrimp fishing;

(e) District 5 - 9:00 a.m. on the third Saturday in May until closed by emergency regulation;

(f) District 6 - Closed to all shrimp fishing;

(g) All other areas - The second Saturday in April through October 15.

(3) Spot shrimp seasons:

(a) District 1 - First Saturday in June through third Saturday in August. Spot shrimp may be retained on Saturdays only.

(b) District 3 - First Saturday in June through first Saturday in September. Spot shrimp may be retained on Saturdays and Sundays only.

(c) All other open areas - Spot shrimp may be retained as part of the daily limit at all times.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-225 Freshwater angling hours.

WAC 220-56-245 Halibut—Daily and possession limits.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-120 Bear River. Daily Limit A except release wild adult coho salmon - July 1 through January 31: Downstream from the lime quarry road to Highway 101 Bridge (a distance of approximately 2 stream miles). Single point barbless hooks required.

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

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 WSR 97-18-035, filed 8/27/97, effective 9/27/97)

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 and chum salmon - September 1 through November 30 downstream from the mouth of Voight Creek.

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

WAC 220-57-13701 Cascade River. Special daily limit of 2 salmon except release wild coho - October 1 through November 30: Upstream from mouth to ~~((hatchery))~~ Rockport - Cascade road bridge.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-140 Chehalis River. (1) Daily Limit A - May ~~((16))~~ **1** through July ~~((15))~~ **31**: Downstream from the high bridge on the Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek.

(2) ~~((Special))~~ Daily Limit ~~((of six salmon except no more than one adult salmon may be retained and))~~ A except release ~~((all chum and release wild coho))~~ adult chinook - ~~((September 16 through September 30))~~ October 1 through November 15: Downstream from ~~((the high bridge to the Fuller))~~ Porter Bridge. Single point barbless hooks required.

(3) ~~((Special))~~ Daily Limit ~~((of six salmon except no more than one adult salmon may be retained and))~~ A except release ~~((chum and wild coho salmon))~~ adult chinook - ~~((1 through October 31))~~ 16 through November 15: Downstream from the high bridge to the Porter Bridge. Single point barbless hooks required.

(4) ~~((Special))~~ Daily Limit ~~((of six salmon except no more than one adult salmon may be retained and))~~ A except release adult chinook ~~((, chum))~~ and wild adult coho salmon - ~~((October 1 through October 31))~~ November 16 through January 31: Downstream from the ~~((Porter))~~ High Bridge. ~~((Single point barbless hooks required.))~~

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79, effective 4/1/79)

WAC 220-57-145 Cispus River. ~~((Closed to salmon angling the entire year.))~~ Daily Limit A except release wild coho salmon. Open year-round. Eight-inch minimum size.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-155 Clearwater River (Jefferson County). Daily Limit A except release wild adult coho salmon - September 1 through November 30: Downstream from the mouth of the Snahapish River. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-160 Columbia River. (1) Rocky Reach Dam to Priest Rapids Dam: Daily Limit A except release wild coho salmon - September 16 through December 31.

(2) Priest Rapids Dam to the Vernita Bridge: Daily Limit A except release wild coho salmon - August 16 through October 31; Daily Limit C except release wild coho salmon - November 1 through December 31.

(3) Vernita Bridge to old Hanford townsite wooden power line towers: Daily Limit A except release wild coho salmon - August 16 through October 22.

(4) Old Hanford townsite wooden power line towers to Highway 395 Bridge connecting Pasco and Kennewick: Daily Limit A except release wild coho salmon - August 16 through December 31.

(5) Highway 395 Bridge to ~~((McNary Dam: 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 to McNary Dam.~~

~~((6) McNary Dam to))~~ Interstate 5 Bridge: Daily Limit A - August 1 through December 31. It is unlawful to take or possess sockeye ~~((or)),~~ chum salmon or wild coho salmon taken downstream from ~~((McNary Dam))~~ the Highway 395 Bridge to the Interstate 5 Bridge.

~~((7))~~ (6) Interstate 5 Bridge to the Megler-Astoria Bridge: Daily Limit A - August 1 through March 31 ~~((except release all coho October 1 through March 31)).~~ August 1 through December 31 release all chinook within the area of the mainstem Columbia as follows: Beginning at a fishing boundary marker on the northern (downstream) end of Bachelor Island, northwesterly to the lighthouse at Warrior Rock, north to Sand Island, along the east side of Sand Island to the northern (downstream) tip of the island, northwesterly approximately 1/2 mile to a navigation marker in the middle of the river, and northeasterly to Marker #77 on the Washington shore. 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, chum, or wild coho 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))~~ Special daily limit of 2 salmon except release sockeye, chum, wild coho salmon and chinook salmon less than 24 inches in length - August ~~((8 through August 23))~~ 1 through September 30.

(b) Daily Limit A except release sockeye, chum and wild coho - ~~((January))~~ October 1 through March 31.

~~((e) It is unlawful to take or possess sockeye chum or wild coho 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.

AMENDATORY SECTION (Amending Order 97-202, filed 9/25/97, effective 10/26/97)

WAC 220-57-165 Copalis River. ~~((Closed to salmon angling the entire year.))~~ Daily Limit A - July 1 through January 31: Downstream from Carlisle Bridge.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-175 Cowlitz River. (1) Special Daily Limit ((A except release chum and wild coho)) of one salmon - ((January)) May 1 through ((April 30)) July 31: Downstream from fishing boundary markers approximately 400 feet below barrier dam structures at the Cowlitz Salmon Hatchery Barrier Dam except closed to fishing from south bank May 1 through June 15 downstream to mouth of Mill Creek.

(2) Daily Limit A except release chum and wild coho salmon - August 1 through April 30. Only one adult chinook August 1 through December 31. Release chinook over 28 inches October 1 through December 31 from Mill Creek to Blue Creek.

(3) Spring chinook season limit: A total of 5 salmon may be taken from the Cowlitz River during each April 1st through the following July 31st.

(4) 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.

~~((3))~~ (5) Daily Limit A except minimum size of 8 inches and release wild coho salmon - 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 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-187 Deep River (Wahkiakum County). Deep River (Wahkiakum County) - Daily Limit C - June 1 through July 31: Downstream from town bridge. Daily Limit A except release wild coho and 14-inch minimum size - August 1 through December 31: Downstream from town bridge.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-200 Dickey River. (~~(Special)~~) Daily Limit (~~(of two salmon)~~) A - July 1 through November 30: Downstream of the mouth of east fork of the Dickey River to the National Park boundary.

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

WAC 220-57-230 Elk River. (~~(Closed to salmon angling the entire year.)~~) Daily Limit A, except release adult chinook - October 1 through November 30: Downstream from the confluence of the east and middle branches. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-235 Elochoman River. (~~(Closed to salmon angling the entire year.)~~) Daily Limit A, except release chum and wild coho - September 1 through December 31: Downstream of the west fork. October 1 through December 31 release chinook greater than 28 inches in length downstream from west fork to the Foster (Risk) Road Bridge. Closed waters - from WDFW temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in river: from a point 50' above to 100' below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30' out from the south bank of the river; from 100' above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400' below the upper hatchery rack.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-250 Grays River. (~~(Closed to salmon angling the entire year.)~~) Daily Limit A, except release chum and wild coho salmon - September 1 through October 31: Downstream from the south fork. October 1 through October 31 - Release chinook salmon greater than 28 inches in length downstream from south fork to the covered bridge.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-255 Green River (Cowlitz County). (~~(Closed to salmon angling the entire year.)~~) Daily Limit A - May 1 through May 31: Downstream from 400 feet below the Green River Hatchery upper water intake.

Daily Limit A - June 1 through July 31.

Daily Limit A, except release chum and wild coho and no more than one adult chinook may be retained - August 1 through November 30. October 1 through November 30 release chinook greater than 28 inches in length. Closed waters: All tributaries, mainstem source downstream to 2800 Bridge, all waters within 400 feet of hatchery rack when installed and September 1 through November 30 all waters within 400 feet of water intake at the upper end of the hatchery.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-260 Green (Duwamish) River (King County). Special daily limit of two chum salmon - November 1 through December 31: Downstream from 400 feet below the Tacoma Headwork Dam to the Highway 18 Bridge. Daily Limit A except release chinook salmon - October ((+) 16 through ((October 15)) December 31: Downstream from the Highway 18 Bridge to the Auburn Eighth Street N.E. Bridge ((to the Highway 405 Bridge)). Daily Limit A except release chinook salmon - October ((+6) 1 through December 31: Downstream from the ((downstream side of the Highway 18 Bridge to the Highway 405)) Eighth Street Bridge.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-270 Hoh River. (1) Daily Limit C - ((May 16)) June 1 through August 31 ((except closed Monday and Tuesday of each week)): Downstream from the mouth of the south fork Hoh to the Morgan's Crossing boat launch, including Olympic National Park.

(2) (~~(Special)~~) Daily Limit (~~(of six salmon except no more than one adult salmon may be retained)~~) C - ((May 16)) June 1 through ((August 31 except closed Monday and Tuesday of each week)) October 15: Downstream from the Morgan's Crossing boat launch to the Highway 101 Bridge.

(3) (~~(Special)~~) Daily Limit A - October 16 through November 30: Downstream from Morgan's Crossing boat launch to the Highway 101 Bridge.

(4) Daily Limit (~~(of six salmon except no more than one adult salmon may be retained)~~) C - ((May 16)) June 1 through August 31 ((except closed Monday and Tuesday of each week)): Downstream from the Highway 101 Bridge.

((+4)) (5) Daily Limit A - September 1 through November 30: Downstream from the Highway 101 Bridge.

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

WAC 220-57-280 Hoquiam River—All forks. (~~(Closed to salmon angling the entire year.)~~) Daily Limit A except release adult chinook - October 1 through November 15: Downstream from Dekay Road Bridge on west fork and downstream from flat car bridge near Berryman Creek on east fork. Single barbless books required.

Daily Limit A except release adult chinook and wild adult coho - November 16 through January 31: Downstream from Dekay Road Bridge on west fork and downstream from flat car bridge near Berryman Creek on east fork.

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

WAC 220-57-285 Humptulips River. Daily Limit A, except release adult chinook and wild adult coho - ((September)) October 1 through ((October 15)) November 30: Downstream from the ((Highway 101 Bridge)) confluence of east and west forks. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-295 Joe Creek (Grays Harbor County). Daily Limit A except release adult chinook - September 1 through November 30: Downstream from the Ocean Beach Road Bridge to the State Highway 109 Bridge (~~except that chinook salmon greater than 24 inches in length must be released immediately~~). Single point barbless hooks required.

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

WAC 220-57-300 Johns River. (~~Closed to salmon angling the entire year~~) Daily Limit A, except release adult chinook - October 1 through November 30: Downstream from Balloon Creek. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-310 Kalama River. (1) Daily Limit A except release chum and wild coho salmon - (~~January~~) August 1 through April 30: Downstream from a point 1,000 feet below the fishway at the upper salmon hatchery. October 1 through December 31 release chinook over 28 inches in length downstream to natural gas pipeline crossing.

(2) Fishing from boats with motors is prohibited at all times in waters upstream of the Modrow Bridge.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-313 Kennedy Creek. (~~Special~~) Daily Limit A, except release coho - (~~2 adult salmon~~) October 1 through November 30: Downstream from the Highway 101 Bridge to mouth. Barbless hooks only.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-315 Klickitat River. (~~Special~~) Daily Limit (~~of one salmon~~) C - June 1 through July 31: Downstream from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery to 400 feet upstream from the No. 5 Fishway. (~~Release adult chinook salmon upstream from the No. 5 Fishway~~) Daily Limit A - August 1 through November 30: Downstream from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery to 400 feet upstream from the No. 5 Fishway.

Daily Limit A - June 1 through January 31: Downstream from Fisher Hill Bridge.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-319 Lewis River. (1) Mainstem(~~---~~);

(a) Special daily limit of one salmon - May 1 through July 31: Downstream from east fork to mouth.

(b) Daily Limit A except release chum and wild coho salmon (~~January~~) - August 1 through April 30: Downstream from east fork to mouth. August 1 through December 31 release chinook salmon.

(2) East fork: Closed waters.

(3) North fork:

(a) Daily Limit A except release chum, chinook and wild coho salmon - (~~January~~) August 1 through (~~April~~) September 30: Downstream from (~~the overhead powerlines downstream from~~) Merwin Dam to Colvin Creek.

(b) Daily Limit A except release chum and wild coho - January 1 through April 30: Downstream from Merwin Dam to Colvin Creek.

(c) Daily Limit A except release chum and wild coho - August 1 through April 30: Downstream from Colvin Creek to mouth. August 1 through December 31 release chinook salmon.

(d) Special daily limit of one salmon - May 1 through July 31: Downstream from Colvin Creek to mouth.

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.

(4) Spring chinook season limit: A total of 5 salmon may be taken from the Lewis River system during each April 1st through the following July 31st.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-321 Little White Salmon River (Drano Lake). Daily Limit A except release wild coho - August 1 through December 31: Downstream from markers downstream from federal salmon hatchery.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-335 Naselle River. (1) Daily Limit A except release wild adult coho salmon - July 1 through January 31: Downstream from the Highway 4 Bridge to Highway 101 Bridge. Single point barbless hooks required.

(2) Daily Limit A except release wild adult coho salmon - October 16 through January 31: Downstream from the Crown Mainline (Salme) Bridge to the Highway 4 Bridge. Single point barbless hooks required.

(3) Waters within 400 feet both upstream and downstream from the entrance to the Naselle Salmon Hatchery Attraction Channel are closed to salmon angling at all times.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-340 Nemah River. (1) Middle Nemah, Daily Limit A except release wild adult coho salmon - July 1 through January 31: Downstream from the department of natural resources bridge on the Middle Nemah A Line Road. Single point barbless hooks required.

(2) North Nemah - Daily Limit A except release wild adult coho salmon - October 1 through January 31: Down-

stream from lower bridge on dead end Lower Nemah Road to the mouth. Single point barbless hooks required.

(3) South Nemah - Daily Limit A except release wild adult coho salmon - July 1 through January 31: Downstream from the confluence of the Middle Nemah to the mouth. Single point barbless hooks required.

NEW SECTION

WAC 220-57-341 Newaukum River—Including south fork. Daily Limit A except release wild adult coho and adult chinook - November 16 through January 31: Downstream from Gheer Creek. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-342 Niawiakum River. Daily Limit A except release wild adult coho - July 1 through January 31: Downstream from the South Bend-Palix Road Bridge. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-350 Nooksack River. (1) Special daily limit ((A) except up to 4 adult salmon may be retained provided no more than 2 are) of two salmon except release chinook - September 1 through December 31: Downstream from the confluence of north and south forks to Lummi Indian Reservation boundary.

(2) North Fork - Special daily limit ((A)) of two salmon except release chinook - October 1 through ~~((November 30))~~ October 31: Downstream from Maple Creek to mouth of north fork.

(3) South Fork - Special daily limit ((A)) of two salmon except release chinook - October 1 through November 30: Downstream from ~~((the Saxon Bridge))~~ Skookum Creek to mouth of south fork. Selective gear rules.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-355 North River. Daily Limit A except release wild adult coho salmon - July 1 through January 31 - downstream from the mouth of Salmon Creek. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-365 Palix River. Daily Limit A except release wild adult coho salmon - July 1 through January 31: Downstream from the confluence of the south and middle forks to the Highway 101 Bridge. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-57-380 Quilcene (Big Quilcene) River. ~~((Closed to salmon angling the entire year.))~~ Special daily limit of 2 coho salmon - August 16 through October 31: Downstream from the Highway 101 Bridge to Rogers Street. Selective gear rules. Closed to fishing from one hour after official sunset to one hour before official sunrise.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-405 Samish River. Special daily limit ((A)) of 2 salmon - July 1 through October 15: Downstream from the Thomas Road Bridge to the Bayview-Edison Road Bridge. Special daily limit ((A)) of 2 salmon - October 16 through December 31: Downstream from Interstate 5 Bridge to the Bayview-Edison Road Bridge.

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

WAC 220-57-415 Satsop River—Mainstem and east fork. Daily Limit A except release adult chinook - ~~((10))~~ 1 through ~~((November 2))~~ January 31: Downstream from the bridge at Schafer State Park on east fork. ~~((Single point barbless hooks required.))~~ November 16 through January 31 release wild adult coho.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-425 Skagit River. (1) Special daily limit of 2 salmon except release ((~~coho~~)) chinook salmon - ((November)) October 1 through December 31: Downstream from the ~~((mouth of the Cascade River))~~ pipeline crossing at Sedro Wooley.

(2) Special daily limit of 2 salmon except release chinook salmon - October 1 through November 30: Downstream from the Dalles Bridge at Concrete to the pipeline crossing at Sedro Wooley.

(3) Special daily limit of 2 chum salmon - November 1 through December 31: Downstream from the mouth of the Cascade River to the Dalles Bridge.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-430 Skokomish River. ~~((4))~~ Special daily limit of ((four salmon release chinook and chum salmon)) 6 salmon, not more than 4 of which may be adult salmon and of the adult salmon not more than one of which may be a chinook - ((September 16)) August 1 through ~~((October))~~ December 15: Downstream from the Highway 101 Bridge. August 1 through October 15 release chum.

~~((2))~~ Special daily limit of four salmon except release chinook salmon - October 16 through December 15: Downstream from the Highway 101 Bridge.))

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-435 Skykomish River. Special daily limit of two salmon except release chinook in the entire river and release pink salmon downstream from the confluence of the north and south forks to the mouth of the Sultan River - ((October)) September 1 through December 31: Downstream from the confluence of north and south forks.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-440 Smith Creek (Pacific County). Daily Limit A except release wild adult coho - July 1 through January 31: Downstream from Highway 101 Bridge to the mouth. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-450 Snohomish River. (1) Special daily limit of two salmon except release chinook ((and pink)) salmon - ((October)) September 1 through December 31: Downstream from confluence of Skykomish and Snoqualmie rivers.

(2) During even-numbered years it is unlawful to retain pink salmon.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-462 Soos Creek. Special daily limit of two salmon - September 1 through October 31: Downstream from the bridge near the hatchery residence. Only one single hook may be used. Open only to persons less than fifteen years of age. Closed to fishing from one hour after official sunset to one hour before official sunrise.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-465 Stillaguamish River. Special daily limit of two ((chum)) salmon except release chinook and coho - ((November)) September 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. From confluence to Warm Beach-Stanwood Highway - 14-inch minimum and closed to fishing from one hour after official sunset to one hour before official sunrise at all times. Selective gear rules September 1 through November 30.

AMENDATORY SECTION (Amending Order 91-41, filed 6/27/91, effective 7/28/91)

WAC 220-57-470 Tahuya River. ((Closed to salmon angling the entire year.)) Special daily limit of 2 coho - September 16 through October 31: Downstream from a marker approximately one mile above North Shore Road Bridge.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-480 Toutle River—North Fork. ((Closed to salmon angling the entire year.)) Daily Limit A, except no more than one adult chinook and release chum and wild coho - August 1 through November 30: Downstream from the posted deadline at the fish collection facility to the Highway 504 Bridge near Kidd Valley. October 1 through November 30 release chinook greater than 28 inches in length.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-495 Washougal River. Daily Limit A except release ((ah)) chum and wild coho salmon - ((January)) August 1 through March 15: ((Downstream from bridge at Salmon Falls to mouth.)) Upstream of the Little Washougal River - October 1 through December 31 release chinook greater than 28 inches in length.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-505 White Salmon River. (1) ((Special daily limit of one salmon - May 1 through June 15: Downstream from 400 feet below Condit Dam to the power house below Condit Dam.

((2)) Daily Limit A except release wild coho - November 16 through April 30: Downstream from 400 feet below Condit Dam to the power house below Condit Dam.

((3)) Special daily limit of one salmon - May 1 through July 31: Downstream from the power house below Condit Dam.

((4)) (2) Daily Limit A - August 1 through April 30 except release wild coho at all times and release adult salmon October 1 through December 31: Downstream from the power house below Condit Dam.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-510 Willapa River. (1) Daily Limit A except release wild adult coho salmon - July 1 through January 31: Downstream from Highway 6 Bridge, approximately 2 miles below the mouth of Trap Creek, to the department boat launch in South Bend. Single point barbless hooks required.

(2) Daily Limit A except release wild adult coho salmon - October 16 through January 31: Downstream from mouth of Fork Creek to the Highway 6 Bridge approximately 2 miles below the mouth of Trap Creek. Single point barbless hooks required.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-515 Wind River. (1) ((Special daily limit of one salmon - May 1 through June 15: Downstream from 400 feet below Shepherd Falls.

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(2)) Daily Limit A except release wild coho - August 1 through October 31: Downstream from the Burlington Northern Railroad Bridge to the mouth.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-520 Wishkah River. Daily Limit A except release adult chinook - (~~July~~) October 1 through January 31: Downstream from the mouth of the west fork. November 16 through January 31 release wild adult coho. October 1 through November 15 single point barbless hooks required.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-57-525 Wynoochee River. (~~Special~~) Daily Limit (~~of six salmon except no more than one adult salmon may be retained, and~~) A except release (~~chum and wild coho salmon~~) adult chinook - (~~September 16~~) October 1 through (~~October~~) January 31: Downstream from the 7400 line bridge upstream of the mouth of Schafer Creek. October 1 through November 15 - single point barbless hooks required. November 16 through January 31 - release wild adult coho.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-220 Duwamish River.

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

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 game fish.
 - (b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow.
 - (c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.
 - (d) Fish for game fish with a bow and arrow or spear.
 - (e) Possess fish which are under the minimum size or over the maximum size as shown in general or special regional regulations.
 - (f)(i) It is unlawful to possess Dolly Varden/bull trout or sturgeon in the field in such condition that the total length cannot be determined.
 - (ii) It is unlawful to possess salmon or steelhead in the field in such condition that the total length and presence or absence of all fins cannot be determined.

(iii) It is unlawful to possess gamefish, food fish, or shellfish in the field in such condition that the size, weight or sex cannot be determined if a size, weight or sex restriction applies to the species. This subsection does not apply to gamefish, food fish, or shellfish if the fisher has stopped fishing for the day after the catch has been brought ashore, or if the catch is in the process of being prepared for immediate consumption. Dolly Varden/bull trout and sturgeon must comply with subsection (1) of this section at all times when in the field.

(3) Seasonal wild steelhead limit - steelhead trout only: Each angler who possesses a valid steelhead catch record card may not retain more than thirty steelhead over twenty inches in length May 1, 1998, through April 30, 1999; May 1, 1999, through March 31, 2000; and thereafter April 1st through the following March 31st.

(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 gear rules: In waters designated as being under selective gear rules, 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 weekend: The (~~first full weekend~~) Saturday and Sunday following the first Monday in June is declared as free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities, except that it is unlawful to fish for or possess steelhead trout without the required catch record card. During free fishing weekend only the licensing requirement is affected, and all other rules remain in effect.

(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 do so.

(12) Burbot taken with set line: Where use of a set line is allowed for burbot, a single set line identified with the fisher's name and address and a maximum of ten hooks may be used.

(13) Rainbow trout taken from landlocked lakes: Rainbow trout taken from landlocked lakes shall not be considered steelhead and no catch record card is required.

(14) 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.

(15) 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
BURBOT	Five	None

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
CHANNEL CATFISH	Five if taken from lakes, ponds or reservoirs.	Twelve inches if taken in lakes, ponds or reservoirs with no more than one greater than 24 inches in length.

(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 is required year-round.

(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	No Limit	None

(16) 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.

(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.

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- (iii) Dickey River.
- (iv) Sol Duc River.
- (v) Quillayute River.

(17) Possession limit. Except as otherwise provided, the possession limit is two daily limits in fresh, frozen or processed form.

(18) River mouths. ~~((The following river mouth definitions are exceptions to the general river mouth definition:))~~
River mouths that differ from the general definition are defined in WAC 220-56-105.

~~((Abernathy Creek~~
 Bear River Highway 4 Bridge.
 Bone River Highway 101 Bridge.
 Chehalis River Highway 101 Bridge.
 Cowlitz River Highway 101 Bridge in Aberdeen.
 Dakota Creek 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.
 Deschutes River 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.
 Drano Lake A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.
 Duwamish River Highway 14 Bridge.
 Elk River First Avenue South Bridge.
 Entiat River Highway 105 Bridge.
 Hoquiam River Highway 97 Bridge.
 Humptulips River Highway 101 Bridge.
 Johns River Mouth of Jessie Slough.
 Kalama River Highway 105 Bridge.
 Kennedy Creek Boundary markers located at the mouth.
 Highway 101 Bridge. An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

Kettle River
 Lake Washington Ship Canal
 Lewis River
 Little White Salmon River
 Methow River
 Naselle River
 North Nemah River
 Niswamiakum 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

Barstow Bridge:
 A line 400 feet west of the fish ladder at the Chittenden Locks.
 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.

PERMANENT

Area	Time Period
Skykomish River (including all forks)	August 1—November 30
Snohomish River	August 1—November 30
White/Stuck River	October 1—November 30
Foutle River— North Fork	September 1—October 31
Green River (Cowlitz Co.) mouth to 1,500 feet below hatchery rack	September 1—October 31

~~(20) 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).~~

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

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 except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.
- (e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(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 cut-throat. Release all steelhead June 1 through October 31.
From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.
- Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.
- Alder Creek (Cowlitz County): Closed waters.

- Aldrich Lake (Mason County): Last Saturday in April through October 31 season.
- Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.
- 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 Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.
- Alta Lake (Okanogan County): Last Saturday in April through September 30 season.
- Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30. Selective gear rules. All species: Release all fish.
- American Lake (Pierce County): Chumming permitted.
- American River (Yakima County): Selective gear rules.
- Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.
- Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.
- Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.
From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.
North Fork from mouth upstream to USFS boundary: Selective gear rules.
North Fork from USFS boundary upstream and all other tributaries: Closed waters.
- South Fork and tributaries: Closed waters.
- B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.
- Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.
- Badger Lake (Spokane County): Last Saturday in April through September 30 season.
- Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

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Baker River (Skagit County): From the mouth to Baker River fish barrier dam: Closed waters June 1 through August 31.

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): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles and holders of ((free)) disability licenses only.

Bear River (Pacific County): June 1 through last day in February season. All species: Release all fish. Single point barbless hooks required July 1 through January 31 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through last day in February.

Bearpaw Lake (Whatcom County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Beaver Creek (Thurston County): Selective gear rules. 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.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through 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. Wild steelhead may be retained December 1 through last day in February.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blooms Ditch (Thurston County): Selective gear rules. Trout: Minimum length twelve inches. Release wild cut-throat.

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 gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): 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 gear rules from Highway 101 to National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to 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. The inlet and outlet streams to Boyle Lake are closed waters.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns 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 Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Terminal gear limited to one single hook. 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.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, including East and West Forks (Okanogan County): Selective gear rules. Trout: Maximum length twenty inches.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained.

Calawah River, South Fork (Clallam County) from mouth to National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): 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. Wild steelhead may be retained December 1 through last day in February.

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. Wild steelhead may be retained December 1 through January 31. Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.

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. Wild steel-

head may be retained December 1 through last day in February.

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. Wild steelhead may be retained December 1 through last day in February.

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 gear rules. 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: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Selective gear rules. Trout: Maximum length twenty inches.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County): Closed waters.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from 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. Single point barbless hooks required October 1 through October 31 upstream from mouth to Porter Bridge and September 16 through

October 31 from the Porter Bridge to the high bridge. Trout: Minimum length fourteen inches.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan 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: Set line gear allowed.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective gear rules.

Chelan River (Chelan County): Year around season. Selective gear rules. Trout, minimum length twelve inches, maximum length twenty inches.

Chewelah Creek, forks and tributaries (Stevens County): Selective gear rules.

Chewuch River (Chewack River) (Okanogan County), from mouth to Pasayten Wilderness boundary: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty 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 gear rules.

Chiwawa River (Chelan County): Selective gear rules. Trout: Maximum length twenty inches.

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 all fish other than steelhead.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): 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. Single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective gear rules. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish. Terminal gear restricted to one single hook.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit 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.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through August 31 season. Selective gear rules except motors allowed. Trout:

Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

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 gear rules.

Columbia Park Lagoon (Benton County): Juveniles and licensed adults accompanied by a juvenile only.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: 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.

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: Release wild cutthroat. Release all trout 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 cutthroat. Release all trout 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 cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15.

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 all trout, except May 1 through August 15 in those waters from the Ringold Hatchery from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek when fishing from the bank on the hatchery side of the river.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. All species: June 1 through March 31 season. Trout: Release all trout.

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 all trout.

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.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cottage Lake (King County): Last Saturday in April through October 31 season.

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): 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 cutthroat.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout: 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. Below Barrier Dam release all steelhead missing right ventral fin.

From Mayfield Dam to mouth of Muddy Fork: Year around season.

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): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

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 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 gear rules. Trout: Minimum length twelve inches.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park, 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.

From Henderson Boulevard Bridge upstream: June 1 through March 31 season. Selective gear rules. All species: Release all fish except trout greater than twenty inches in length.

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): All species: Release all fish. From Dewatto-Holly Road Bridge upstream: Selective gear rules.

From mouth to bridge on Bear Creek-Dewatto Road, additional November 1 through last day in February season.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen

inches. December 1 through April 30, one wild steelhead per day may be retained.

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. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Dry Falls Lake (Grant County): Last Saturday in April through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

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.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through July 31 season.

East Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required October 1 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release 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.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional season December 1 through March 31. Release all fish except whitefish. Selective gear rules.

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.

Finnel Lake (Adams County): 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. Wild steelhead may be retained December 1 through last day in February.

Upstream from Highway 530 Bridge: 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.

Frenchman Hills Lake (Grant County): February 1 through September 30 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 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 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 gear rules.

Goldsborough Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted. 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.

Goose Lake, Lower (Adams County): Crappie: Not more than five over eight inches in length: Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

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 gear rules 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 August 31 season. Selective gear rules. Trout: Minimum length twelve inches. Additional season September 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release

all fish except steelhead with a missing adipose fin and a healed scar at the fin site.

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 gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: January 1 through March 15 season. All species: Release all fish except steelhead without an adipose fin and healed scar at the fin site. Trout: Minimum length twenty inches.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Minimum length fourteen inches. Release cutthroat.

Grays River, West Fork (Wahkiakum County), downstream from Hatchery Road Bridge: June 1 - August 31 season. Trout: Additional January 1 through March 15 season downstream from Hatchery Road Bridge. Release all fish other than trout and all trout less than twenty inches in length.

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 the last day in February.

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.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: June 1 through November 30 season except closed from the water intake at the upper end of the hatchery grounds downstream to a point 1500 feet 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 gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): March 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hallin Lake (Adams County): 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 cutthroat. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): 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 gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year 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, seniors and holders of ((free)) disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

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 gear rules. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to Highway 101 one wild steelhead per day may be retained.

Hoh River South Fork (Jefferson County), outside Olympic National Park boundary: June 1 through April 15 season. December 1 through April 15, selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): Trout, minimum length fourteen inches. Release wild cutthroat upstream from upper Hoko Bridge (cement bridge on Lake Ozette Highway).

From mouth to upper Hoko Bridge: Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 15.

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. Trout: Release wild cutthroat.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required October 1 through November 15. Trout: Minimum length fourteen inches.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season.

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 March 31 season. Single point barbless hooks required (~~(September 16))~~ October 1 through (~~(October 31))~~ November 30. 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: Trout: Minimum length fourteen inches.

Humtulpis River, West Fork (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to Donkey Creek Road Bridge: Additional November 1 through March 31 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): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. From Rock Island Bridge upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): Closed waters.

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): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches.

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. Single point barbless hooks required October 1 through November 30. Trout: Minimum length fourteen inches.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to 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. Wild steelhead may be retained December 1 through last day in February.

Kalama River (Cowlitz County): Trout(~~(?)~~): Minimum length 14 inches. Release wild cutthroat.

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 Morrow 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. Selective gear rules.

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 gear rules.

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: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Trout: Minimum length fourteen inches.

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 gear rules, minimum length 12 inches.

Additional season: November 1 through May 31. All species except whitefish: Selective gear rules 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.

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): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. 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 cutthroat.

Lake Creek, mouth to Three Prong Creek (Okanogan County): Selective gear rules. Trout: Maximum length twenty inches.

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 gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year around season. Trout: Minimum length twelve inches. Release wild cutthroat.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Johnson Creek: Year around season. Trout: Minimum length twelve inches. Release wild cutthroat.

From Johnson Creek to Colvin Creek: June 16 through August 15 and November 16 through April 30 seasons 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 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 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 gear rules. 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.

From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout: Minimum length fourteen inches. Release cutthroat.

From one hundred feet above Sunset Falls to source: June 1 through December 31 season. Trout: Minimum length fourteen inches. Release cutthroat.

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 with a missing adipose fin and a healed scar at the fin site.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Lincoln Pond (Clallam County): Juveniles only.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Holco River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season: Selective gear rules. All species: Release all fish.

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 gear rules. Trout: Maximum length twenty inches.

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.

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 gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season.

Lyons Park Pond (at College Place) (Walla Walla County): 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. From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through 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 gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through October 31 season. Selective gear rules. Trout: Daily limit one.

Methow River (Okanogan County):

From mouth upstream to the falls above Brush Creek: June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional season December 1 through March 31. Release all fish except whitefish. Selective gear rules.

Methow River tributaries except Chewuck, Lost and Twisp Rivers: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): Closed waters.

Mill Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to 9th St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except steelhead with a missing adipose fin and a healed scar at the fin site September 1 through April 15.

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: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mima Creek (Thurston County): Selective gear rules. 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 gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth. 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 gear rules.

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.

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. Wild steelhead may be retained December 1 through last day in February.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit 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 gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. 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 Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish. Terminal gear restricted to one single hook.

From Little Naches River upstream: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

Naneum Creek (Kittitas County): Selective gear rules.

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.

Mainstem: Single point barbless hooks required July 1 through January 31 upstream from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork, from mouth to Bean Creek: Selective gear rules. All species: Release all fish. Additional November 1 through last day in February season.

North Fork: Selective gear rules. All species: Release all fish.

Nason Creek (Chelan County): Selective gear rules. From the mouth upstream to the downstream end of the Cascade Tunnel: Trout: Maximum length twenty inches.

From the downstream end of the Cascade Tunnel upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Nason Creek Fish Pond (Chelan County): Juveniles and ~~((disabled persons))~~ holders of disability licenses only.

Negro Creek (Lincoln County): Year-round 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. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through January 31, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road July 1 through January 31, and on South Nemah upstream to confluence with Middle Nemah July 1 through January 31. Selective gear rules on Middle Nemah above DNR Bridge and on South Nemah above confluence with Middle Nemah. All species: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork (Lewis County): June 1 through March 31 season. Single point barbless hooks required November 16 through January 31. Trout:

Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Single point barbless hooks required July 1 through January 31. All species: Release all fish.

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.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through March 15 season. Selective gear rules. Trout: Minimum length fourteen inches.

From Skookum Creek upstream: Closed waters.

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 the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: All species: Release all fish except up to two hatchery steelhead per day may be retained. Single point barbless hooks required July 1 through October 31 upstream to Salmon Creek.

From Highway 105 Bridge to Falls River: Additional November 1 through last day in February season. Single point barbless hooks required November 1 through January

31 upstream to Salmon Creek. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through October 31 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. 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):

From the mouth to the highway bridge at Malott: Year around season. Trout: Release all trout. Selective gear rules. Trout: Maximum length twenty inches.

Closed waters: From the highway bridge at Malott upstream: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

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. Wild steelhead may be retained December 1 through last day in February.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through last day in February season. All species: Release all fish. Single point barbless hooks required July 1 through January 31 upstream to the confluence of the south and middle forks. Above the confluence of the south and middle forks: Selective gear rules.

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: Set line gear allowed.

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): Closed waters.

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. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): 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. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

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. Wild steelhead may be retained.

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. Wild steelhead may be retained.

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 gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Pysht River South Fork (Clallam County): 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. Wild steelhead may be retained December 1 through January 31.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground June 1 through last day in February season: August 16 through December 31 - closed to fishing from one hour after official sunset to one hour before official sunrise in those waters upstream from Rogers Street to the Highway 101 Bridge. Selective gear rules. All species: Release all fish.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Quillayute River (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained.

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. Wild steelhead may be retained December 1 through March 31.

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. Wild steelhead may be retained December 1 through last day in February.

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 gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Ridley Lake (Whatcom County): July 1 through October 31 season. Selective gear rules. 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 gear rules. 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 cutthroat.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

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 Barstow Bridge. Trout: No more than two over twenty inches in length. Only kokanee with a missing adipose fin and healed scar at the fin site may be retained. 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 gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): 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. Selective gear rules. All species: Release all fish.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained November 1 through last day in February.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. Trout: Minimum length fourteen inches.

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 gear rules. Trout: Release all trout.

Sandyside Lake (Jefferson County): Last Saturday in April to October 31 season.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, including all forks (Grays Harbor County): Selective gear rules 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 31 season. Single point barbless hooks required September 16 through October 31.

Middle Fork (Turnow Branch), from mouth to Cougar-Smith Road: Additional November 1 through last day in February season. West Fork, from mouth to Cougar-Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From the mouth of the White Chuck River to headwaters, including North and South Forks: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted.

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.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): 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 gear rules. 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 August 31 season. Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Additional season December 1 through March 31. Selective gear rules. Trout: Release all trout.

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 gear rules. 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 March 1 through May 31. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to pipeline crossing at Sedro Woolley: 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. Wild steelhead may be retained December 1 through last day in February.

From pipeline crossing at Sedro Woolley to Bacon Creek: June 1 through March 15 season except closed June 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. 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. Wild steelhead may be retained December 1 through last day in February.

From Bacon Creek to Gorge Powerhouse: 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 the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamiokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: June 1 through last day in February season. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skookum Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

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: Single point barbless hooks required October 16 through November 15. June 1 through April 30 season. Trout: Minimum length fourteen inches.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. 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. Wild steelhead may be retained December 1 through last day in February. Additional March 1 through April 30 season: Selective gear rules. 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. Wild steelhead may be retained December 1 through last day in February.

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. Wild steelhead may be retained December 1 through last day in February.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season. Single point barbless hooks required July 1 through January 31 upstream to the Highway 101 Bridge. Trout: Minimum length fourteen inches. All species: Release all fish except up to two hatchery steelhead per day may be retained.

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. Barbless hooks required when fishing for steelhead.

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 hun-

dred 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. Wild steelhead may be retained December 1 through last day in February.

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 gear rules, 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. Wild steelhead may be retained December 1 through last day in February.

From Snoqualmie Falls, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries: June 1 through May 31 season. Selective gear rules. 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 gear rules 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, one wild steelhead per day may be retained.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Soos Creek (King County), from mouth to salmon hatchery rack: June 1 through October 31 season. Trout: Minimum length fourteen inches. September 1 through October 31 - closed to fishing from one hour after official sunset to one hour before official sunrise in those waters downstream from the bridge near the hatchery residence.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: 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.

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 gear rules. 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 gear rules, 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.

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.

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 gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Bass: Daily limit one, minimum length eighteen inches.

Stevens 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: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

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 last day in February season. Selective gear rules June 1 through November 30. Closed to fishing from one hour after official sunset to one hour before official sunrise. Trout: Minimum length twenty inches June 1 through November 30. Release all fish except trout with a missing adipose fin and a healed scar at the fin site. Minimum length fourteen inches December 1 through last day in February and wild steelhead may be retained.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: March 1 through November 30 all species: Fly fishing only and release all fish other than trout greater than twenty inches in length that are missing the adipose fin and have a healed scar at the fin site. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). December 1 through last day in February: Trout: Minimum length fourteen inches and wild steelhead may be retained. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

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. Wild steelhead may be retained December 1 through last day in February.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

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): Selective gear rules.

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): All species: Release all fish. From marker one mile above North Shore Bridge upstream: Selective gear rules.

From mouth to Bear Creek-Dewatto Road crossing, additional November 1 through last day in February season.

Taneum Creek (Kittitas County): Selective gear rules.

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 gear rules. All species: Release all fish.

Teal Lake (Jefferson County): Last Saturday in April to October 31 season.

Teaway River, including North Fork (Kittitas County): Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 15 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 gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season, closed 5:00 p.m. to 7:00 a.m. daily. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

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: Year-round season. Trout: Selective gear rules and release all trout.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Totem Lakes 1 and 2 (Whatcom County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained. Daily limit may not contain more than three bass over fifteen inches in length.

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. Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and brown trout. From confluence of north and south forks upstream, including Wolf Fork: June 1 through October 31 season. Selective gear rules. Release all steelhead. Tributaries other than Wolf Fork: Closed waters.

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 with a missing adipose fin and a healed scar at the fin site. 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 with a missing adipose fin and a healed scar at the fin site. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site.

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): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the Highway 261 Bridge upstream to Turner Road Bridge: Trout: Daily limit five, no more than two of which may be steelhead. Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to a sign referencing Deer Lake about 3/4 mile upstream of the Tucannon hatchery: Closed waters.

From a sign referencing Deer Lake to the Panjab Creek Bridge: Selective gear rules.

From the Panjab Creek Bridge upstream: Closed waters.

Tucannon River tributaries (Columbia/Walla Walla counties): Closed waters.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to South Fork Twisp River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County):

All species: Release all fish. From lower bridge on the Old Belfair Highway upstream: Selective gear rules.

From mouth to lower bridge on the Old Belfair Highway, additional November 1 through last day in February season.

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): Pond One: Last Saturday in April through October 31 season. Juveniles, holders of a senior license and holders of a department disability license only. Pond Two: 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 gear rules. 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. Wild steelhead may be retained December 1 through last day in February.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year around season. Trout: Barbless hooks required when fishing for steelhead. Release trout April 1 through May 31.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): 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. 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 cutthroat. Release steelhead August 16 through October 15.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site.

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 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 Lake Wenatchee: June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish:

Additional season December 1 through March 31. Release all fish except whitefish. Selective gear rules.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

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: Trout: Daily limit may contain no more than one cutthroat trout, minimum cutthroat length eighteen inches.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

White River (Chelan County), from mouth upstream to White River Falls: Selective gear rules. Trout: Maximum length twenty inches.

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.

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.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to June 15 season. Trout: Minimum length fourteen inches.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. 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 gear rules. 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.

All species: Release all fish except that up to two hatchery steelhead per day may be retained, from mouth to Forks Creek and in South Fork. From department boat launch in South Bend upstream to Forks Creek: Single point barbless hooks required July 1 through October 31 upstream to Forks Creek. Upstream from Forks Creek: Selective gear rules.

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. Single point barbless hooks required November 1 through January 31.

South Fork: Additional November 1 through last day of February season. Selective gear rules.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Willow Lake (Whatcom County): July 1 through October 31 season. Selective gear rules. 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.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: June 1 through March 15 season. Trout: Minimum length fourteen inches.

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. All species: Selective gear rules.

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 gear rules. 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: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Trout: Minimum length twelve inches. Release wild cutthroat.

From the mouth to four hundred feet below outlet: 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): Single point barbless hooks required September 16 through October 31 upstream to 7400 line bridge above mouth of Schafer Creek. 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 gear rules, and release all trout. Whitefish: Bait and one single-pointed, barbless hook only may be used for whitefish December 1 through last day in February.

From Lake Easton to Keechelus Dam: Selective gear rules.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

(3) Specific marine water exceptions to state-wide rules:

(a) Marine water area codes and boundaries:

(i) Area 1 (Ilwaco): 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.) - Vessel Traffic Separation Buoy "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 (Fl 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 (Fl 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 pro-

jected 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 saltwater 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) All species: Release all fish except up to two hatchery steelhead may be retained per day.

WSR 99-15-082

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed July 20, 1999, 2:04 p.m.]

Date of Adoption: July 20, 1999.

Purpose: Adjust the grain inspection program schedule of fees to reflect a 3.32% increase in hourly based fees and in the unit fees for submitted grain and commodity samples. The title of the WAC will be changed for clarity.

Citation of Existing Rules Affected by this Order: Amending 5 [WAC 16-212-010, 16-212-030, 16-212-060, 16-212-070, 16-212-080, and 16-212-082].

Statutory Authority for Adoption: RCW 22.09.790.

Adopted under notice filed as WSR 99-11-095 on May 19, 1999.

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 20, 1999

James M. Jesernig
Director

Chapter 16-212 WAC

~~((GRAIN, HAY, BEANS AND PEAS INSPECTION FEES))~~ WSDA GRAIN INSPECTION PROGRAM— FEE SCHEDULE

AMENDATORY SECTION (Amending Order 1836, filed 7/2/84)

WAC 16-212-010 Definitions. (1) "Department" means the Washington state department of agriculture.

(2) "Ton" means two thousand pounds avoirdupois.

(3) "Overtime" means any time worked on Saturdays, Sundays, or holidays and all time worked before ~~((8:00 a.m.))~~ or after ~~((5:00 p.m.))~~ the regularly scheduled working hours, Monday through Friday, unless alternate work schedules have been established at inspection sites.

(4) "Fees" means any charge made by the department for inspection and handling of any commodity or for services related to weighing or storage of grains or commodities.

(5) "Occasional work stoppage" means the union stop work meetings usually held once per month.

AMENDATORY SECTION (Amending WSR 98-12-058, filed 5/29/98, effective 6/29/98)

WAC 16-212-030 General provisions for hourly charges.

(1) Straight time, rate per hour ~~((25.49))~~ \$26.34

This hourly rate will be applied in any situation where the fees generated ~~((fee))~~ are not sufficient to provide revenue

~~((equivalent to the published hourly rate))~~ equivalent to the published hourly rate, per employee, including applicable supervisory and clerical hours, and where no other hourly rate, fee, guarantee of expenses or contractual agreement exists or is specified in this schedule of fees and charges. Whenever the lot size or workload is not of sufficient size to generate revenue equivalent to the published hourly rate, per employee, an additional fee shall be assessed so that total revenue generated is equal to the published hourly rate, per employee: Provided, That such revenue insufficiency may be established on the basis of the average hourly revenue generated at the worksite over the Monday through Sunday work week, upon written request of the applicant for service. In the absence of such request, fees shall be assessed on a daily basis.

(2) Overtime, and night shift rate per hour ~~((6.65))~~ \$6.87

Whenever a service is requested before or after regularly scheduled working hours, Monday through Friday, or anytime on Saturdays, Sundays or holidays, a fee of ~~((6.65))~~ \$6.87 per hour, per employee, including applicable supervisory and clerical hours, shall be charged in addition to the regular inspection and weighing fees.

(a) Requests for service on Saturdays, Sundays, or holidays, or for work shifts other than the inspection office's established standard workday hours, Monday through Friday, must be received by the inspection office no later than two hours prior to the inspection office's established daily closing time of the last regularly scheduled working day prior to the requested service. When the request is not received within the established time frames, service will be provided where personnel are available, but an additional fee of ~~((4.42))~~ \$4.57 per hour, per employee, will be assessed for the hours of the requested service.

(b) Requests for service which are beyond the scope or volume normally provided at an inspection site must be received by the inspection office no later than two hours prior to the inspection office's established daily closing time of the last regularly scheduled working day prior to the date of the requested service in order for the department to guarantee to have adequate staff available to perform the service.

(c) Whenever an employee is notified after leaving the worksite to return to a worksite after the inspection office's established standard workday hours, or on a Saturday, Sunday or holiday, two additional hours per employee, will be charged at the rate of ~~((11.10))~~ \$11.47 per hour and added to other fees charged.

(d) Scheduled night shifts.

(i) The department must be given at least seven calendar days notice, in writing, to establish a scheduled night shift. If the full seven-day notice is not given, a fee of ~~((6.65))~~ \$6.87 per hour, per employee ~~((+))~~, will be assessed until the seven day notice period has elapsed.

(ii) The department shall be given at least twenty-one calendar days' notice, in writing, of cancellation of any scheduled night shift operation. If the full twenty-one day notice is not given, a fee of ~~((6.65))~~ \$6.87 per hour, per employee, will be assessed for each hour under the regular

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night shift schedule that would have been worked until the twenty-one day notice period has elapsed.

(3) Standby rate per hour ~~(\$27.85)~~ \$28.77

Whenever a service is requested before or after the inspection office's established standard workday, Monday through Friday or anytime on Saturdays, Sundays or holidays, and service cannot be performed through no fault of the department, four hours at the standby rate of (~~(\$27.85)~~) \$28.77 per hour, per employee, shall be charged. Additional charges at the standby rate per hour, per employee shall be assessed for all hours over four that continue to be staffed at the request of the applicant. Whenever a service is requested before or after working hours, Monday through Friday or anytime on a Saturday, Sunday or holiday, and a cancellation of the request is not received two hours prior to the inspection office's established daily closing time of the last regularly scheduled working day prior to the requested service, the four hour standby charge per employee, will be assessed.

(4) Guarantee of expense. When a service is requested that requires assignment of personnel at a facility where the volume of work at the established fees is not adequate to pay the cost of providing the service, a guarantee of the expense of providing the service is required. These facilities may enter into agreement with the department at guaranteed staffing levels and negotiated minimum hours and unit fees.

(5) Official commercial inspection services may be provided, on-site, at the applicant's request. When appropriate space, equipment and security can be provided, the program is able to provide appropriate licensed personnel, and a guarantee of expense can be negotiated.

AMENDATORY SECTION (Amending WSR 98-12-058, filed 5/29/98, effective 6/29/98)

WAC 16-212-060 Official inspection and/or weighing fees under the United States Grain Standards Act.

(1) Combination inspection and weighing fees. Ships, barges, unit trains and transfers of bulk grain.

(a) From vessel to elevator, per ton \$ 0.128

(b) Bin transfers, per ton \$ 0.128

(c) From elevator to vessel, per ton \$ 0.128

(d) From railcars of a unit train, sampled by diverter samplers, batch weighed and inspected under the subplot inspection plan in units of not less than five cars, per ton \$ 0.128

(2) Inspection only of railroad boxcars, open hopper-type cars (~~for covered hopper type cars~~), original inspection. Sampling only services are available at the inspection only rates shown in this fee schedule.

(a) Carlots sampled by United States Department of Agriculture approved diverter type mechanical samplers, per car \$ 15.50

Batch grades may contain up to the maximum number of cars allowable under Federal Grain Inspection Service regulations/instructions. The per car sampling charge will be assessed for each car included in the batch grade.

(b) When sampled by United States Department of Agriculture approved grain trier, original and subsequent original inspections, per car ~~(\$24.00) (\$24.50)~~ \$24.00

(3) Inspection only of trucks, per truck \$ 15.00

(4) Reinspections of railroad boxcars, open (~~hopper~~)-type cars, covered hopper-type cars, ship subplot samples, barge lots, truck lots, and submitted samples.

(a) When based on an official file sample, per reinspection \$ 9.00

(b) When based on a new sample, for railcars(~~(f))~~) only, per reinspection \$ 24.00

(c) When based on a new sample, for trucks (~~only~~) only, per reinspection \$ 15.00

(d) FGIS approved per factor reinspections will be provided at the applicable file sample or new sample rate listed in this section.

(5) Submitted samples,

~~((a)) ((b))~~ (a) Standardized grains, except canola per inspection ~~(\$7.50)~~ \$ 7.75

(b) Canola, per inspection ~~(\$13.75)~~ \$ 14.20

(6) Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of canola, identical to the fees assessed by the Federal Grain Inspection Service.

(7) Factor analysis and/or certification.

(a) Nongrade determining factors added to existing certificates, or requested on ship subplot analyses, that do not affect the grade: per factor \$ 2.50

Submitted sample certificates of grade for barley may show, on request, dockage to the nearest one-tenth percent without additional charge. Submitted sample certificates of grade for wheat may show, on request, foreign material when it is not a grade determining factor, without additional charge.

(b) Factor certification only (maximum of one factor), per certificate \$ 2.50

(i) Additional factors added to a factor certificate, per factor \$ 2.50

(A maximum of \$7.50 will be charged for factor only certification.)

(ii) When submitted samples are not of sufficient size to provide official grade analysis, obtainable factors will be provided, upon request of the applicant, at the factor only rate.

(8) Official analysis of constituents (protein, oil, etc.) by near-infrared transmittance.

(a) Official constituent analysis of wheat, soybeans, or other FGIS approved commodities when in conjunction with official inspection for grade, per test \$ 6.25

(b) Official constituent analysis of wheat, soybeans, or other FGIS approved commodities when not in conjunction with official inspection for grade, per test \$ 8.50

When based on official sample (including new sample reinspection) add the applicable sampling charges.

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- (c) Official constituent analysis of wheat, soybeans, or other FGIS approved commodities: Submitted sample or reinspection based on official file sample \$ 8.50
- (9) Inspection of bagged grain, per cwt \$0.0624 effective June 30, 1998; \$0.065 effective July 1, 1998.
- (10) Checkloading bagged grain, per hour, per employee ((~~\$25.49~~)) \$26.34
- (11) Waxy corn determination, on request, per determination \$ 12.75
- (12) FGIS approved mycotoxin testing.
 - (a) Screening or quantitative testing determinations, based on official sample, except thin layer chromatography, per test \$ 37.50
 - (b) Submitted samples, screening or quantitative determinations, except thin layer chromatography, per test ((~~\$25.49~~)) \$26.34
 - (c) Reinspection, based on official file, screening or quantitative, except thin layer chromatography, per test ((~~\$25.49~~)) \$26.34
 - (d) Reinspection, based on a new sample, screening or quantitative, except thin layer chromatography, per test \$ 37.50
 - (e) Thin layer chromatography determinations will be assessed at a rate identical with the fees charged by the Federal Grain Inspection Service((~~FIS~~)).
- (13) Stowage examinations - ships, barges((~~FIS~~)), or vessels.
 - (a) Per stowage space or tank, or return to stowage space or tank((~~FIS~~)), per examination \$ 24.00
 - (b) Initial inspection, minimum charge \$120.00
 - (c) Subsequent inspections, minimum charge \$ 72.00
 - (d) Travel time, two hour minimum, per hour, per employee ((~~\$25.49~~)) \$26.34

Note: Stowage examinations may be conducted on vessels at anchor, at the convenience of the designated grain inspection area office, on request. Inspections at anchor will be made during daylight hours only, and only under safe working and weather conditions. The applicant is responsible for providing safe transportation to and from the vessel by licensed tug or water taxi. Two vessel or ship's agent representatives will be provided to accompany each inspector providing stowage exam services. Tanker inspections may require additional inspection personnel. When appropriate, hourly and/or minimum charges listed in the fee schedule will be assessed to the inspection and travel time charges shown in this section.

- (e) A minimum of four hours per inspector at the applicable overtime rate shall also be assessed on Saturdays, Sundays, or holidays.
- (14) Other stowage examinations.
 - (a) Sea van-type containers (when checkloading is not required) \$ 8.10

- (b) Railroad cars, trucks and other containers, not in conjunction((~~FIS~~)) with loading, per container . . . \$ 8.10
- (15) Diverter-type samples, per hour, per employee ((~~\$25.49~~)) \$26.34
- (16) Ship samples((~~FIS~~)):
 - (a) Ship composite samples.
 - (i) Initial set of samples to applicant (maximum of three samples) no charge
 - (ii) Additional samples or samples at the request of other interested parties, per sample (two sample minimum when not requested with initial set) \$ 5.25
 - (17) Weighing services.
 - (a) Class X weighing services.
 - (i) From railroad boxcars, open or covered hopper-type cars (without inspection required) or vessels to elevator (grain only), per ton \$ 0.107
 - (ii) From elevator to boxcars, open or covered hopper-type cars, barges (without inspection((~~FIS~~)) required) or vessels (without inspection, grain only), per ton \$ 0.107
 - (iii) Bin transfers (grain only), per ton \$ 0.107
 - (iv) Trucks, per truck or weight lot \$ 7.50
 - (b) Class Y weighing services, per hour, per employee ((~~\$ 25.49~~)) \$26.34
 - (c) Checkweighing of bagged grain, per hour, per employee ((~~\$25.49~~)) \$26.34
 - (d) Scale certification/checktesting of official weighing scales.
 - (i) Weights and measures scale specialist, per employee-hour ((~~\$ 33.75~~)) \$34.87
 - (ii) Grain inspection personnel, per hour, per employee ((~~\$ 25.49~~)) \$26.34

AMENDATORY SECTION (Amending WSR 98-12-058, filed 5/29/98, effective 6/29/98)

WAC 16-212-070 Official services under the Agricultural Marketing Act of 1946.

- (1) Inspection or analysis of graded and nongraded commodities.
 - (a) Inspection of bagged commodities at inspection points, per cwt \$0.0624 effective June 30, 1998; \$0.065 effective July 1, 1998.
 - (b) Bulk commodity inspection at inspection points, per ton \$ 0.30
 - (c) Minimum charge for bulk or bagged commodities (one hour) ((~~\$ 25.49~~)) \$26.34
 - (d) Submitted sample inspection, per sample ((~~\$ 13.75~~)) \$14.20
- (2) Weighing and combination inspection/weighing services for bulk commodities.

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- (a) Weighing only, other than grain, per ton . \$ 0.117
- (b) Combination inspection/weighing of bulk commodities under federal grade standards, state standards, or for factor determinations, per ton \$ 0.128

(c) Weigh grain by-products into portable containers including fitness examination of the container, weigh and sample the by-product (thirty ton maximum) · \$ 15.00

(3) Factor analysis.

- (a) Moisture only \$ 5.25
- (b) Additional factors, the determination of which are not required to establish grade, or otherwise not required by regulation, added to an existing certificate, per factor . . . \$ 2.50

(c) Certification, factor only (maximum two factors), per certificate \$ 3.00

(d) Additional factors added to ~~((f+))~~ a factor certificate, per factor \$ 2.50

(A maximum of \$13.75 will be charged for grading factors only.)

(e) Analysis of rapeseed, mustard seed, confectionary sunflower seed, safflower seed, or other commodities with established FGIS factor only inspection procedures, per certificate ~~(\$13.75)~~ \$14.20

(f) Sampling only fees identified in subsection (4)(a) and (b) of this section will be assessed in addition to the factor analysis fees for rapeseed, mustard seed, confectionary sunflower seed, safflower seed, or other commodities with established FGIS factor only inspection procedures when official sampling is requested.

(4) Sampling only, bulk commodities.

- (a) Trucks or containers, per carrier \$ 15.00
- (b) Boxcars, open or covered hopper-type cars, per car \$ 24.00

(5) Processed commodity and defense personnel support center (DPSC) inspection fees.

(a) Per hour per employee, two hour minimum~~(?)~~ ~~(\$25.49)~~ \$26.34

(b) In addition to the charges, if any, for sampling and other requested service, a fee will be assessed for each laboratory analysis or test identical with the amount charged by the Federal Grain Inspection Service for laboratory tests performed under authority of the Agricultural Marketing Act and for any postage or other costs of mailing not included in these fees.

(6) Sanitation inspections~~((f+))~~ . /

- (a) Initial inspection no charge
- (b) Reinspections, four hour minimum, per hour, per employee ~~(\$25.49)~~ \$26.34

(7) Stowage examinations under the Agricultural Marketing Act will be provided as per WAC 16-212-060 (13) and (14).

(8) Mycotoxin testing fees.

(a) Screening or quantitative testing determinations, except thin ~~((layer))~~ ~~((fater))~~ layer chromatography~~((f+))~~, per test \$ 37.50

(b) Thin layer chromatography determinations will be assessed ~~((f+))~~ at a rate identical with the fees charged by the Federal Grain Inspection Service.

- (9) Falling numbers determinations, per determination \$ 12.75
- Liquefaction number, per determination \$ 0.50

AMENDATORY SECTION (Amending WSR 98-12-058, filed 5/29/98, effective 6/29/98)

WAC 16-212-080 Miscellaneous fees.

(1) Mailing of samples shall be charged at ~~((the))~~ the actual mailing costs, minimum charge \$ 2.00

(2) Fee~~((f+))~~ s for pickup of samples on routes established by the department, per sample \$ 0.60

(3) Fees for services performed at places other than established grain and commodity inspection points.

(a) Travel time, per employee, will be charged at the applicable straight time or overtime rate from office to inspection point and return.

(b) Mileage will be charged at the current general administration private vehicle mileage reimbursement rate, except where suitable transportation is provided by the applicant. Mileage is assessed on a per call, door to door basis and will be charged in addition to all other inspection fees, hourly rates and applicable charges.

(c) If the travel is of sufficient duration to require payment of subsistence or per diem to the employee, an amount equal to the established subsistence and/or per diem rate (WAC 82-28-040 and 82-28-050) shall be assessed, except where applicable subsistence and lodging are furnished, or paid, by the applicant.

(d) Incidental costs of telephone, mailing, etc. shall be at ~~((the))~~ the actual cost~~((f+))~~.

(e) Facsimile transmissions, per page \$ 1.00

(4) Certificate charges for certificates under the United States Grain Standards Act or the Agricultural Marketing Act of 1946.

(a) Divided original certificates, per certificate \$ 1.50

(b) Extra copies of inspection, protein, weight, falling number, commodity or aflatoxin certificates, per copy \$ 3.00

(5) Phytosanitary ~~((certificates))~~ certificates

(a) When performed in conjunction with official inspection, per certificate \$ 6.75

(b) When performed without official inspection, add sampling fee, per hour~~((f+))~~, per employee ~~(\$25.49)~~ \$26.34

(6) Timely payment. Payment of fees and charges is due within thirty days after the date of the statement.

PERMANENT

WSR 99-15-095

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed July 21, 1999, 11:20 a.m.]

Date of Adoption: July 21, 1999.

Purpose: To explain the application of Washington's estate tax program. The department is repealing the seven-teen existing rules in chapter 458-57 WAC and adopting five new rules.

Citation of Existing Rules Affected by this Order: Adopting the following new rules in chapter 458-57 WAC: WAC 458-57-005 Nature of estate tax, definition, 458-57-015 Valuation of property, property subject to estate tax, how to calculate the tax, 458-57-025 Determining the tax liability of nonresidents, 458-57-035 Washington estate tax return to be filed—Penalty for late filing—Interest on late payments—Waiver or cancellation of penalty—Application of payment, and 458-57-045 Administration of the tax—Releases, amended returns, refunds, heirs of escheat estates.

Repealing the following rules in chapter 348-57 WAC: WAC 458-57-510 Scope of rules, 458-57-520 Nature of estate tax, 458-57-530 Property subject to estate tax, 458-57-540 Residents—Tax imposed, 458-57-550 Valuation, 458-57-560 Imposition of tax, 458-57-570 Tax returns to be filed, 458-57-575 Waiver or cancellation of penalties, 458-57-580 Formula, 458-57-590 Property "located in" Washington, 458-57-600 Reciprocity exemption, 458-57-610 Releases, 458-57-620 Amended returns—Final determination, 458-57-630 Administration—Rules, WAC 458-57-640 Escheat estates—Heirs—How located and proof, 458-57-650 Interest and penalties, 458-57-660 Refunds.

Statutory Authority for Adoption: RCW 83.100.200.

Adopted under notice filed as WSR 99-11-104 on May 19, 1999.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 0, Repealed 17.

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 5, Amended 0, Repealed 17.

Effective Date of Rule: Thirty-one days after filing.

July 21, 1999

Russell W. Brubaker
Assistant Director

Legislation and Policy Division

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

AMENDATORY SECTION (Amending WSR 98-12-058, filed 5/29/98, effective 6/29/98)

WAC 16-212-082 Fees for services performed under state regulation. (1) Inspection of commodities under state of Washington standards or other state, national, or international standards or criteria specified by the applicant, except as noted in this section.

(a) Cultivated buckwheat, safflower, submitted sample inspection for factors or grade, per sample \$7.50

(b) Rapeseed (except Canola), other commodities not listed above; inspection under Washington state standards or other specified standards or criteria, submitted sample inspection for factors or grade, per sample ... ~~(\$13.50)~~ \$13.95

(c) Sampling only fees will be assessed at the rates shown in WAC 16-212-070 (4)(a) and (b) and will be assessed in addition to the sample inspection fee when lot inspection is requested.

(d) Inspection of bagged commodities per cwt \$0.0624 effective June 30, 1998; \$0.065 effective July 1, 1998.

(e) Combination inspection and weighing fees assessed at the rates shown in WAC 16-212-060 ~~((1)(a), (b), (c), and (d)))~~ (1)(a), (b), (c), and (d).

(2) Cracked corn, corn screenings, and mixed grain screenings will be inspected and/or weighed at applicable rates shown in WAC 16-212-060.

(3) Unofficial analysis of constituents (protein, oil, etc.) by near-infrared transmittance provided at the applicable rates shown in WAC 16-212-060.

(4) Fees for laboratory analysis of commodities covered by this section, or for the analysis of constituents or conditions of grains or commodities inspected under WAC 16-212-060 or 16-212-070 not provided for in the official standards will be assessed at the current rates established by the federal, state or private laboratory providing the analysis. These fees will be assessed in addition to all other inspection and sampling fees, hourly rates and applicable charges.

Note: This fee is applied in addition to the inspection fee for grading under state standards.

(5) For other laboratory analysis not identified herein, a fee will be assessed for each test or analysis identical with the amount charged by USDA or Washington state agency laboratories.

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NEW SECTION**WAC 458-57-005 Nature of estate tax, definitions.** (1)

Introduction. This rule describes the nature of Washington state's estate tax as it is imposed by chapter 83.100 RCW (Estate and Transfer Tax Act). It also defines terms that will be used throughout chapter 458-57 WAC (Washington Estate and Transfer Tax Reform Act Rules).

(2) **Nature of Washington's estate tax.** The estate tax is neither a property tax nor an inheritance tax. It is a tax imposed on the transfer of the entire taxable estate and not upon any particular legacy, devise, or distributive share. Washington's estate tax is structured so that if an estate does not exceed the unified credit allowed by the Internal Revenue Service (IRS), it will not owe any estate tax to the state of Washington. The state tax effectively shifts a portion of the federal estate tax obligation to the state. Details of the federal estate tax can be found in part 20, subchapter B, chapter I, title 26, Code of Federal Regulations (or chapter 11 of subtitle B of the Internal Revenue Code).

The estate tax does not apply to completed absolute lifetime transfers. Section 2035(d) of the Internal Revenue Code generally exempts such transfers. To the extent permitted by this provision, lifetime transfers are not subject to Washington estate tax. The state of Washington does not have a gift tax.

(3) **Definitions.** The following terms and definitions are applicable throughout chapter 458-57 WAC:

- (a) "Decedent" means a deceased individual;
- (b) "Department" means the department of revenue, the director of that department, or any employee of the department exercising authority lawfully delegated to him by the director;
- (c) "Escheat" of an estate means that whenever any person dies, whether a resident of this state or not, leaving property in an estate subject to the jurisdiction of this state and without being survived by any person entitled to that same property under the laws of this state, such estate property shall be designated escheat property and shall be subject to the provisions of RCW 11.08.140 through 11.08.280.
- (d) "Federal credit" means the maximum amount of the credit for state taxes allowed by section 2011 of the Internal Revenue Code. This credit is calculated using an "adjusted taxable estate" figure, which is simply the taxable estate, less sixty thousand dollars. However, when the term "federal credit" is used in reference to a generation-skipping transfer (GST), it means the maximum amount of the credit for state taxes allowed by section 2604 of the Internal Revenue Code;
- (e) "Federal return" means any tax return required by chapter 11 (Estate tax) or chapter 13 (Tax on generation-skipping transfers) of the Internal Revenue Code;
- (f) "Federal tax" means tax under chapter 11 (Estate tax) of the Internal Revenue Code. However, when used in reference to a GST, "federal tax" means the tax under chapter 13 (Tax on generation skipping transfers) of the Internal Revenue Code;
- (g) "Generation-skipping transfer" or "GST" means a "generation-skipping transfer" as defined and used in section 2611 of the Internal Revenue Code;

(h) "Gross estate" means "gross estate" as defined and used in section 2031 of the Internal Revenue Code;

(i) "Internal Revenue Code" or "IRC" means the United States Internal Revenue Code of 1986, as amended or renumbered on January 1, 1995;

(j) "Nonresident" means a decedent who was domiciled outside Washington at the time of death;

(k) "Person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity and, to the extent permitted by law, any federal, state, or other governmental unit or subdivision or agency, department, or instrumentality thereof;

(l) "Person required to file the federal return" means any person required to file a return required by chapter 11 or 13 of the Internal Revenue Code, such as the personal representative of an estate, a transferor, trustee, or beneficiary of a generation-skipping transfer, or a qualified heir with respect to qualified real property, as defined and used in section 2032A(c) of the Internal Revenue Code;

(m) "Person responsible," means the person responsible for filing the federal and state returns and is the same person described in subsection (l) above;

(n) "Property," when used in reference to an estate tax transfer, means property included in the gross estate. However, when used in reference to a generation-skipping transfer, "property" means all real and personal property subject to the federal tax;

(o) "Resident" means a decedent who was domiciled in Washington at time of death;

(p) "State return" means the Washington Estate Tax Return required by RCW 83.100.050;

(q) "Transfer" means "transfer" as used in section 2001 of the Internal Revenue Code, or a disposition or cessation of qualified use as defined and used in section 2032A of the Internal Revenue Code; and

(r) "Trust" means "trust" under Washington law and any arrangement described in section 2652 of the Internal Revenue Code.

NEW SECTION**WAC 458-57-015 Valuation of property, property subject to estate tax, how to calculate the tax.** (1) **Introduction.**

This rule is intended to help taxpayers determine and pay the correct amount of estate tax with their state return. It explains the necessary steps for determining the tax, and provides examples of how the federal estate tax unified credit relates to the amount that must be reported on the state return. (If a nonresident decedent has property located within Washington at the time of death refer to WAC 458-57-025 to determine the amount of tax payable to Washington.)

(2) **Valuation.** The value of every item of property in a decedent's gross estate is its fair market value. However, the personal representative may elect to use the alternate valuation method under section 2032 of the Internal Revenue Code (IRC), and in that case the value is the fair market value at that date, including the adjustments prescribed in that section of the IRC.

The valuation of certain farm property and closely held business property, properly made for federal estate tax purposes pursuant to an election authorized by section 2032A of the IRC, is binding for state estate tax purposes.

(3) **Property subject to estate tax.** The estate tax is imposed on transfers of the taxable estate, as defined in section 2051 of the IRC.

(a) The first step in determining the value of the decedent's taxable estate is to determine the total value of the gross estate. The value of the gross estate includes the value of all the decedent's tangible and intangible property at the time of death. In addition, the gross estate may include property in which the decedent did not have an interest at the time of death. A decedent's gross estate for federal estate tax purposes may therefore be different from the same decedent's estate for local probate purposes. Sections 2031 through 2046 of the IRC provide a detailed explanation of how to determine the value of the gross estate. The following are examples of items that may be included in a decedent's gross estate and not in the probate estate:

- (i) Certain property transferred by the decedent during the decedent's lifetime without adequate consideration;
- (ii) Property held jointly by the decedent and others;
- (iii) Property over which the decedent had a general power of appointment;
- (iv) Proceeds of certain policies of insurance on the decedent's life annuities; and
- (v) Dower and curtesy of a surviving spouse or a statutory estate in lieu thereof.

(b) The value of the taxable estate is determined by subtracting the authorized exemption and deductions from the value of the gross estate. Under various conditions and limitations, deductions are allowable for expenses, indebtedness, taxes, losses, charitable transfers, and transfers to a surviving spouse. Sections 2051 through 2056A of the IRC provide a detailed explanation of how to determine the value of the taxable estate.

(4) **Imposition of Washington's estate tax.** A tax in an amount equal to the federal credit is imposed by RCW 83.100.030 upon the taxable estate of every decedent. Washington's estate tax is due in every case in which the federal estate tax exceeds the unified credit and there is credit available to be taken, with the exception that all applicable federal estate tax credits are to be applied to the estate's federal tax liability before the state estate tax liability is computed. In no event will an estate pay more than the amount of the credit available to be taken.

(a) The following table is taken from the IRC. It shows the maximum amount of federal credit available for state death taxes. The amount of federal credit computed is also the amount of Washington estate tax due.

(A)—Taxable estate, equal to or more than...	(B)—and, Taxable estate, less than...	(C)—Base credit on amount in column (A)	(D)—Rate of credit on excess over amount in column (A) (AS A PER-CENT)
\$ 0	\$ 40,000	\$ 0	0.0

\$ 40,000	\$ 90,000	\$ 0	0.8
\$ 90,000	\$ 140,000	\$ 400	1.6
\$ 140,000	\$ 240,000	\$ 1,200	2.4
\$ 240,000	\$ 440,000	\$ 3,600	3.2
\$ 440,000	\$ 640,000	\$ 10,000	4.0
\$ 640,000	\$ 840,000	\$ 18,000	4.8
\$ 840,000	\$ 1,040,000	\$ 27,600	5.6
\$ 1,040,000	\$ 1,540,000	\$ 38,800	6.4
\$ 1,540,000	\$ 2,040,000	\$ 70,800	7.2
\$ 2,040,000	\$ 2,540,000	\$ 106,800	8.0
\$ 2,540,000	\$ 3,040,000	\$ 146,800	8.8
\$ 3,040,000	\$ 3,540,000	\$ 190,800	9.6
\$ 3,540,000	\$ 4,040,000	\$ 238,800	10.4
\$ 4,040,000	\$ 5,040,000	\$ 290,800	11.2
\$ 5,040,000	\$ 6,040,000	\$ 402,800	12.0
\$ 6,040,000	\$ 7,040,000	\$ 522,800	12.8
\$ 7,040,000	\$ 8,040,000	\$ 650,800	13.6
\$ 8,040,000	\$ 9,040,000	\$ 786,800	14.4
\$ 9,040,000	\$ 10,040,000	\$ 930,800	15.2
\$ 10,040,000	\$ 1,082,800	16.0

(b) The following are examples of how the estate tax is applied. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.

(i) A married woman dies, leaving her husband and children surviving. Her taxable estate, computed after allowance of the marital deduction, is \$700,000. The adjusted taxable estate is \$640,000 (\$700,000 - \$60,000). The Washington state estate tax due is \$18,000 (the base credit shown in column (C) on the first \$640,000).

(ii) A married man dies with all of his property passing to his wife, outright under a community property agreement. His marital deduction under section 2056 of the IRC reduces his federal taxable estate to zero. Because his taxable estate is zero, no Washington estate tax is due.

(iii) The federal taxable estate of a recent decedent is \$100,000. The adjusted taxable estate is \$40,000 (\$100,000 - \$60,000). No Washington estate tax is due. Section 2011 of the IRC provides for no credit unless the adjusted taxable estate exceeds \$40,000.

(iv) One year before a widower's death, he makes an absolute transfer of almost all of his property to his son. The widower's federal tax liability was computed on the basis of an "adjusted taxable gifts" value of \$750,000 (the amount of the transfer to the son) and a taxable estate of \$3,000 (the remainder of the widower's estate). Since no federal credit is available on an estate valued at \$3,000, no Washington estate tax is due, and there is no Washington gift tax.

(v) A widow dies, leaving a taxable estate of \$290,000. The amount of tax payable to the state of Washington, equivalent to the federal death tax credit, is computed as follows: Taxable estate of \$290,000, less \$60,000, equals an adjusted taxable estate of \$230,000. The unified credit (IRC Section 2011) on the first \$140,000 is \$1,200. The credit for the \$90,000 increment (\$230,000 - \$140,000) is \$2,160 (2.4% of \$90,000). The total Washington estate tax liability is \$3,360 (\$1,200 + \$2,160).

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(vi) A widower dies, leaving a taxable estate of \$678,000. The amount of tax payable to the state of Washington, equivalent to the federal credit for state death taxes (section 2011 of the IRC), is computed as follows: Taxable estate of \$678,000, less \$60,000, equals an adjustable taxable estate of \$618,000. The table in subsection (4)(a) of this rule shows that the federal credit for state death taxes on the first \$440,000 is \$10,000. The credit for the \$178,000 increment (\$618,000 - \$440,000) is \$7,120 (.04 x \$178,000). The total Washington estate tax liability appears to be \$17,120 (\$10,000 + \$7,120).

However, when the person responsible calculates the federal estate tax and files the federal estate tax return for this widower's estate, he/she is able to apply other applicable federal estate tax credits before any of the credit for state death taxes is applied. In the end, only \$10,360 of the credit for state death taxes is applied to the federal estate tax, which leaves no payment due on the federal return. Since the amount of state estate tax liability cannot exceed the amount of state death tax credit actually applied to the federal tax, the amount of state estate tax due on the state return is limited to \$10,360.

NEW SECTION

WAC 458-57-025 Determining the tax liability of nonresidents. (1) **Introduction.** This rule discusses how property of nonresident decedents is taxed if that property is located within Washington at the time of death.

(2) **Nonresident decedents and Washington's estate tax.** If any decedent has tangible personal property and/or real property located in Washington state at the time of death, that property is subject to Washington's estate tax.

(a) **The reciprocity exemption.** A nonresident decedent's estate is exempt from Washington's estate tax if the nonresident's state of domicile exempts the property of Washington residents from estate, inheritance, or other death taxes normally imposed by the domicile state. The nonresident decedent must have been a citizen and resident of the United States at the time of death. Also, at the time of death the laws of the domicile state must have made specific reference to this state, or must have contained a reciprocal provision under which nonresidents of the domicile state were exempted from applicable death taxes with respect to property or transfers otherwise subject to the jurisdiction of that state.

In those instances where application of this provision results in loss of available federal credit which would otherwise be allowed for federal tax purposes, Washington will absorb that proportional share which is applicable to property within the jurisdiction of this state. Application of this provision will not act to increase the total tax obligation of the estate.

(b) **Property of a nonresident's estate which is located in Washington.** A nonresident decedent's estate may have either real property or tangible personal property located in Washington at the time of death.

(i) All real property physically situated in this state, with the exception of federal trust lands, and all interests in such

property, are deemed "located in" Washington. Such interests include, but are not limited to:

- (A) Leasehold interests;
 - (B) Mineral interests;
 - (C) The vendee's (but not the vendor's) interest in an executory contract for the purchase of real property;
 - (D) Trusts (beneficial interest in trusts of realty); and
 - (E) Decedent's interest in jointly owned property (e.g., tenants in common, joint with right of survivorship).
- (ii) Tangible personal property of a nonresident decedent shall be deemed located in Washington only if:
- (A) At the time of death the property is situated in Washington; and
 - (B) It is present for a purpose other than transiting the state.

(iii) For example, consider a nonresident decedent who was a construction contractor doing business as a sole proprietor. The decedent was constructing a large building in Washington. At the time of death, any of the decedent's equipment that was located at the job site in Washington, such as tools, earthmovers, bulldozers, trucks, etc., would be deemed located in Washington for estate tax purposes. Also, the decedent had negotiated and signed a purchase contract for speculative property in another part of Washington. For estate tax purposes, that real property should also be considered a part of the decedent's estate located in Washington.

(c) **Formula to calculate Washington's estate tax for nonresident decedents.** The amount of tax payable to Washington for a nonresident decedent equals the amount of federal credit multiplied by a fraction, the numerator of which is the value of the property located in Washington, and the denominator of which is the value of the decedent's gross estate. Restated: $\text{Federal Credit} \times (\text{Gross Value of Property in Washington} / \text{Decedent's Gross Estate}) = \text{Amount of Washington Estate Tax Due}$. This formula uses the gross value determined for federal estate tax purposes of any property located in Washington. No reduction will be allowed for any mortgages, liens, or other encumbrances or debts associated with such property except to the extent allowable in computing the gross estate for federal estate tax purposes.

NEW SECTION

WAC 458-57-035 Washington estate tax return to be filed—Penalty for late filing—Interest on late payments—Waiver or cancellation of penalty—Application of payment. (1) **Introduction.** This rule discusses the due date for filing of Washington's estate tax return and payment of the tax due. It explains that a penalty is imposed on the taxes due with the state return when the return is not filed on or before the due date, and that interest is imposed when the tax due is not paid by the due date. The rule also discusses the limited circumstances under which the law allows the department of revenue to cancel or waive the penalty, and the procedure for requesting that cancellation or waiver.

(2) **Filing the state return—Payment of the tax due.** The Washington estate tax return (state return) referred to in RCW 83.100.050 and a copy of the federal estate tax return (federal return) must be filed on or before the date that the federal return is required to be filed. The tax due with the

state return must be paid on or before the date that the federal estate tax is required to be paid.

(a) Section 6075 of the Internal Revenue Code (IRC) requires that the federal return be filed within nine months after the date of the decedent's death. In the case of any estate for which a federal return must be filed, a state return must be filed with the Washington state department of revenue (department) on or before the date on which the federal return is required to be filed. (This may include a federally granted extension of time for filing. See subsection (2)(b).)

(b) Section 6081 of the IRC permits the granting of a reasonable extension of time for filing the federal return, generally not to exceed six months from the original due date. If a federal extension of the time to file is granted, the personal representative is required to file a true copy of that extension with the department on or before the original due date, or within thirty days of the issuance of the federal extension, whichever is later. RCW 83.100.050(2). If the personal representative fails to do so, the department may require the personal representative to file the state return on the date that the federal return would have been due had the federal extension not been granted.

(c) When the personal representative obtains an extension of time for payment of the federal tax, or elects to pay that tax in installments, the personal representative may choose to pay the state estate tax over the same time period and in the same manner as the federal tax. The personal representative is required to file a true copy of that extension with the department on or before the original due date, or within thirty days of the issuance of the federal extension, whichever is later. RCW 83.100.060(2). If the personal representative fails to do so, the department may require the personal representative to pay the state tax on the date that the federal tax would have been due had the federal extension not been granted.

(d) The department shall issue a release when Washington's estate tax has been paid. Upon issuance of a release, all property subject to the tax shall be free of any claim for the tax by the state. RCW 83.100.080.

(3) **The late filing penalty.** If the state return is not filed by the due date, or any extension of the state return's due date, the person required to file the federal return shall pay a penalty equal to five percent of the tax due for each month the report has not been filed. RCW 83.100.070. The total penalty may not exceed twenty-five percent of the tax. The penalty is the equivalent of five percent for each month, but is accrued on a daily basis for those periods less than a month. For any portion of a month, it is calculated by taking the five percent monthly rate and dividing it by the number of days from the beginning of the month through the date the return is filed, including the filing date.

(a) For example, assume a state return is due on February 3rd but is not filed until April 20th of the same year. The state return is delinquent starting with February 4th. The amount of tax due with the state return is \$10,000. The penalty should be computed as follows:

Feb 4-Mar 3	\$10,000 tax at 5% per month	\$500.00
Mar 4-Apr 3	\$10,000 tax at 5% per month	\$500.00

Apr 4-Apr 20 \$10,000 tax at .1667% x 17 days \$283.39

Total delinquent penalty due on April 20th filing date	\$1,283.39
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In this example, the first two calendar months are complete and incur the full five percent penalty. The last portion of a month is a total of seventeen days, including both April 4th and April 20th. Since April has thirty days total, the five percent monthly rate is divided by the thirty days in April to arrive at a daily rate of .001667 (or .1667 percent). The daily rate is then multiplied by the seventeen days of penalty accrual to arrive at the total percentage of penalty due for that portion of a month (.001667 x 17 days = .028339 or 2.8339 percent).

(b) If a federal extension of the due date is requested, the penalty provided for late filing of the state return will be imposed if the state return is filed after the due date and the federal extension is ultimately denied.

(4) **Interest is imposed on late payment.** The department is required by law to impose interest on the tax due with the state return if payment of the tax is not made on or before the due date. RCW 83.100.070. Interest applies to the delinquent tax only, and is calculated from the due date until the date of payment. Interest imposed for periods after December 31, 1996, will be computed at the annual variable interest rate described in RCW 82.32.050(2). Interest imposed for periods prior to January 1, 1997, will be computed at the rate of twelve percent per annum.

(5) **Waiver or cancellation of penalties.** RCW 83.100.070(3) authorizes the department to waive or cancel the penalty for late filing of the state return under limited circumstances.

(a) **Claiming the waiver.** A request for a waiver or cancellation of penalties should contain all pertinent facts and be accompanied by such proof as may be available. The request must be made in the form of a letter and submitted to the department's special programs division. The person responsible bears the burden of establishing that the circumstances were beyond the responsible person's control and directly caused the late filing. The department will cancel or waive the late filing penalty imposed on the state return when the delinquent filing is the result of circumstances beyond the control of the person responsible for filing of the state return. The person responsible for filing the state return is the same person who is responsible for filing the federal return.

(b) **Circumstances eligible for waiver.** In order to qualify for a waiver of penalty the circumstances beyond the control of the person responsible for filing the state return must directly cause the late filing of the return. These circumstances are generally immediate, unexpected, or in the nature of an emergency. Such circumstances result in the person responsible not having reasonable time or opportunity to obtain an extension of their due date (see subsection (2)(b)) or to otherwise timely file the state return. Circumstances beyond the control of the responsible person include, but are not necessarily limited to, the following:

(i) The delinquency was caused by the death or serious illness of the person responsible for filing the state return or a

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member of the responsible person's immediate family. In order to qualify for penalty waiver, the death or serious illness must directly prevent the person responsible from having reasonable time or opportunity to arrange for timely filing of the state return. Generally, the death or serious illness must have occurred within sixty days prior to the due date, provided that a valid state return is filed within sixty days of the due date.

(ii) The delinquency was caused by an unexpected and unavoidable absence of the person responsible. Generally, this absence must be within sixty days prior to the due date, provided that a valid state return is filed within sixty days of the due date. "Unavoidable absence of the person responsible" does not include absences because of business trips, vacations, personnel turnover, or personnel terminations.

(iii) The delinquency was caused by the destruction by fire or other casualty of estate records necessary for completion of the state return.

(iv) An estate tax return was timely filed, but was filed incorrectly with another state due to an issue of the decedent's domicile.

(v) A Washington estate tax return was properly prepared and timely filed, but was sent to the location for filing of the federal estate tax return.

(6) **Waiver or cancellation of interest.** Title 83 RCW (Estate Taxation) does not provide any circumstances that allow for waiver of the interest, even though penalty may be waived under limited circumstances (see subsection (5)).

(7) **Application of payment towards liability.** The department will apply taxpayer payments first to interest, next to penalties, and then to the tax, without regard to any direction of the taxpayer.

NEW SECTION

WAC 458-57-045 Administration of the tax—Releases, amended returns, refunds, heirs of escheat estates. (1) **Introduction.** This rule contains information on releases issued by the department for state estate taxes paid. It explains how and when an amended state return should be filed, and states the time limit for claiming a refund of overpaid taxes. The rule also gives several requirements for notification to the department when a claimed heir to an escheat estate is located.

(2) **Releases.** When the state estate taxes have been paid in full, the department will issue a release to the personal representative upon request. The request will include a completed state return and a copy of the completed federal return. The final determination of the amount of taxes due from the estate is contingent on receipt of a copy of the final closing letter issued by the Internal Revenue Service (IRS). The department may require additional information to substantiate information provided by the estate. The release issued by the department will not bind or estop the department in the event of a misrepresentation of facts.

(3) **Amended returns.** An amended state return must be filed with the department within five days after any amended federal return is filed with the IRS and must be accompanied by a copy of the amended federal return.

(a) Any time that the amount of federal tax due is adjusted or when there is a final determination of the federal tax due the person responsible must give written notification to the department. This notification must include copies of any final examination report, any compromise agreement, the state tax closing letter, and any other available evidence of the final determination.

(b) If any amendment, adjustment or final determination results in additional state estate tax due, interest will be calculated on the additional tax due at the annual variable interest rate described in RCW 82.32.050(2).

(4) **Refunds.** Claims for refund of taxes overpaid must be initiated within one year of the time the taxes are first paid to the state of Washington. Only the personal representative or the personal representative's retained counsel may make such claim. Any refund issued by the department will include interest at the existing statutory rate defined in RCW 82.32.050(2), computed from the date the overpayment was received by the department until the date it is mailed to the estate's representative. RCW 83.100.130(2).

(5) **Heirs of escheat estates.** Heirs to an estate may be located after the estate escheats to Washington. The personal representative of an escheat estate or a claimed heir must provide the department with all information and documentary evidence available that supports the heir's claim. All supporting documents must be in the English language when submitted to the department. The English translation of any foreign document shall be authenticated as reasonably required by the department.

(a) In all cases where there is a court hearing or the taking of a deposition on the question of a claimed heir, the personal representative shall give the department twenty days' written notice of such hearing or matter.

(b) The personal representative must give the department at least twenty days' written notice of the hearing on the final account and petition for distribution.

WSR 99-15-105

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed July 21, 1999, 11:51 a.m.]

Date of Adoption: July 8, 1999.

Purpose: This rule updates the requirements for transportation of radioactive material, and records of decommissioning, offsite releases and waste disposal; establishes a dose constraint on air emissions; and clarifies authority in areas of exclusive federal jurisdiction, in order to be consistent with the federal rule governing the same areas.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-220-110 and 246-220-120; and amending WAC 246-220-010, 246-221-005, 246-221-160, 246-221-170, 246-221-260, 246-232-001, 246-232-040, 246-232-060, 246-232-090, 246-235-075, 246-244-240, and 246-244-060.

Statutory Authority for Adoption: RCW 70.98.050.

Adopted under notice filed as WSR 99-12-130 on June 2, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 16, Amended 12, Repealed 2; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

July 19, 1999

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 98-13-037, filed 6/8/98, effective 7/9/98)

WAC 246-220-010 Definitions. As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain part will be found in that part.

(1) (~~"A₁"~~) means the maximum activity of special form radioactive material permitted to be transported in a Type A package. ~~"A₂"~~ means the maximum activity of normal form radioactive material permitted to be transported in a Type A package. ~~A₁ and A₂ values are assigned to individual radionuclides and are tabulated in WAC 246-220-110, Appendix A. Methods of calculating values are also given.~~

(~~2~~) "Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

(~~(3)~~) (~~2~~) "Accelerator produced material" means any material made radioactive by exposing it in a particle accelerator.

(~~(4)~~) (~~3~~) "Act" means Nuclear energy and radiation, chapter 70.98 RCW.

(~~(5)~~) (~~4~~) "Activity" means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the becquerel (Bq) and the curie (Ci).

(~~(6)~~) (~~5~~) "Adult" means an individual eighteen or more years of age.

(~~(7)~~) (~~6~~) "Agreement state" means any state with which the United States Nuclear Regulatory Commission has entered into an effective agreement under section 274 b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689).

(~~(8)~~) (~~7~~) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of particulates, dusts, fumes, mists, vapors, or gases.

(~~(9)~~) (~~8~~) "Airborne radioactivity area" means a room, enclosure, or operating area in which airborne radioactive material exists in concentrations (a) in excess of the derived air concentration (DAC) specified in WAC 246-221-290,

Appendix A, or (b) to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or twelve DAC-hours.

(~~(10)~~) (~~9~~) "Alert" means events may occur, are in progress, or have occurred that could lead to a release of radioactive material but that the release is not expected to require a response by offsite response organizations to protect persons offsite.

(~~(11)~~) (~~10~~) "Annual limit on intake" (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) or a committed dose equivalent of 0.5 Sv (50 rem) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in WAC 246-221-290.

(~~(12)~~) (~~11~~) "Background radiation" means radiation from cosmic sources; naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material, and including global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. "Background radiation" does not include sources of radiation from radioactive materials regulated by the department.

(~~(13)~~) (~~12~~) "Becquerel" (Bq) means the SI unit of activity. One becquerel is equal to 1 disintegration or transformation per second (s⁻¹).

(~~(14)~~) (~~13~~) "Bioassay" means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement, in vivo counting, or by analysis and evaluation of materials excreted or removed from the human body. For purposes of these regulations, "radiobioassay" is an equivalent term.

(~~(15)~~) (~~14~~) "Byproduct material" means: (a) Any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material, and (b) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition.

(~~(16)~~) (~~15~~) "Calendar quarter" means not less than twelve consecutive weeks nor more than fourteen consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method of determining calendar quarters for pur-

poses of these regulations except at the beginning of a calendar year.

~~((17))~~ (16) "Calibration" means the determination of (a) the response or reading of an instrument relative to a series of known radiation values over the range of the instrument, or (b) the strength of a source of radiation relative to a standard.

~~((18))~~ (17) "CFR" means Code of Federal Regulations.

~~((19))~~ (18) "Class" means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: For Class D, Days, of less than ten days, for Class W, Weeks, from ten to one hundred days, and for Class Y, Years, of greater than one hundred days. For purposes of these regulations, "lung class" and "inhalation class" are equivalent terms. For "class of waste" see WAC 246-249-040.

~~((20))~~ (19) "Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

~~((21))~~ (20) "Committed dose equivalent" ($H_{T,50}$) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the fifty-year period following the intake.

~~((22))~~ (21) "Committed effective dose equivalent" ($H_{E,50}$) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($H_{E,50} = \sum w_T H_{T,50}$).

(22) "Constraint" or dose constraint means a value above which specified licensee actions are required.

(23) "Controlled area." See "Restricted area."

(24) "Curie" means a unit of quantity of radioactivity. One curie (Ci) is that quantity of radioactive material which decays at the rate of 3.7×10^{10} transformations per second (tps).

(25) "Declared pregnant woman" means a woman who has voluntarily informed her employer, in writing, of her pregnancy, and her estimated date of conception.

(26) "Deep dose equivalent" (H_d), which applies to external whole body exposure, means the dose equivalent at a tissue depth of 1 centimeter (1000 mg/cm^2).

(27) "Department" means the department of health, division of radiation protection, which has been designated as the state radiation control agency.

(28) "Depleted uranium" means the source material uranium in which the isotope Uranium-235 is less than 0.711 percent by weight of the total uranium present. Depleted uranium does not include special nuclear material.

(29) "Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of two thousand hours under conditions of light work, results in an intake of one ALI. For purposes of these regulations, the condition of light work is an inhalation rate of 1.2 cubic meters of air per hour for two thousand hours in a year. DAC values are given in WAC 246-221-290.

(30) "Derived air concentration-hour" (DAC-hour) means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take two thousand DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 0.05 Sv (5 rem).

(31) "Dose" is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent, or total effective dose equivalent. For purposes of these regulations, "radiation dose" is an equivalent term.

(32) "Dose commitment" means the total radiation dose to a part of the body that will result from retention in the body of radioactive material. For purposes of estimating the dose commitment, it is assumed that from the time of intake the period of exposure to retained material will not exceed fifty years.

(33) "Dose equivalent (H_T)" means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

(34) "Dose limits" means the permissible upper bounds of radiation doses established in accordance with these regulations. For purposes of these regulations, "limits" is an equivalent term.

(35) "Dosimetry processor" means a person that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to the monitoring devices.

(36) "dpm" means disintegrations per minute. See also "curie."

(37) "Effective dose equivalent (H_E)" means the sum of the products of the dose equivalent to each organ or tissue (H_T) and the weighting factor (w_T) applicable to each of the body organs or tissues that are irradiated ($H_E = \sum w_T H_T$).

(38) "Embryo/fetus" means the developing human organism from conception until the time of birth.

(39) "Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, without respect to their intended use.

(40) "Exposure" means (a), when used as a verb, being exposed to ionizing radiation or to radioactive material, or (b), when used as a noun, the quotient of ΔQ by Δm where " ΔQ " is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass " Δm " are completely stopped in air. The special unit of exposure is the roentgen (R) and the SI equivalent is the coulomb per kilogram. One roentgen is equal to 2.58×10^{-4} coulomb per kilogram of air.

(41) "Exposure rate" means the exposure per unit of time, such as roentgen per minute and milliroentgen per hour.

(42) "External dose" means that portion of the dose equivalent received from any source of radiation outside the body.

(43) "Extremity" means hand, elbow, arm below the elbow, foot, knee, and leg below the knee.

(44) "Eye dose equivalent" means the external dose equivalent to the lens of the eye at a tissue depth of 0.3 centimeter (300 mg/cm²).

(45) "Former United States Atomic Energy Commission (AEC) or United States Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

(46) "Generally applicable environmental radiation standards" means standards issued by the United States Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(47) "Gray" (Gy) means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule/kilogram (100 rad).

(48) "Healing arts" means the disciplines of medicine, dentistry, osteopathy, chiropractic, podiatry, and veterinary medicine.

(49) "High radiation area" means any area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 1 mSv (0.1 rem) in one hour at 30 centimeters from any source of radiation or from any surface that the radiation penetrates. For purposes of these regulations, rooms or areas in which diagnostic x-ray systems are used for healing arts purposes are not considered high radiation areas.

(50) ~~("Highway route controlled quantity" means a quantity of radioactive material in a single package which exceeds:~~

~~(a) 3,000 times the A₁ or A₂ quantity as appropriate; or~~

~~(b) 30,000 curies, whichever is less.~~

~~(51))~~ "Human use" means the intentional internal or external administration of radiation or radioactive material to human beings.

~~((52))~~ (51) "Immediate" or "immediately" means as soon as possible but no later than four hours after the initiating condition.

~~((53))~~ (52) "IND" means investigatory new drug for which an exemption has been claimed under the United States Food, Drug and Cosmetic Act (Title 21 CFR).

~~((54))~~ (53) "Individual" means any human being.

~~((55))~~ (54) "Individual monitoring" means the assessment of:

(a) Dose equivalent (i) by the use of individual monitoring devices or (ii) by the use of survey data; or

(b) Committed effective dose equivalent (i) by bioassay or (ii) by determination of the time-weighted air concentrations to which an individual has been exposed, that is, DAC-hours.

~~((56))~~ (55) "Individual monitoring devices" means devices designed to be worn by a single individual for the assessment of dose equivalent. For purposes of these regulations, individual monitoring equipment, personnel monitoring device, personnel dosimeter, and dosimeter are equivalent terms. Examples of individual monitoring devices are film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, and personal air sampling devices.

~~((57))~~ (56) "Inspection" means an official examination or observation by the department including but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the department.

~~((58))~~ (57) "Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

~~((59))~~ (58) "Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

~~((60))~~ (59) "Irretrievable source" means any sealed source containing licensed material which is pulled off or not connected to the wireline downhole and for which all reasonable effort at recovery, as determined by the department, has been expended.

~~((61))~~ (60) "License" means a license issued by the department in accordance with the regulations adopted by the department.

~~((62))~~ (61) "Licensed material" means radioactive material received, possessed, used, transferred, or disposed under a general or specific license issued by the department.

~~((63))~~ (62) "Licensee" means any person who is licensed by the department in accordance with these regulations and the act.

~~((64))~~ (63) "Licensing state" means any state with regulations equivalent to the suggested state regulations for control of radiation relating to, and an effective program for, the regulatory control of NARM and which has been granted final designation by the Conference of Radiation Control Program Directors, Inc.

~~((65))~~ (64) "Lost or missing licensed material" means licensed material whose location is unknown. This definition includes licensed material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

~~((66))~~ ~~"Major processor" means a user processing, handling, or manufacturing radioactive material exceeding Type A quantities as unsealed sources or material, or exceeding four times Type B quantities as sealed sources, but does not include nuclear medicine programs, universities, industrial radiographers, or small industrial programs. Type A and B quantities are defined in Section 71.4 of 10 CFR Part 71.~~

~~(67))~~ (65) "Member of the public" means an individual except when the individual is receiving an occupational dose.

~~((68))~~ (66) "Minor" means an individual less than eighteen years of age.

~~((69))~~ (67) "Monitoring" means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential expo-

tures and doses. For purposes of these regulations, radiation monitoring and radiation protection monitoring are equivalent terms.

~~((70))~~ (68) "NARM" means any naturally occurring or accelerator-produced radioactive material. It does not include by-product, source, or special nuclear material. For the purpose of meeting the definition of a Licensing State by the Conference of Radiation Control Program Directors, Inc. (CRCPD), NARM refers only to discrete sources of NARM. Diffuse sources of NARM are excluded from consideration by the CRCPD for Licensing State designation purposes.

~~((71))~~ (69) "Natural radioactivity" means radioactivity of naturally occurring nuclides.

~~((72))~~ (70) "NDA" means a new drug application which has been submitted to the United States Food and Drug Administration.

~~((73))~~ (71) "Nonstochastic effect" means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect. For purposes of these regulations, a "deterministic effect" is an equivalent term.

~~((74) "Normal form radioactive material" means radioactive material which has not been demonstrated to qualify as "special form radioactive material."~~

(75)) (72) "Nuclear Regulatory Commission" (NRC) means the United States Nuclear Regulatory Commission or its duly authorized representatives.

~~((76) "Nuclear waste" as used in WAC 246-232-090(5) means any quantity of source or byproduct material, (not including radiography sources being returned to the manufacturer) required to be in Type B packaging while transported to, through, or across state boundaries to a disposal site, or to a collection point for transport to a disposal site. Nuclear waste, as used in these regulations, is a special classification of radioactive waste.~~

(77)) (73) "Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee, registrant, or other person. Occupational dose does not include dose received: From background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released pursuant to chapters 246-239 and 246-240 WAC, from voluntary participation in medical research programs, or as a member of the public.

~~((78))~~ (74) "Ore refineries" means all processors of a radioactive material ore.

~~((79) "Package" means the packaging together with its radioactive contents as presented for transport.~~

(80)) (75) "Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV.

~~((81))~~ (76) "Permittee" means a person who has applied for, and received, a valid site use permit for use of the low-level waste disposal facility at Hanford, Washington.

~~((82))~~ (77) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of the foregoing, but shall not include federal government agencies.

~~((83))~~ (78) "Personal supervision" means supervision such that the supervisor is physically present at the facility and in such proximity that contact can be maintained and immediate assistance given as required.

~~((84))~~ (79) "Personnel monitoring equipment." See individual monitoring devices.

~~((85))~~ (80) "Pharmacist" means an individual licensed by this state to compound and dispense drugs, and poisons.

~~((86))~~ (81) "Physician" means an individual licensed by this state to prescribe and dispense drugs in the practice of medicine.

~~((87))~~ (82) "Planned special exposure" means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.

~~((88))~~ (83) "Practitioner" means an individual licensed by the state in the practice of a healing art (i.e., physician, dentist, podiatrist, chiropractor, etc.).

~~((89))~~ (84) "Public dose" means the dose received by a member of the public from exposure to sources of radiation under the licensee's or registrant's control or to radiation or radioactive material released by the licensee. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released pursuant to chapters 246-239 and 246-240 WAC, or from voluntary participation in medical research programs.

~~((90))~~ (85) "Qualified expert" means an individual who has demonstrated to the satisfaction of the department he/she has the knowledge, training, and experience to measure ionizing radiation, to evaluate safety techniques, and to advise regarding radiation protection needs. The department reserves the right to recognize the qualifications of an individual in specific areas of radiation protection.

~~((91))~~ (86) "Quality factor" (Q) means the modifying factor, listed in Tables I and II, that is used to derive dose equivalent from absorbed dose.

TABLE I
QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES

TYPE OF RADIATION	Quality Factor (Q)	Absorbed Dose Equal to A Unit Dose Equivalent ^a
X, gamma, or beta radiation and high-speed electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05

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Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

^a Absorbed dose in rad equal to 1 rem or the absorbed dose in gray equal to 1 Sv.

If it is more convenient to measure the neutron fluence rate rather than to determine the neutron dose equivalent rate in sievert per hour or rem per hour as required for Table I, then 0.01 Sv (1 rem) of neutron radiation of unknown energies

may, for purposes of these regulations, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from Table II to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem.

TABLE II
MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE EQUIVALENT FOR MONOENERGETIC NEUTRONS

Neutron Energy (MeV)	Quality Factor ^a (Q)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² rem ⁻¹)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² Sv ⁻¹)
(thermal) 2.5 x 10 ⁻⁸	2	980 x 10 ⁶	980 x 10 ⁸
1 x 10 ⁻⁷	2	980 x 10 ⁶	980 x 10 ⁸
1 x 10 ⁻⁶	2	810 x 10 ⁶	810 x 10 ⁸
1 x 10 ⁻⁵	2	810 x 10 ⁶	810 x 10 ⁸
1 x 10 ⁻⁴	2	840 x 10 ⁶	840 x 10 ⁸
1 x 10 ⁻³	2	980 x 10 ⁶	980 x 10 ⁸
1 x 10 ⁻²	2.5	1010 x 10 ⁶	1010 x 10 ⁸
1 x 10 ⁻¹	7.5	170 x 10 ⁶	170 x 10 ⁸
5 x 10 ⁻¹	11	39 x 10 ⁶	39 x 10 ⁸
1	11	27 x 10 ⁶	27 x 10 ⁸
2.5	9	29 x 10 ⁶	29 x 10 ⁸
5	8	23 x 10 ⁶	23 x 10 ⁸
7	7	24 x 10 ⁶	24 x 10 ⁸
10	6.5	24 x 10 ⁶	24 x 10 ⁸
14	7.5	17 x 10 ⁶	17 x 10 ⁸
20	8	16 x 10 ⁶	16 x 10 ⁸
40	7	14 x 10 ⁶	14 x 10 ⁸
60	5.5	16 x 10 ⁶	16 x 10 ⁸
1 x 10 ²	4	20 x 10 ⁶	20 x 10 ⁸
2 x 10 ²	3.5	19 x 10 ⁶	19 x 10 ⁸
3 x 10 ²	3.5	16 x 10 ⁶	16 x 10 ⁸
4 x 10 ²	3.5	14 x 10 ⁶	14 x 10 ⁸

^a Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-cm diameter cylinder tissue-equivalent phantom.

^b Monoenergetic neutrons incident normally on a 30-cm diameter cylinder tissue-equivalent phantom.

((92)) (87) "Quarter" means a period of time equal to one-fourth of the year observed by the licensee, approximately thirteen consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

((93)) (88) "Rad" means the special unit of absorbed dose. One rad equals one-hundredth of a joule per kilogram of material; for example, if tissue is the material of interest, then 1 rad equals 100 ergs per gram of tissue. One rad is equal to an absorbed dose of 100 erg/gram or 0.01 joule/kilogram (0.01 gray).

((94)) (89) "Radiation" means alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. For purposes of these regulations, ionizing radiation is

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an equivalent term. Radiation, as used in these regulations, does not include magnetic fields or nonionizing radiation, such as radiowaves or microwaves, visible, infrared, or ultra-violet light.

((95)) (90) "Radiation area" means any area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in one hour at thirty centimeters from the source of radiation or from any surface that the radiation penetrates.

((96)) (91) "Radiation machine" means any device capable of producing ionizing radiation except those devices with radioactive materials as the only source of radiation.

((97)) (92) "Radiation safety officer" means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been assigned such responsibility by the licensee or registrant.

((98)) (93) "Radiation source." See "Source of radiation."

((99)) (94) "Radioactive material" means any material (solid, liquid, or gas) which emits radiation spontaneously.

((100)) (95) "Radioactive waste" means any radioactive material which is no longer of use and intended for disposal or treatment for the purposes of disposal.

((101)) (96) "Radioactivity" means the transformation of unstable atomic nuclei by the emission of radiation.

((102)) (97) "Reference man" means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.

((103)) (98) "Registrable item" means any radiation machine except those exempted by RCW 70.98.180 or exempted by the department pursuant to the authority of RCW 70.98.080.

((104)) (99) "Registrant" means any person who is registered by the department or is legally obligated to register with the department in accordance with these regulations and the act.

((105)) (100) "Registration" means registration with the department in accordance with the regulations adopted by the department.

((106)) (101) "Regulations of the United States Department of Transportation" means the regulations in 49 CFR Parts 170-189, 14 CFR Part 103, and 46 CFR Part 146.

((107)) (102) "Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).

((108)) (103) "Research and development" means: (a) Theoretical analysis, exploration, or experimentation; or (b) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

((109)) (104) "Respiratory protective equipment" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

((110)) (105) "Restricted area" means any area to which access is limited by the licensee or registrant for purposes of protecting individuals against undue risks from exposure to radiation and radioactive material. "Restricted area" shall not include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

((111)) (106) "Roentgen" (R) means the special unit of exposure. One roentgen equals 2.58×10^{-4} coulombs/kilogram of air.

((112)) (107) "Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

((113)) (108) "Sealed source" means any device containing radioactive material to be used as a source of radiation which has been constructed in such a manner as to prevent the escape of any radioactive material.

((114)) (109) "Shallow dose equivalent" (H_s), which applies to the external exposure of the skin or an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm²) averaged over an area of 1 square centimeter.

((115)) (110) "SI" means an abbreviation of the International System of Units.

((116)) (111) "Sievert" means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

((117)) (112) "Site area emergency" means events may occur, are in progress, or have occurred that could lead to a significant release of radioactive material and that could require a response by offsite response organizations to protect persons offsite.

((118)) (113) "Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

((119)) (114) "Source container" means a device in which radioactive material is transported or stored.

((120)) (115) "Source material" means: (a) Uranium or thorium, or any combination thereof, in any physical or chemical form, or (b) ores which contain by weight one-twentieth of one percent (0.05 percent) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material.

((121)) (116) "Source material milling" means the extraction or concentration of uranium or thorium from any ore processing primarily for its source material content.

((122)) (117) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing ionizing radiation.

~~((123)) "Special form radioactive material" means radioactive material which satisfies the following conditions:~~

~~(a) It is either a single solid piece or is contained in a sealed capsule that can only be opened by destroying the capsule;~~

~~(b) The piece or capsule has at least one dimension not less than five millimeters (0.197 inch); and~~

~~((c)) It satisfies the test requirements specified by the United States Nuclear Regulatory Commission. A special form encapsulation designed in accordance with the United States Nuclear Regulatory Commission requirements in effect on June 30, 1983, and constructed prior to July 1, 1985, may continue to be used. A special form encapsulation either designed or constructed after June 30, 1985, must meet requirements of this definition applicable at the time of its design or construction.~~

~~((124)) (118) "Special nuclear material" means:~~

~~(a) Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the United States Nuclear Regulatory Commission, pursuant to the provisions of section 51 of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, but does not include source material; or~~

~~(b) Any material artificially enriched in any of the foregoing, but does not include source material.~~

~~((125)) (119) "Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding three hundred fifty grams of contained U-235; Uranium-233 in quantities not exceeding two hundred grams; Plutonium in quantities not exceeding two hundred grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed "1" (i.e., unity). For example, the following quantities in combination would not exceed the limitation and are within the formula:~~

$$\frac{175(\text{grams contained U-235})}{350} + \frac{50(\text{grams U-233})}{200} + \frac{50(\text{grams Pu})}{200} < 1$$

~~((126)) (120) "Stochastic effect" means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects. For purposes of these regulations, probabilistic effect is an equivalent term.~~

~~((127)) (121) "Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, release, disposal, or presence of sources of radiation. When appropriate, such evaluation includes, but is not limited to, tests, physical examinations, calculations and measurements of levels of radiation or concentration of radioactive material present.~~

~~((128)) (122) "Test" means (a) the process of verifying compliance with an applicable regulation, or (b) a method for determining the characteristics or condition of sources of radiation or components thereof.~~

~~((129)) (123) "These regulations" mean all parts of the rules for radiation protection of the state of Washington.~~

~~((130)) (124) "Total effective dose equivalent" (TEDE) means the sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.~~

~~((131)) (125) "Total organ dose equivalent (TODE)" means the sum of the deep dose equivalent and the committed dose equivalent to the organ or tissue receiving the highest dose.~~

~~((132) "Type A packaging" means packaging designed in accordance with 49 CFR 173.411 and 173.412 to retain its integral containment and shielding under normal conditions of transport as demonstrated by tests described in 49 CFR 173.465 or 173.466 as appropriate. The contents are limited to A₁ or A₂ quantities. The package does not require competent authority approval.~~

~~((133) "Type A quantity" means a quantity of radioactive material less than or equal to the A₁ or A₂ value for a single radionuclide, or for which the sum of the fractions does not exceed unity for a mixture of radionuclides.~~

~~((134) "Type B packaging" means packaging approved by the United States Nuclear Regulatory Commission for the transport of quantities of radioactivity in excess of A₁ or A₂. It is defined in detail in 10 CFR 71.4.~~

~~((135) "Type B quantity" means a quantity of radioactive material in excess of a Type A quantity. It requires Type B packaging for transportation.~~

~~((136)) (126) "United States Department of Energy" means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the department exercises functions formerly vested in the United States Atomic Energy Commission, its chairman, members, officers and components and transferred to the United States Energy Research and Development Administration and to the administrator thereof pursuant to sections 104 (b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, 42 U.S.C. 5814 effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977).~~

~~((137)) (127) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.~~

~~((138)) (128) "Unrestricted area" (uncontrolled area) means any area which is not a restricted area. Areas where the external dose exceeds 2 mrem in any one hour or where the public dose, taking into account occupancy factors, will exceed 100 mrem total effective dose equivalent in any one year must be restricted.~~

~~((139)) (129) "Very high radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving an absorbed dose in excess of 5 Gy (500 rad) in one hour at one meter from a source of radiation or from any surface that the radiation penetrates.~~

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~~((140))~~ (130) "Waste handling licensees" mean persons licensed to receive and store radioactive wastes prior to disposal and/or persons licensed to dispose of radioactive waste.

~~((141))~~ (131) "Week" means seven consecutive days starting on Sunday.

~~((142))~~ (132) "Weighting factor" w_T for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of w_T are:

ORGAN DOSE WEIGHTING FACTORS

Organ or Tissue	w_T
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30 ^a
Whole Body	1.00 ^b

^a 0.30 results from 0.06 for each of 5 "remainder" organs, excluding the skin and the lens of the eye, that receive the highest doses.

^b For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, $w_T=1.0$, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

~~((143))~~ (133) "Whole body" means, for purposes of external exposure, head, trunk including male gonads, arms above the elbow, or legs above the knee.

~~((144))~~ (134) "Worker" means an individual engaged in activities under a license or registration issued by the department and controlled by a licensee or registrant but does not include the licensee or registrant. Where the licensee or registrant is an individual rather than one of the other legal entities defined under "person," the radiation exposure limits for the worker also apply to the individual who is the licensee or registrant. If students of age eighteen years or older are subjected routinely to work involving radiation, then the students are considered to be workers. Individuals of less than eighteen years of age shall meet the requirements of WAC 246-221-050.

~~((145))~~ (135) "Working level" (WL) means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon daughters are — for radon-222: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212.

~~((146))~~ (136) "Working level month" (WLM) means an exposure to one working level for one hundred seventy hours — two thousand working hours per year divided by twelve

months per year is approximately equal to one hundred seventy hours per month.

~~((147))~~ (137) "Year" means the period of time beginning in January used to determine compliance with the provisions of these regulations. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-220-110 Appendix A—Determination of A_1 and A_2 values.
- WAC 246-220-120 Appendix B—Information on transportation special form licensed material.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-005 Radiation protection programs.

(1) Each specific licensee shall develop, document, and implement a radiation protection program sufficient to ensure compliance with the provisions of this chapter.

(2) The licensee shall use, to the extent practicable, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that are as low as is reasonably achievable (ALARA).

(3) The licensee shall review the radiation protection program content and implementation at the frequency specified in the license.

(4) To implement the ALARA requirements of subsection (2) of this section, and notwithstanding the requirements of WAC 246-221-060, a constraint on air emission of radioactive material to the environment, excluding radon-220, radon-222 and their daughters, shall be established by licensees such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of 0.1 mSv (10 mrem) per year from these emissions. This dose constraint does not apply to sealed sources or to accelerators less than 200MeV. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance as provided in WAC 246-221-260 and promptly take appropriate corrective action to ensure against recurrence.

(5) Each licensee shall maintain records of the radiation protection program, including:

- (a) The provisions of the program; and
- (b) Audits, where required, and other reviews of program content and implementation.

PERMANENT

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-160 Procedures for picking up, receiving, and opening packages. (1)(a) Each licensee who expects to receive a package containing quantities of radioactive material in excess of the Type A₁ or A₂ quantities specified in WAC (~~(246-220-110)~~) 246-231-200 shall make arrangements to receive:

(i) The package when it is offered for delivery by the carrier; or

(ii) Immediate notification from the carrier of the arrival of the package at the carrier's terminal.

(b) Each licensee who picks up a package of radioactive material from a carrier's terminal shall pick up the package expeditiously upon receipt of notification from the carrier of its arrival.

(2) Each licensee shall:

(a) Monitor for radioactive contamination the external surfaces of any package labeled with a Radioactive White I, Yellow II or Yellow III label unless the package contains only radioactive material in the form of gas or in special form as defined in WAC (~~(246-220-010 and 246-220-120)~~) 246-231-010; and

(b) Monitor the radiation levels of the external surfaces of any package labeled with a Radioactive White I, Yellow II or Yellow III label unless the package contains quantities of radioactive material that are less than or equal to the Type A quantity, as defined in WAC (~~(246-220-110)~~) 246-231-200; and

(c) Monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if the package has evidence of potential contamination, such as packages that are crushed, wet, or damaged.

(3) The monitoring shall be performed:

(a) Immediately upon receipt if there is evidence of package degradation or any other evidence of potential contamination or excessive radiation levels; or

(b) As soon as practicable after receipt, but no later than three hours after the package is received at the licensee's facility if received during the licensee's normal working hours, or no later than three hours from the beginning of the next working day if received after normal working hours.

(4) The licensee shall immediately notify the final delivery carrier and, by telephone and telegram, mailgram, or facsimile, the department when:

(a) For normal shipments, removable radioactive surface contamination exceeds either 22 dpm/cm² for beta-gamma emitting radionuclides, all radionuclides with half-lives less than ten days, natural uranium, natural thorium, uranium-235, uranium-238, thorium-232, and thorium-228 and thorium 230 when contained in ores or concentrates; or 2.2 dpm/cm² for all other alpha emitting radionuclides; or

(b) For exclusive use shipments, removable radioactive surface contamination exceeds either 220 dpm/cm² for beta-gamma emitting radionuclides, all radionuclides with half-lives less than ten days, natural uranium, natural thorium, uranium-235, uranium-238, thorium-232, and thorium-228 and thorium 230 when contained in ores or concentrates; or 22 dpm/cm² for all other alpha emitting radionuclides; or

(c) For normal or exclusive use shipments, external radiation levels exceed two mSv/hour (200 millirem per hour) at any point on the external surface of the package; or

(d) For exclusive use shipments where the shipment is made in a closed transport vehicle, packages are secured in a fixed position, and no loading or unloading occurs between the beginning and end of transportation, external radiation levels exceed ten mSv/hour (1000 millirem per hour) at any point on the external surface of the package.

(5) Each licensee shall establish and maintain procedures for safely opening packages in which radioactive material is received, and shall assure that such procedures are followed and that due consideration is given to instructions for the type of package being opened and the monitoring of potentially contaminated packaging material (including packages containing radioactive material in gaseous form) to assure that only background levels of radiation are present prior to disposal of such material as nonradioactive waste.

(6) Licensees transferring special form sources to and from a work site in vehicles owned or operated by the licensee are exempt from the contamination monitoring requirements of subsection (2)(a) of this section but are not exempt from the monitoring requirement in subsection (2)(b) of this section for measuring radiation levels to ensure that the source is still properly lodged in its shield.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-170 Waste disposal, general requirement. (1) No licensee shall dispose of any radioactive material except:

(a) By transfer to an authorized recipient as provided in WAC 246-232-080, or chapter 246-249 WAC; or

(b) As authorized pursuant to WAC 246-221-070, 246-221-180, 246-221-190, 246-221-200, 246-221-210, or 246-221-220.

(c) By decay in storage as authorized in a specific license.

(2) A person shall be specifically licensed to receive waste containing licensed material from other persons for:

(a) Treatment prior to disposal; or

(b) Treatment or disposal by incineration; or

(c) Decay in storage; or

(d) Disposal at a land disposal facility licensed pursuant to chapter 246-250 WAC; or

(e) Storage until transferred to a disposal facility authorized to receive the waste.

(3) Nothing in chapter 246-221 WAC relieves the licensee from complying with other applicable federal, state, and local regulations governing any other toxic or hazardous properties of materials that may be disposed pursuant to this chapter.

(4) Each licensee shall maintain records of all transfers and disposals of radioactive material. Requirements for the disposition of certain disposal records, prior to license termination, are located in WAC 246-232-060.

AMENDATORY SECTION (Amending WSR 95-01-108, filed 12/21/94, effective 1/21/95)

WAC 246-221-260 Reports of overexposures and excessive levels and concentrations. (1) In addition to any notification required by WAC 246-221-250, each licensee or registrant shall submit a written report to the department within thirty days after learning of any of the following occurrences:

(a) Incidents for which notification is required by WAC 246-221-250; or

(b) Doses in excess of any of the following:

(i) The occupational dose limits for adults in WAC 246-221-010; or

(ii) The occupational dose limits for a minor in WAC 246-221-050; or

(iii) The limits for an embryo/fetus of a declared pregnant woman in WAC 246-221-055; or

(iv) The limits for an individual member of the public in WAC 246-221-060; or

(v) Any applicable limit in the license; or

(vi) The ALARA constraints for air emissions established under WAC 246-221-005; or

(c) Levels of radiation or concentrations of radioactive material in:

(i) A restricted area in excess of applicable limits in the license; or

(ii) An unrestricted area in excess of ten times the applicable limit set forth in this chapter or in the license or registration, whether or not involving exposure of any individual in excess of the limits in WAC 246-221-060; or

(d) For source materials milling licensees and nuclear power plants subject to the provisions of United States Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR 190, levels of radiation or releases of radioactive material in excess of those standards, or of license conditions related to those standards.

(2) Each report required by subsection (1) of this section shall describe:

(a) The incident and its exact location, time and date;

(b) The extent of exposure of individuals to radiation or to radioactive material, including estimates of each individual's dose as required by subsection (3) of this section;

(c) Levels of radiation and concentrations of radioactive material involved, including the radionuclides, quantities, and chemical and physical form;

(d) The cause or probable cause of the exposure, levels of radiation or concentrations;

(e) The manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;

(f) The results of any evaluations or assessments; and

(g) Corrective steps taken or planned to assure against a recurrence, including the schedule for achieving conformance with applicable limits, ALARA constraints, generally applicable environmental standards, and associated license conditions.

(3) Each report filed with the department pursuant to this section shall include for each individual exposed the name, social security number, and date of birth, and an estimate of the individual's dose. With respect to the limit for the

embryo/fetus in WAC 246-221-055, the identifiers should be those of the declared pregnant woman. The report shall be prepared so that this information is stated in a separate and detachable part of the report:

(4) Individuals shall be notified of reports in accordance with the requirements of WAC 246-222-040.

Chapter 246-231 WAC

PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

APPENDIX A—DETERMINATION OF A1 AND A2

NEW SECTION

WAC 246-231-001 Purpose and scope. (1) This chapter establishes requirements for packaging, preparation for shipment, and transportation of radioactive material.

(2) These rules are in addition to applicable requirements of the United States Nuclear Regulatory Commission (NRC), the United States Department of Transportation (DOT), the U.S. Postal Service¹, and other requirements of Title 246 WAC.

(3) The regulations in this chapter apply to any licensee authorized by specific or general license issued by the department to receive, possess, use, or transfer licensed material, if the licensee delivers that material to a carrier for transport, transports the material outside the site of usage as specified in the license, or transports that material on public highways. No provision of this chapter authorizes possession of licensed material.

¹ *Postal Service Manual (Domestic Mail Manual)*, section 124.3, which is incorporated by reference at 39 CFR 111.1.

NEW SECTION

WAC 246-231-005 Requirement for license. No person shall deliver radioactive material to a carrier for transport or transport radioactive material except as authorized in a general or specific license issued by the department, or as exempted in this chapter.

NEW SECTION

WAC 246-231-010 Definitions. The following terms are as defined here for the purpose of this chapter. To ensure compatibility with international transportation standards, all limits in this chapter are given in terms of dual units: The International System of Units (SI) followed or preceded by U.S. standard or customary units. The U.S. customary units are not exact equivalents, but are rounded to a convenient value, providing a functionally equivalent unit. For the purpose of this chapter, either unit may be used.

(1) "A1" means the maximum activity of special form radioactive material permitted in a Type A package.

(2) "A2" means the maximum activity of radioactive material, other than special form, LSA and SCO material, permitted in a Type A package. These values are either listed in WAC 246-231-200, Table A-1, or may be derived in

accordance with the procedure prescribed in WAC 246-231-200.

(3) "Carrier" means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier, or by civil aircraft.

(4) "Certificate holder" means a person who has been issued a certificate of compliance or other package approval by the U.S. Nuclear Regulatory Commission (USNRC).

(5) "Close reflection by water" means immediate contact by water of sufficient thickness for maximum reflection of neutrons.

(6) "Containment system" means the assembly of components of the packaging intended to retain the radioactive material during transport.

(7) "Conveyance" means:

(a) For transport by public highway or rail any transport vehicle or large freight container;

(b) For transport by water any vessel, or any hold, compartment, or defined deck area of a vessel including any transport vehicle on board the vessel; and

(c) For transport by aircraft any aircraft.

(8) "Exclusive use" means the sole use by a single consignor of a conveyance for which all initial, intermediate, and final loading and unloading are carried out in accordance with the direction of the consignor or consignee. The consignor and the carrier must ensure that any loading or unloading is performed by personnel having radiological training and resources appropriate for safe handling of the consignment. The consignor must issue specific instructions, in writing, for maintenance of exclusive use shipment controls, and include them with the shipping paper information provided to the carrier by the consignor.

(9) "Fissile material" means plutonium-238, plutonium-239, plutonium-241, uranium-233, uranium-235, or any combination of these radionuclides. Unirradiated natural uranium and depleted uranium, and natural uranium or depleted uranium that has been irradiated in thermal reactors only are not included in this definition. Certain exclusions from fissile material controls are provided in USNRC regulations 10 CFR 71.53.

(10) "Highway route controlled quantity" means a quantity within a single package which exceeds:

(a) 3,000 times the A1 or A2 quantity specified in WAC 246-231-200; or

(b) 1,000 TBq (27,000 Ci) whichever is least.

(11) "Licensed material" means radioactive material received, possessed, used, or transferred under a general or specific license issued by the department pursuant to the regulations in this chapter.

(12) "Low specific activity (LSA) material" means radioactive material with limited specific activity that satisfies the descriptions and limits set forth below. Shielding materials surrounding the LSA material may not be considered in determining the estimated average specific activity of the package contents. LSA material must be in one of three groups:

(a) LSA-I.

(i) Ores containing only naturally occurring radionuclides (e.g., uranium, thorium) and uranium or thorium concentrates of such ores; or

(ii) Solid unirradiated natural uranium or depleted uranium or natural thorium or their solid or liquid compounds or mixtures; or

(iii) Radioactive material, other than fissile material, for which the A2 value is unlimited; or

(iv) Mill tailings, contaminated earth, concrete, rubble, other debris, and activated material in which the radioactive material is essentially uniformly distributed, and the average specific activity does not exceed $1E-6$ A2/g.

(b) LSA-II.

(i) Water with tritium concentration up to 0.8 TBq/liter (20.0 Ci/liter); or

(ii) Material in which the radioactive material is distributed throughout, and the average specific activity does not exceed $1E-4$ A2/g for solids and gases, and $1E-5$ A2/g for liquids.

(c) LSA-III. Solids (e.g., consolidated wastes, activated materials) in which:

(i) The radioactive material is distributed throughout a solid or a collection of solid objects, or is essentially uniformly distributed in a solid compact binding agent (such as concrete, bitumen, ceramic, etc.); and

(ii) The radioactive material is relatively insoluble, or it is intrinsically contained in a relatively insoluble material, so that, even under loss of packaging, the loss of radioactive material per package by leaching, when placed in water for seven days, would not exceed 0.1 A2; and

(iii) The average specific activity of the solid does not exceed $2E-3$ A2/g.

(13) "Low toxicity alpha emitters" means natural uranium, depleted uranium, natural thorium; uranium-235, uranium-238, thorium-232, thorium-228 or thorium-230 when contained in ores or physical or chemical concentrates or tailings; or alpha emitters with a half-life of less than ten days.

(14) "Maximum normal operating pressure" means the maximum gauge pressure that would develop in the containment system in a period of one year under the heat condition specified in USNRC regulations Title 10 CFR 71.71 (c)(1), in the absence of venting, external cooling by an ancillary system, or operational controls during transport.

(15) "Natural thorium" means thorium with the naturally occurring distribution of thorium isotopes (essentially 100 weight percent thorium-232).

(16) "Normal form radioactive material" means radioactive material that has not been demonstrated to qualify as "special form radioactive material."

(17) "Nuclear waste" as used in WAC 246-231-140 means any quantity of radioactive material (not including radiography sources being returned to the manufacturer) required to be in Type B packaging while transported to, through, or across state boundaries to a disposal site, or to a collection point for transport to a disposal site. Nuclear waste, as used in these regulations, is a special classification of radioactive waste.

(18) "Optimum interspersed hydrogenous moderation" means the presence of hydrogenous material between packages to such an extent that the maximum nuclear reactivity results.

(19) "Package" means the packaging together with its radioactive contents as presented for transport.

(a) "Fissile material package" means a fissile material packaging together with its fissile material contents.

(b) "Type B package" means a Type B packaging together with its radioactive contents. On approval by the NRC, a Type B package design is designated as B(U) unless the package has a maximum normal operating pressure of more than 700 kPa (100 lb/in²) gauge or a pressure relief device that would allow the release of radioactive material to the environment under the tests specified in USNRC regulations Title 10 CFR 71.73 (hypothetical accident conditions), in which case it will receive a designation B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval of international shipments. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, see DOT regulations in 49 CFR Part 173. A Type B package approved before September 6, 1983, was designated only as Type B. Limitations on its use are specified in WAC 246-231-070.

(20) "Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of this chapter. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding, and devices for cooling or absorbing mechanical shocks. The vehicle, tie-down system, and auxiliary equipment may be designated as part of the packaging.

(21) "Special form radioactive material" means radioactive material that satisfies the following conditions:

(a) It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

(b) The piece or capsule has at least one dimension not less than 5 mm (0.2 in); and

(c) It satisfies the requirements of USNRC regulations. A special form encapsulation designed in accordance with the USNRC requirements in effect on June 30, 1983, (see 10 CFR Part 71, revised as of January 1, 1983), and constructed before July 1, 1985, and a special form encapsulation designed in accordance with the requirements of the USNRC in effect on March 31, 1996, (see 10 CFR Part 71, revised as of January 1, 1983), and constructed before April 1, 1998, may continue to be used. Any other special form encapsulation must meet the specifications of this definition.

(22) "Specific activity" of a radionuclide means the radioactivity of the radionuclide per unit mass of that nuclide. The specific activity of a material in which the radionuclide is essentially uniformly distributed is the radioactivity per unit mass of the material.

(23) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(24) "Surface contaminated object (SCO)" means a solid object that is not itself classed as radioactive material, but which has radioactive material distributed on any of its surfaces. SCO must be in one of two groups with surface activity not exceeding the following limits:

(a) SCO-I: A solid object on which:

(i) The nonfixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4 Bq/cm² (1E-4 microcurie/cm²) for beta and gamma and low toxicity alpha emitters, or 0.4 Bq/cm² (1E-5 microcurie/cm²) for all other alpha emitters;

(ii) The fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4E+4 Bq/cm² (1.0 microcurie/cm²) for beta and gamma and low toxicity alpha emitters, or 4E+3 Bq/cm² (0.1 microcurie/cm²) for all other alpha emitters; and

(iii) The nonfixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4E+4 Bq/cm² (1 microcurie/cm²) for beta and gamma and low toxicity alpha emitters, or 4E+3 Bq/cm² (0.1 microcurie/cm²) for all other alpha emitters.

(b) SCO-II: A solid object on which the limits for SCO-I are exceeded and on which:

(i) The nonfixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 400 Bq/cm² (1E-2 microcurie/cm²) for beta and gamma and low toxicity alpha emitters or 40 Bq/cm² (1E-3 microcurie/cm²) for all other alpha emitters;

(ii) The fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 8E+5 Bq/cm² (20 microcuries/cm²) for beta and gamma and low toxicity alpha emitters, or 8E+4 Bq/cm² (2 microcuries/cm²) for all other alpha emitters; and

(iii) The nonfixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 8E+5 Bq/cm² (20 microcuries/cm²) for beta and gamma and low toxicity alpha emitters, or 8E+4 Bq/cm² (2 microcuries/cm²) for all other alpha emitters.

(25) "Transport index" means the dimensionless number (rounded up to the next tenth) placed on the label of a package, to designate the degree of control to be exercised by the carrier during transportation. The transport index is determined as follows:

(a) For nonfissile material packages, the number determined by multiplying the maximum radiation level in millisievert (mSv) per hour at one meter (3.3 ft) from the external surface of the package by 100 (equivalent to the maximum radiation level in millirem per hour at one meter (3.3 ft)); or

(b) For fissile material packages, the number determined by multiplying the maximum radiation level in millisievert per hour at one meter (3.3 ft) from the external surface of the package by 100 (equivalent to the maximum radiation level in millirem per hour at one meter (3.3 ft)), or, for criticality control purposes, the number obtained as described in USNRC regulations 10 CFR 71.59, whichever is larger.

(26) "Type A quantity" means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A1 for special form radioactive material, or A2, for normal form radioactive material, where A1 and A2 are given in Table A-1 of WAC 246-231-200, or may be determined by procedures described in WAC 246-231-200.

(27) "Type B quantity" means a quantity of radioactive material greater than a Type A quantity.

(28) Uranium—natural, depleted, enriched.

(a) "Natural uranium" means uranium with the naturally occurring distribution of uranium isotopes (approximately 0.711 weight percent uranium-235, and the remainder by weight essentially uranium-238).

(b) "Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

(c) "Enriched uranium" means uranium containing more uranium-235 than the naturally occurring distribution of uranium isotopes.

NEW SECTION

WAC 246-231-030 Transportation of licensed material. (1) Each licensee who transports licensed material outside the site of usage, as specified in the license issued by the department, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the DOT regulations in 49 CFR Parts 170 through 189 appropriate to the mode of transport.

(a) The licensee shall particularly note DOT regulations in the following areas:

(i) Packaging—49 CFR Part 173: Subparts A and B and I.

(ii) Marking and labeling—49 CFR Part 172: Subpart D, Secs. 172.400 through 172.407, Secs. 172.436 through 172.440, and subpart E.

(iii) Placarding—49 CFR Part 172: Subpart F, especially Secs. 172.500 through 172.519, 172.556, and appendices B and C.

(iv) Accident reporting—49 CFR Part 171: Secs. 171.15 and 171.16.

(v) Shipping papers and emergency information—49 CFR Part 172: Subparts C and G.

(vi) Hazardous material employee training—49 CFR Part 172: Subpart H.

(vii) Hazardous material shipper/carrier registration—49 CFR Part 107: Subpart G.

(b) The licensee shall also note DOT regulations pertaining to the following modes of transportation:

(i) Rail—49 CFR Part 174: Subparts A through D and K.

(ii) Air—49 CFR Part 175.

(iii) Vessel—49 CFR Part 176: Subparts A through F and M.

(iv) Public Highway—49 CFR Part 177 and Parts 390 through 397.

(2) If DOT regulations are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of the DOT specified in paragraph (1) of this section to the same extent as if the shipment or transportation were subject to DOT regulations. A request for modification, waiver, or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

NEW SECTION

WAC 246-231-040 Exemptions. (1) Common and contract carriers, freight forwarders, and warehouse workers who are subject to the rules and regulations of the United States Department of Transportation (49 CFR Parts 170 through 189) or the United States Postal Service (Domestic Mail Manual, Section 124.3 incorporated by reference, 39 CFR 111.11 (1974) are exempt from this chapter to the extent that they transport or store radioactive material in the regular course of their carriage for another or storage incident thereto. Common and contract carriers who are not subject to the rules and regulations of the United States Department of Transportation or United States Postal Service are subject to WAC 246-231-005 and other applicable sections of these regulations.

(2) Any licensee who delivers radioactive material to a carrier for transport, where such transport is subject to the regulations of the United States Postal Service, is exempt from the provisions of WAC 246-231-005.

(3) Physicians as defined in WAC 246-220-010, are exempt from the requirements of this chapter only to the extent that they transport radioactive material for emergency use in the practice of medicine.

(4) A licensee is exempt from all requirements of this chapter with respect to shipment or carriage of a package containing radioactive material having a specific activity not greater than 70 Bq/g (0.002 uCi/g).

(5) A licensee is exempt from all requirements of this chapter, other than WAC 246-231-030 and 246-231-120, with respect to shipment or carriage of the following packages, provided the packages contain no fissile material:

(a) A package containing no more than a Type A quantity of radioactive material;

(b) A package in which the only radioactive material is low specific activity (LSA) material or surface contaminated objects (SCO), provided the external radiation level at 3 m from the unshielded material or objects does not exceed 10 mSv/h (1 rem/h); or

(c) A package transported within locations within the United States which contains only americium or plutonium in special form with an aggregate radioactivity not to exceed 20 curies.

(6) A licensee is exempt from all requirements of this chapter, other than WAC 246-231-030 and 246-231-120, with respect to shipment or carriage of low-specific-activity (LSA) material in group LSA-I, or surface contaminated objects (SCOs) in group SCO-I.

NEW SECTION

WAC 246-231-050 General licenses for carriers. (1) A general license is hereby issued to any common or contract carrier not exempted under WAC 246-231-040 to receive, possess, transport and store radioactive material in the regular course of their carriage for another or storage incident thereto, provided the transportation and storage is in accordance with the applicable requirements of the regulations,

appropriate to the mode of transport, of the United States Department of Transportation.

(2) A general license is hereby issued to any private carrier to transport radioactive material, provided the transportation is in accordance with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation insofar as such regulations relate to the loading and storage of packages, placarding of the transporting vehicle, shipping papers, and incident reporting. Any notification of incidents referred to in those requirements shall be filed with, or made to, the department.

(3) Persons who transport radioactive material pursuant to the general licenses of subsection (1) or (2) of this section are exempt from the requirements of chapters 246-221 and 246-222 WAC to the extent that they transport radioactive material.

(4) A general license is hereby issued to deliver radioactive material to a carrier for transport provided that:

(a) The licensee complies with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation insofar as such regulations relate to the packaging of radioactive material, to shipping papers, and to the monitoring, marking and labeling of those packages.

(b) The licensee has established procedures for opening and closing packages in which radioactive material is transported to provide safety and to assure that, prior to the delivery to a carrier for transport, each package is properly closed for transport.

(c) Prior to delivery of a package to a carrier for transport, the licensee shall assure that any special instructions needed to safely open the package are sent to or have been made available to the consignee.

(d) In addition to the requirements of the United States Department of Transportation, each package of Type A or B quantity radioactive material prepared for shipment must have the innermost container labeled as to the isotope, chemical form, number of bequerels or subunits thereof, and date of determination of activity and each innermost container shall be tested to assure that the container is properly sealed and that contamination which would cause undue hazard to public health and safety or property is not present prior to transportation. This requirement does not apply to properly packaged shipments of radioactive waste consigned to a commercial low level radioactive waste disposal facility.

Note 1- For the purpose of this regulation, licensees who transport their own licensed material as a private carrier are considered to have delivered such material to a carrier for transport.

NEW SECTION

WAC 246-231-060 General license: NRC-approved package. (1) A general license is hereby issued to any licensee of the department to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, certificate of compliance, or other approval has been issued by the department or NRC.

(2) This general license applies only to a licensee who has a quality assurance program approved by the USNRC.

(3) This general license applies only to a licensee who:

(a) Has a copy of the certificate of compliance, or other approval of the package, and has the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken before shipment;

(b) Complies with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of the USNRC; and

(c) Submits in writing to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, before the licensee's first use of the package, the licensee's name and license number and the package identification number specified in the package approval.

(4) This general license applies only when the package approval authorizes use of the package under this general license.

(5) For a Type B or fissile material package, the design of which was approved by NRC before April 1, 1996, the general license is subject to the additional restrictions of NRC regulations 10 CFR 71.13.

NEW SECTION

WAC 246-231-070 Previously approved package. (1) A Type B package previously approved by NRC but not designated as B(U) or B(M) in the identification number of the NRC Certificate of Compliance, may be used under the general license of WAC 246-231-060 with the following additional conditions:

(a) Fabrication of the packaging was satisfactorily completed by August 31, 1986, as demonstrated by application of its model number in accordance with WAC 246-231-100 (2)(c);

(b) A package used for a shipment to a location outside the United States is subject to multilateral approval, as defined in DOT regulations at 49 CFR 173.403; and

(c) A serial number that uniquely identifies each packaging which conforms to the approved design is assigned to, and legibly and durably marked on, the outside of each packaging.

(2) A Type B(U) package, a Type B(M) package, a low specific activity (LSA) material package or a fissile material package, previously approved by the NRC but without the designation "-85" in the identification number of the NRC Certificate of Compliance, may be used under the general license of WAC 246-231-060 with the following additional conditions:

(a) Fabrication of the package is satisfactorily completed by April 1, 1999, as demonstrated by application of its model number in accordance with WAC 246-231-100 (2)(c);

(b) A package used for a shipment to a location outside the United States is subject to multilateral approval as defined in DOT regulations at 49 CFR 173.403; and

(c) A serial number which uniquely identifies each packaging which conforms to the approved design is assigned to and legibly and durably marked on the outside of each packaging.

NEW SECTION

WAC 246-231-080 General license: DOT specification container. (1) A general license is issued to any licensee of the department to transport, or to deliver to a carrier for transport, licensed material in a specification container for fissile material or for a Type B quantity of radioactive material as specified in DOT regulations at 49 CFR Parts 173 and 178.

(2) This general license applies only to a licensee who has a quality assurance program approved by the NRC as satisfying the provisions of subpart H of the NRC regulations, 10 CFR 71.

(3) This general license applies only to a licensee who:

(a) Has a copy of the specification; and

(b) Complies with the terms and conditions of the specification and the applicable requirements of subparts A, G, and H of NRC regulations 10 CFR 71.

(4) This general license is subject to the limitation that the specification container may not be used for a shipment to a location outside the United States, except by multilateral approval, as defined in DOT regulations at 49 CFR 173.403.

NEW SECTION

WAC 246-231-090 General license: Use of foreign approved package. (1) A general license is issued to any licensee of the department to transport, or to deliver to a carrier for transport, licensed material in a package the design of which has been approved in a foreign national competent authority certificate that has been revalidated by DOT as meeting the applicable requirements of 49 CFR 171.12.

(2) Except as otherwise provided in this section, the general license applies only to a licensee who has a quality assurance program approved by the USNRC.

(3) This general license applies only to shipments made to or from locations outside the United States.

(4) This general license applies only to a licensee who:

(a) Has a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate, relating to the use and maintenance of the packaging and to the actions to be taken before shipment; and

(b) Complies with the terms and conditions of the certificate and revalidation, and with the applicable requirements of the USNRC.

NEW SECTION

WAC 246-231-100 Applicability of operating controls and procedures. (1) A licensee subject to this chapter, who, under a general or specific license, transports licensed material or delivers licensed material to a carrier for transport, shall also comply with the requirements of NRC regulations 10 CFR 71 subpart G, with the quality assurance requirements of subpart H, and with the general provisions of subpart A.

(2) Before the first use of any packaging for the shipment of licensed material:

(a) The licensee shall ascertain that there are no cracks, pinholes, uncontrolled voids, or other defects that could significantly reduce the effectiveness of the packaging;

(b) Where the maximum normal operating pressure will exceed 35 kPa (5 lbf/in²) gauge, the licensee shall test the containment system at an internal pressure at least fifty percent higher than the maximum normal operating pressure, to verify the capability of that system to maintain its structural integrity at that pressure; and

(c) The licensee shall conspicuously and durably mark the packaging with its model number, serial number, gross weight, and a package identification number assigned by NRC. Before applying the model number, the licensee shall determine that the packaging has been fabricated in accordance with the design approved by the U.S. Nuclear Regulatory Commission.

NEW SECTION

WAC 246-231-110 Routine determinations. Before each shipment of licensed material, the licensee shall ensure that the package with its contents satisfies the applicable requirements of this section and of the license. The licensee shall determine that:

(1) The package is proper for the contents to be shipped;

(2) The package is in unimpaired physical condition except for superficial defects such as marks or dents;

(3) Each closure device of the packaging, including any required gasket, is properly installed and secured and free of defects;

(4) Any system for containing liquid is adequately sealed and has adequate space or other specified provision for expansion of the liquid;

(5) Any pressure relief device is operable and set in accordance with written procedures;

(6) The package has been loaded and closed in accordance with written procedures;

(7) For fissile material, any moderator or neutron absorber, if required, is present and in proper condition;

(8) Any structural part of the package that could be used to lift or tie down the package during transport is rendered inoperable for that purpose, unless it satisfies the design requirements of NRC regulations 10 CFR 71.45;

(9) The level of nonfixed (removable) radioactive contamination on the external surfaces of each package offered for shipment is as low as reasonably achievable, and within the limits specified in DOT regulations in 49 CFR 173.443;

(10) External radiation levels around the package and around the vehicle, if applicable, will not exceed the limits specified in NRC regulations 10 CFR 71.47 at any time during transportation; and

(11) Accessible package surface temperatures will not exceed the limits specified in NRC regulations 10 CFR 71.43(g) at any time during transportation.

NEW SECTION

WAC 246-231-120 Air transport of plutonium. (1) Notwithstanding the provisions of any general licenses and notwithstanding any exemptions stated directly in this part or

included indirectly by citation of 49 CFR chapter I, as may be applicable, the licensee shall assure that plutonium in any form, whether for import, export, or domestic shipment, is not transported by air or delivered to a carrier for air transport unless:

(a) The plutonium is contained in a medical device designed for individual human application; or

(b) The plutonium is contained in a material in which the specific activity is not greater than 0.002 uCi/g (70 Bq/g) of material and in which the radioactivity is essentially uniformly distributed; or

(c) The plutonium is shipped in a single package containing no more than an A2 quantity of plutonium in any isotope or form, and is shipped in accordance with WAC 246-231-030; or

(d) The plutonium is shipped in a package specifically authorized for the shipment of plutonium by air in the Certificate of Compliance for that package issued by the U.S. Nuclear Regulatory Commission.

(2) Nothing in subsection (1) of this section is to be interpreted as removing or diminishing the requirements of NRC regulations 10 CFR 73.24.

(3) For a shipment of plutonium by air which is subject to subsection (1)(d) of this section, the licensee shall, through special arrangement with the carrier, require compliance with 49 CFR 175.704, U.S. Department of Transportation regulations applicable to the air transport of plutonium.

NEW SECTION

WAC 246-231-130 Opening instructions. Before delivery of a package to a carrier for transport, the licensee shall ensure that any special instructions needed to safely open the package have been sent to, or otherwise made available to, the consignee for the consignee's use in accordance with WAC 246-221-160.

NEW SECTION

WAC 246-231-140 Advance notification of shipment of irradiated reactor fuel and nuclear waste. (1) As specified in subsections (2), (3), and (4) of this section, each licensee shall provide advance notification to the governor of a state, or the governor's designee, of the shipment of licensed material, through, or across the boundary of the state, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.

(2) Advance notification is required under this section for shipments of irradiated reactor fuel in quantities less than that subject to advance notification requirements of NRC regulations 10 CFR 73.37(f). Advance notification is also required under this section for shipment of licensed material, other than irradiated fuel, meeting the following three conditions:

(a) The licensed material is required by this section to be in Type B packaging for transportation;

(b) The licensed material is being transported to or across a state boundary en route to a disposal facility or to a collection point for transport to a disposal facility; and

(c) The quantity of licensed material in a single package exceeds the least of the following:

(i) 3000 times the A1 value of the radionuclides as specified in WAC 246-231-200, Table A-1 for special form radioactive material;

(ii) 3000 times the A2 value of the radionuclides as specified in WAC 246-231-200, Table A-1 for normal form radioactive material; or

(iii) 1000 TBq (27,000 Ci).

(3) Procedures for submitting advance notification.

(a) The notification must be made in writing to the office of each appropriate governor or governor's designee and to the Administrator of the appropriate NRC Regional Office listed in Appendix A of NRC regulations 10 CFR Part 73.

(b) A notification delivered by mail must be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur.

(c) A notification delivered by messenger must reach the office of the governor or of the governor's designee at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur.

(i) A list of the names and mailing addresses of the governors' designees receiving advance notification of transportation of nuclear waste was published in the *Federal Register* on June 30, 1995, (60 FR 34306).

(ii) The list will be published annually in the *Federal Register* on or about June 30 to reflect any changes in information.

(iii) A list of the names and mailing addresses of the governors' designees is available on request from the Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

(d) The licensee shall retain a copy of the notification as a record for three years.

(4) Information to be furnished in advance notification of shipment. Each advance notification of shipment of irradiated reactor fuel or nuclear waste must contain the following information:

(a) The name, address, and telephone number of the shipper, carrier, and receiver of the irradiated reactor fuel or nuclear waste shipment;

(b) A description of the irradiated reactor fuel or nuclear waste contained in the shipment, as specified in the regulations of DOT in 49 CFR 172.202 and 172.203(d);

(c) The point of origin of the shipment and the seven-day period during which departure of the shipment is estimated to occur;

(d) The seven-day period during which arrival of the shipment at state boundaries is estimated to occur;

(e) The destination of the shipment, and the seven-day period during which arrival of the shipment is estimated to occur; and

(f) A point of contact, with a telephone number, for current shipment information.

(5) Revision notice. A licensee who finds that schedule information previously furnished to a governor or governor's designee, in accordance with this section, will not be met, shall telephone a responsible individual in the office of the governor of the state or of the governor's designee and inform

that individual of the extent of the delay beyond the schedule originally reported. The licensee shall maintain a record of the name of the individual contacted for three years.

(6) Cancellation notice.

(a) Each licensee who cancels an irradiated reactor fuel or nuclear waste shipment for which advance notification has been sent shall send a cancellation notice to the governor of each state or to the governor's designee previously notified, and to the Administrator of the appropriate NRC Regional Office listed in Appendix A of USNRC regulations 10 CFR 73.

(b) The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being canceled. The licensee shall retain a copy of the notice as a record for three years.

NEW SECTION

WAC 246-231-200 Appendix A—Determination of A1 and A2.

I. Values of A1 and A2 for individual radionuclides, which are the bases for many activity limits elsewhere in these regulations are given in Table A-1. The curie (Ci) values specified are obtained by converting from the Tera-becquerel (TBq) figure. The curie values are expressed to three significant figures to assure that the difference in the TBq and Ci quantities is one tenth of one percent or less. Where values of A1 or A2 are unlimited, it is for radiation control purposes only. For nuclear criticality safety, some materials are subject to controls placed on fissile material.

II. For individual radionuclides whose identities are known, but which are not listed in Table A-1, the determination of the values of A1 and A2 requires NRC approval, except that the values of A1 and A2 in Table A-2 may be used without obtaining approval from the NRC.

III. In the calculations of A1 and A2 for a radionuclide not in Table A-1, a single radioactive decay chain, in which radionuclides are present in their naturally occurring proportions, and in which no daughter nuclide has a half-life either longer than ten days, or longer than that of the parent nuclide, shall be considered as a single radionuclide, and the activity to be taken into account, and the A1 or A2 value to be applied shall be those corresponding to the parent nuclide of that chain. In the case of radioactive decay chains in which any daughter nuclide has a half-life either longer than ten days, or greater than that of the parent nuclide, the parent and those daughter nuclides shall be considered as mixtures of different nuclides.

IV. For mixtures of radionuclides whose identities and respective activities are known, the following conditions apply:

(a) For special form radioactive material, the maximum quantity transported in a Type A package:

$$\sum_I \frac{B(i)}{A1(i)} \text{ less than or equal to } 1$$

(b) For normal form radioactive material, the maximum quantity transported in a Type A package:

$$\sum_I \frac{B(i)}{A2(i)} \text{ less than or equal to } 1$$

Where B(i) is the activity of radionuclide I and A1(i) and A2(i) are the A1 and A2 values for radionuclide I, respectively.

Alternatively, an A1 value for mixtures of special form material may be determined as follows:

$$A1 \text{ for mixture} = \frac{1}{\sum_I \frac{f(i)}{A1(i)}}$$

Where f(i) is the fraction of activity of nuclide I in the mixture and A1(i) is the appropriate A1 value for nuclide I.

An A2 value for mixtures of normal form material may be determined as follows:

$$A2 \text{ for mixture} = \frac{1}{\sum_I \frac{f(i)}{A2(i)}}$$

Where f(i) is the fraction of activity of nuclide I in the mixture and A2(i) is the appropriate A2 value for nuclide I.

V. When the identity of each radionuclide is known, but the individual activities of some of the radionuclides are not known, the radionuclides may be grouped and the lowest A1 or A2 value, as appropriate, for the radionuclides in each group may be used in applying the formulas in paragraph IV. Groups may be based on the total alpha activity and the total beta/gamma activity when these are known, using the lowest A1 or A2 values for the alpha emitters and beta/gamma emitters.

Table A-1.—A1 and A2 Values for Radionuclides

Symbol of Radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	Specific activity	
						(TBq/g)	(Ci/g)
Ac-225	Actinium (89)	0.6	16.2	1E-2	0.270	2.1E+3	5.8E+4
Ac-227		40	1080	2E-5	5.41E-4	2.7	7.2E+1

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Symbol of Radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	Specific activity	
						(TBq/g)	(Ci/g)
Ac-228		0.6	16.2	0.4	10.8	8.4E+4	2.2E+6
Ag-105	Silver (47)	2	54.1	2	54.1	1.1E+3	3.0E+4
Ag-108m		0.6	16.2	0.6	16.2	9.7E-1	2.6E+1
Ag-110m		0.4	10.8	0.4	10.8	1.8E+2	4.7E+3
Ag-111		0.6	16.2	0.5	13.5	5.8E+3	1.6E+5
Al-26	Aluminum (13)	0.4	10.8	0.4	10.8	7.0E-4	1.9E-2
Am-241	Americium (95)	2	54.1	2E-4	5.41E-3	1.3E-1	3.4
Am-242m		2	54.1	2E-4	5.41E-3	3.6E-1	1.0E+1
Am-243		2	54.1	2E-4	5.41E-3	7.4E-3	2.0E-1
Ar-37	Argon (18)	40	1080	40	1080	3.7E+3	9.9E+4
Ar-39		20	541	20	541	1.3	3.4E+1
Ar-41		0.6	16.2	0.6	16.2	1.5E+6	4.2E+7
Ar-42		0.2	5.41	0.2	5.41	9.6	2.6E+2
As-72	Arsenic (33)	0.2	5.41	0.2	5.41	6.2E+4	1.7E+6
As-73		40	1080	40	1080	8.2E+2	2.2E+4
As-74		1	27.0	0.5	13.5	3.7E+3	9.9E+4
As-76		0.2	5.41	0.2	5.41	5.8E+4	1.6E+6
As-77		20	541	0.5	13.5	3.9E+4	1.0E+6
At-211	Astatine (85)	30	811	2	54.1	7.6E+4	2.1E+6
Au-193	Gold (79)	6	162	6	162	3.4E+4	9.2E+5
Au-194		1	27.0	1	27.0	1.5E+4	4.1E+5
Au-195		10	270	10	270	1.4E+2	3.7E+3
Au-196		2	54.1	2	54.1	4.0E+3	1.1E+5
Au-198		3	81.1	0.5	13.5	9.0E+3	2.4E+5
Au-199		10	270	0.9	24.3	7.7E+3	2.1E+5
Ba-131	Barium (56)	2	54.1	2	54.1	3.1E+3	8.4E+4
Ba-133m		10	270	0.9	24.3	2.2E+4	6.1E+5
Ba-133		3	81.1	3	81.1	9.4	2.6E+2
Ba-140		0.4	10.8	0.4	10.8	2.7E+3	7.3E+4
Be-7	Beryllium (4)	20	541	20	541	1.3E+4	3.5E+5
Be-10		20	541	0.5	13.5	8.3E-4	2.2E-2
Bi-205	Bismuth (83)	0.6	16.2	0.6	16.2	1.5E-3	4.2E+4
Bi-206		0.3	8.11	0.3	8.11	3.8E+3	1.0E+5
Bi-207		0.7	18.9	0.7	18.9	1.9	5.2E+1
Bi-210m		0.3	8.11	3E-2	0.811	2.1E-5	5.7E-4
Bi-210		0.6	16.2	0.5	13.5	4.6E+3	1.2E+5
Bi-212		0.3	8.11	0.3	8.11	5.4E+5	1.5E+7
Bk-247	Berkelium (97)	2	54.1	2E-4	5.41E-3	3.8E-2	1.0
Bk-249		40	1080	8E-2	2.16	6.1E+1	1.6E+3
Br-76	Bromine (35)	0.3	8.11	0.3	8.11	9.4E+4	2.5E+6
Br-77		3	81.1	3	81.1	2.6E+4	7.1E+5
Br-82		0.4	10.8	0.4	10.8	4.0E+4	1.1E+6
C-11	Carbon (6)	1	27	0.5	13.5	3.1E+7	8.4E+8
C-14		40	1080	2	54.1	1.6E-1	4.5
Ca-41	Calcium (20)	40	1080	40	1080	3.1E-3	8.5E-2
Ca-45		40	1080	0.9	24.3	6.6E+2	1.8E+4
Ca-47		0.9	24.3	0.5	13.5	2.3E+4	6.1E+5
Cd-109	Cadmium (48)	40	1080	1	27.0	9.6E+1	2.6E+3
Cd-113m		20	541	9E-2	2.43	8.3	2.2E+2
Cd-115m		0.3	8.11	0.3	8.11	9.4E+2	2.5E+4
Cd-115		4	108	0.5	13.5	1.9E+4	5.1E+5
Ce-139	Cerium (58)	6	162	6	162	2.5E+2	6.8E+3
Ce-141		10	270	0.5	13.5	1.1E+3	2.8E+4

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Symbol of Radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	Specific activity	
						(TBq/g)	(Ci/g)
Ce-143		0.6	16.2	0.5	13.5	2.5E+4	6.6E+5
Ce-144		0.2	5.41	0.2	5.41	1.2E+2	3.2E+3
Cf-248	Californium (98)	30	811	3E-3	8.11E-2	5.8E+1	1.6E+3
Cf-249		2	54.1	2E-4	5.41E-3	1.5E-1	4.1
Cf-250		5	135	5E-4	1.35E-2	4.0	1.1E+2
Cf-251		2	54.1	2E-4	5.41E-3	5.9E-2	1.6
Cf-252		0.1	2.70	1E-3	2.70E-2	2.0E+1	5.4E+2
Cf-253		40	1080	6E-2	1.62	1.1E+3	2.9E+4
Cf-254		3E-3	8.11E-2	6E-4	1.62E-2	3.1E+2	8.5E+3
Cl-36	Chlorine (17)	20	541	0.5	13.5	1.2E-3	3.3E-2
Cl-38		0.2	5.41	0.2	5.41	4.9E+6	1.3E+8
Cm-240	Curium (96)	40	1080	2E-2	0.541	7.5E+2	2.0E+4
Cm-241		2	54.1	0.9	24.3	6.1E+2	1.7E+4
Cm-242		40	1080	1E-2	0.270	1.2E+2	3.3E+3
Cm-243		3	81.1	3E-4	8.11E-3	1.9	5.2E+1
Cm-244		4	108	4E-4	1.08E-2	3.0	8.1E+1
Cm-245		2	54.1	2E-4	5.41E-3	6.4E-3	1.7E-1
Cm-246		2	54.1	2E-4	5.41E-3	1.1E-2	3.1E-1
Cm-247		2	54.1	2E-4	5.41E-3	3.4E-6	9.3E-5
Cm-248		4E-2	1.08	5E-5	1.35E-3	1.6E-4	4.2E-3
Co-55	Cobalt (27)	0.5	13.5	0.5	13.5	1.1E+5	3.1E+6
Co-56		0.3	8.11	0.3	8.11	1.1E+3	3.0E+4
Co-57		8	216	8	216	3.1E+2	8.4E+3
Co-58m		40	1080	40	1080	2.2E+5	5.9E+6
Co-58		1	27.0	1	27.0	1.2E+3	3.2E+4
Co-60		0.4	10.8	0.4	10.8	4.2E+1	1.1E+3
Cr-51	Chromium (24)	30	811	30	811	3.4E+3	9.2E+4
Cs-129	Cesium (55)	4	108	4	108	2.8E+4	7.6E+5
Cs-131		40	1080	40	1080	3.8E+3	1.0E+5
Cs-132		1	27.0	1	27.0	5.7E+3	1.5E+5
Cs-134m		40	1080	9	243	3.0E+5	8.0E+6
Cs-134		0.6	16.2	0.5	13.5	4.8E+1	1.3E+3
Cs-135		40	1080	0.9	24.3	4.3E-5	1.2E-3
Cs-136		0.5	13.5	0.5	13.5	2.7E+3	7.3E+4
Cs-137		2	54.1	0.5	13.5	3.2	8.7E+1
Cu-64	Copper (29)	5	135	0.9	24.3	1.4E+5	3.9E+6
Cu-67		9	243	0.9	24.3	2.8E+4	7.6E+5
Dy-159	Dysprosium (66)	20	541	20	541	2.1E+2	5.7E+3
Dy-165		0.6	16.2	0.5	13.5	3.0E+5	8.2E+6
Dy-166		0.3	8.11	0.3	8.11	8.6E+3	2.3E+5
Er-169	Erbium (68)	40	1080	0.9	24.3	3.1E+3	8.3E+4
Er-171		0.6	16.2	0.5	13.5	9.0E+4	2.4E+6
Es-253	Einsteinium (99)a	200	5400	2E-2	5.41E-1		
Es-254		30	811	3E-3	8.11E-2		
Es-254m		0.6	16.2	0.4	10.8		
Es-255							
Eu-147	Europium (63)	2	54.1	2	54.1	1.4E+3	3.7E+4
Eu-148		0.5	13.5	0.5	13.5	6.0E+2	1.6E+4
Eu-149		20	541	20	541	3.5E+2	9.4E+3
Eu-150		0.7	18.9	0.7	18.9	6.1E+4	1.6E+6
Eu-152m		0.6	16.2	0.5	13.5	8.2E+4	2.2E+6
Eu-152		0.9	24.3	0.9	24.3	6.5	1.8E+2
Eu-154		0.8	21.6	0.5	13.5	9.8	2.6E+2

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Symbol of Radionuclide	Element and atomic number					Specific activity	
		A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	(TBq/g)	(Ci/g)
Eu-155		20	541	2	54.1	1.8E+1	4.9E+2
Eu-156		0.6	16.2	0.5	13.5	2.0E+3	5.5E+4
F-18	Fluorine (9)	1	27.0	0.5	13.5	3.5E+6	9.5E+7
Fe-52	Iron (26)	0.2	5.41	0.2	5.41	2.7E+5	7.3E+6
Fe-55		40	1080	40	1080	8.8E+1	2.4E+3
Fe-59		0.8	21.6	0.8	21.6	1.8E+3	5.0E+4
Fe-60		40	1080	0.2	5.41	7.4E-4	2.0E-2
Fm-255	Fermium (100) b	40	1080	0.8	21.6		
Fm-257		10	270	8E-3	2.16E-1		
Ga-67	Gallium (31)	6	162	6	162	2.2E+4	6.0E+5
Ga-68		0.3	8.11	0.3	8.11	1.5E+6	4.1E+7
Ga-72		0.4	10.8	0.4	10.8	1.1E+5	3.1E+6
Gd-146	Gadolinium (64)	0.4	10.8	0.4	10.8	6.9E+2	1.9E+4
Gd-148		3	81.1	3E-4	8.11E-3	1.2	3.2E+1
Gd-153		10	270	5	135	1.3E+2	3.5E+3
Gd-159		4	108	0.5	13.5	3.9E+4	1.1E+6
Ge-68	Germanium (32)	0.3	8.11	0.3	8.11	2.6E+2	7.1E+3
Ge-71		40	1080	40	1080	5.8E+3	1.6E+5
Ge-77		0.3	8.11	0.3	8.11	1.3E+5	3.6E+6
H-3	Hydrogen (1)	See T. Tritium					
Hf-172	Hafnium (72)	0.5	13.5	0.3	8.11	4.1E+1	1.1E+3
Hf-175		3	81.1	3	81.1	3.9E+2	1.1E+4
Hf-181		2	54.1	0.9	24.3	6.3E+2	1.7E+4
Hf-182		4	108	3E-2	0.811	8.1E-6	2.2E-4
Hg-194	Mercury (80)	1	27.0	1	27.0	1.3E-1	3.5
Hg-195m		5	135	5	135	1.5E+4	4.0E+5
Hg-197m		10	270	0.9	24.3	2.5E+4	6.7E+5
Hg-197		10	270	10	270	9.2E+3	2.5E+5
Hg-203		4	108	0.9	24.3	5.1E+2	1.4E+4
Ho-163	Holmium (67)	40	1080	40	1080	2.7	7.6E+1
Ho-166m		0.6	16.2	0.3	8.11	6.6E-2	1.8
Ho-166		0.3	8.11	0.3	8.11	2.6E+4	7.0E+5
I-123	Iodine (53)	6	162	6	162	7.1E+4	1.9E+6
I-124		0.9	24.3	0.9	24.3	9.3E+3	2.5E+5
I-125		20	541	2	54.1	6.4E+2	1.7E+4
I-126		2	54.1	0.9	24.3	2.9E+3	8.0E+4
I-129		Unlimited	Unlimited	Unlimited	Unlimited	6.5E-6	1.8E-4
I-131		3	81.1	0.5	13.5	4.6E+3	1.2E+5
I-132		0.4	10.8	0.4	10.8	3.8E+5	1.0E+7
I-133		0.6	16.2	0.5	13.5	4.2E+4	1.1E+6
I-134		0.3	8.11	0.3	8.11	9.9E+5	2.7E+7
I-135		0.6	16.2	0.5	13.5	1.3E+5	3.5E+6
In-111	Indium (49)	2	54.1	2	54.1	1.5E+4	4.2E+5
In-113m		4	108	4	108	6.2E+5	1.7E+7
In-114m		0.3	8.11	0.3	8.11	8.6E+2	2.3E+4
In-115m		6	162	0.9	24.3	2.2E+5	6.1E+6
Ir-189	Iridium (77)	10	270	10	270	1.9E+3	5.2E+4
Ir-190		0.7	18.9	0.7	18.9	2.3E+3	6.2E+4
Ir-192		1	27.0	0.5	13.5	3.4E+2	9.2E+3
Ir-193m		10	270	10	270	2.4E+3	6.4E+4
Ir-194		0.2	5.41	0.2	5.41	3.1E+4	8.4E+5
K-40	Potassium (19)	0.6	16.2	0.6	16.2	2.4E-7	6.4E-6
K-42		0.2	5.41	0.2	5.41	2.2E+5	6.0E+6

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Symbol of Radionuclide	Element and atomic number					Specific activity	
		A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	(TBq/g)	(Ci/g)
K-43		1.0	27.0	0.5	13.5	1.2E+5	3.3E+6
Kr-81	Krypton (36)	40	1080	40	1080	7.8E-4	2.1E-2
Kr-85m		6	162	6	162	3.0E+5	8.2E+6
Kr-85		20	541	10	270	1.5E+1	3.9E+2
Kr-87		0.2	5.41	0.2	5.41	1.0E+6	2.8E+7
La-137	Lanthanum (57)	40	1080	2	54.1	1.6E-3	4.4E-2
La-140		0.4	10.8	0.4	10.8	2.1E+4	5.6E+5
Lu-172	Lutetium (71)	0.5	13.5	0.5	13.5	4.2E+3	1.1E+5
Lu-173		8	216	8	216	5.6E+1	1.5E+3
Lu-174m		20	541	8	216	2.0E+2	5.3E+3
Lu-174		8	216	4	108	2.3E+1	6.2E+2
Lu-177		30	811	0.9	24.3	4.1E+3	1.1E+5
MFP		(6) For mixed fission products, use formula for mixtures or Table A-2					
Mg-28	Magnesium (12)	0.2	5.41	0.2	5.41	2.0E+5	5.4E+6
Mn-52	Manganese (25)	0.3	8.11	0.3	8.11	1.6E+4	4.4E+5
Mn-53		Unlimited	Unlimited	Unlimited	Unlimited	6.8E-5	1.8E-3
Mn-54		1	27.0	1	27.0	2.9E+2	7.7E+3
Mn-56		0.2	5.41	0.2	5.41	8.0E+5	2.2E+7
Mo-93	Molybdenum (42)	40	1080	7	189	4.1E-2	1.1
Mo-99		0.6	16.2	0.5	13.5c	1.8E+4	4.8E+5
N-13	Nitrogen (7)	0.6	16.2	0.5	13.5	5.4E+7	1.5E+9
Na-22	Sodium (11)	0.5	13.5	0.5	13.5	2.3E+2	6.3E+3
Na-24		0.2	5.41	0.2	5.41	3.2E+5	8.7E+6
Nb-92m	Niobium (41)	0.7	18.9	0.7	18.9	5.2E+3	1.4E+5
Nb-93m		40	1080	6	162	8.8	2.4E+2
Nb-94		0.6	16.2	0.6	16.2	6.9E-3	1.9E-1
Nb-95		1	27.0	1	27.0	1.5E+3	3.9E+4
Nb-97		0.6	16.2	0.5	13.5	9.9E+5	2.7E+7
Nd-147	Neodymium (60)	4	108	0.5	13.5	3.0E+3	8.1E+4
Nd-149		0.6	16.2	0.5	13.5	4.5E+5	1.2E+7
Ni-59	Nickel (28)	40	1080	40	1080	3.0E-3	8.0E-2
Ni-63		40	1080	30	811	2.1	5.7E+1
Ni-65		0.3	8.11	0.3	8.11	7.1E+5	1.9E+7
Np-235	Neptunium (93)	40	1080	40	1080	5.2E+1	1.4E+3
Np-236		7	189	1E-3	2.70E-2	4.7E-4	1.3E-2
Np-237		2	54.1	2.0E-4	5.41E-3	2.6E-5	7.1E-4
Np-239		6	162	0.5	13.5	8.6E+3	2.3E+5
Os-185	Osmium (76)	1	27.0	1	27.0	2.8E+2	7.5E+3
Os-191m		40	1080	40	1080	4.6E+4	1.3E+6
Os-191		10	270	0.9	24.3	1.6E+3	4.4E+4
Os-193		0.6	16.2	0.5	13.5	2.0E+4	5.3E+5
Os-194		0.2	5.41	0.2	5.41	1.1E+1	3.1E+2
P-32	Phosphorus (15)	0.3	8.11	0.3	8.11	1.1E+4	2.9E+5
P-33		40	1080	0.9	24.3	5.8E+3	1.6E+5
Pa-230	Protactinium (91)	2	54.1	0.1	2.70	1.2E+3	3.3E+4
Pa-231		0.6	16.2	6E-5	1.62E-3	1.7E-3	4.7E-2
Pa-233		5	135	0.9	24.3	7.7E+2	2.1E+4
Pb-201	Lead (82)	1	27.0	1	27.0	6.2E+4	1.7E+6
Pb-202		40	1080	2	54.1	1.2E-4	3.4E-3
Pb-203		3	81.1	3	81.1	1.1E+4	3.0E+5
Pb-205		Unlimited	Unlimited	Unlimited	Unlimited	4.5E-6	1.2E-4
Pb-210		0.6	16.2	9E-3	0.243	2.8	7.6E+1
Pb-212		0.3	8.11	0.3	8.11	5.1E+4	1.4E+6

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Symbol of Radionuclide	Element and atomic number					Specific activity	
		A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	(TBq/g)	(Ci/g)
Pd-103	Palladium (46)	40	1080	40	1080	2.8E+3	7.5E+4
Pd-107		Unlimited	Unlimited	Unlimited	Unlimited	1.9E-5	5.1E-4
Pd-109		0.6	16.2	0.5	13.5	7.9E+4	2.1E+6
Pm-143	Promethium (61)	3	81.1	3	81.1	1.3E+2	3.4E+3
Pm-144		0.6	16.2	0.6	16.2	9.2E+1	2.5E+3
Pm-145		30	811	7	189	5.2	1.4E+2
Pm-147		40	1080	0.9	24.3	3.4E+1	9.3E+2
Pm-148m		0.5	13.5	0.5	13.5	7.9E+2	2.1E+4
Pm-149		0.6	16.2	0.5	13.5	1.5E+4	4.0E+5
Pm-151		3	81.1	0.5	13.5	2.7E+4	7.3E+5
Po-208	Polonium (84)	40	1080	2E-2	0.541	2.2E+1	5.9E+2
Po-209		40	1080	2E-2	0.541	6.2E-1	1.7E+1
Po-210		40	1080	2E-2	0.541	1.7E+2	4.5E+3
Pr-142	Praseodymium (59)	0.2	5.41	0.2	5.41	4.3E+4	1.2E+6
Pr-143		4	108	0.5	13.5	2.5E+3	6.7E+4
Pt-188	Platinum (78)	0.6	16.2	0.6	16.2	2.5E+3	6.8E+4
Pt-191		3	81.1	3	81.1	8.7E+3	2.4E+5
Pt-193m		40	1080	9	243	5.8E+3	1.6E+5
Pt-193		40	1080	40	1080	1.4	3.7E+1
Pt-195m		10	270	2	54.1	6.2E+3	1.7E+5
Pt-197m		10	270	0.9	24.3	3.7E+5	1.0E+7
Pt-197		20	541	0.5	13.5	3.2E+4	8.7E+5
Pu-236	Plutonium (94)	7	189	7E-4	1.89E-2	2.0E+1	5.3E+2
Pu-237		20	541	20	541	4.5E+2	1.2E+4
Pu-238		2	54.1	2E-4	5.41E-3	6.3E-1	1.7E+1
Pu-239		2	54.1	2E-4	5.41E-3	2.3E-3	6.2E-2
Pu-240		2	54.1	2E-4	5.41E-3	8.4E-3	2.3E-1
Pu-241		40	1080	1E-2	0.270	3.8	1.0E+2
Pu-242		2	54.1	2E-4	5.41E-3	1.5E-4	3.9E-3
Pu-244		0.3	8.11	2E-4	5.41E-3	6.7E-7	1.8E-5
Ra-223	Radium (88)	0.6	16.2	3E-2	0.811	1.9E+3	5.1E+4
Ra-224		0.3	8.11	6E-2	1.62	5.9E+3	1.6E+5
Ra-225		0.6	16.2	2E-2	0.541	1.5E+3	3.9E+4
Ra-226		0.3	8.11	2E-2	0.541	3.7E-2	1.0
Ra-228		0.6	16.2	4E-2	1.08	1.0E+1	2.7E+2
Rb-81	Rubidium (37)	2	54.1	0.9	24.3	3.1E+5	8.4E+6
Rb-83		2	54.1	2	54.1	6.8E+2	1.8E+4
Rb-84		1	27.0	0.9	24.3	1.8E+3	4.7E+4
Rb-86		0.3	8.11	0.3	8.11	3.0E+3	8.1E+4
Rb-87		Unlimited	Unlimited	Unlimited	Unlimited	3.2E-9	8.6E-8
Rb (natural)		Unlimited	Unlimited	Unlimited	Unlimited	6.7E+6	1.8E+8
Re-183	Rhenium (75)	5	135	5	135	3.8E+2	1.0E+4
Re-184m		3	81.1	3	81.1	1.6E+2	4.3E+3
Re-184		1	27.0	1	27.0	6.9E+2	1.9E+4
Re-186		4	108	0.5	13.5	6.9E+3	1.9E+5
Re-187		Unlimited	Unlimited	Unlimited	Unlimited	1.4E-9	3.8E-8
Re-188		0.2	5.41	0.2	5.41	3.6E+4	9.8E+5
Re-189		4	108	0.5	13.5	2.5E+4	6.8E+5
Re (natural)		Unlimited	Unlimited	Unlimited	Unlimited		2.4E-8
Rh-99	Rhodium (45)	2	54.1	2	54.1	3.0E+3	8.2E+4
Rh-101		4	108	4	108	4.1E+1	1.1E+3
Rh-102m		2	54.1	0.9	24.3	2.3E+2	6.2E+3
Rh-102		0.5	13.5	0.5	13.5	4.5E+1	1.2E+3

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Symbol of Radionuclide	Element and atomic number					Specific activity	
		A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	(TBq/g)	(Ci/g)
Rh-103m		40	1080	40	1080	1.2E+6	3.3E+7
Rh-105		10	270	0.9	24.3	3.1E+4	8.4E+5
Rn-222	Radon (86)	0.2	5.41	4E-3	0.108	5.7E+3	1.5E+5
Ru-97	Ruthenium (44)	4	108	4	108	1.7E+4	4.6E+5
Ru-103		2	54.1	0.9	24.3	1.2E+3	3.2E+4
Ru-105		0.6	16.2	0.5	13.5	2.5E+5	6.7E+6
Ru-106		0.2	5.41	0.2	5.41	1.2E+2	3.3E+3
S-35	Sulfur (16)	40	1080	2	54.1	1.6E+3	4.3E+4
Sb-122	Antimony (51)	0.3	8.11	0.3	8.11	1.5E+4	4.0E+5
Sb-124		0.6	16.2	0.5	13.5	6.5E+2	1.7E+4
Sb-125		2	54.1	0.9	24.3	3.9E+1	1.0E+3
Sb-126		0.4	10.8	0.4	10.8	3.1E+3	8.4E+4
Sc-44	Scandium (21)	0.5	13.5	0.5	13.5	6.7E+5	1.8E+7
Sc-46		0.5	13.5	0.5	13.5	1.3E+3	3.4E+4
Sc-47		9	243	0.9	24.3	3.1E+4	8.3E+5
Sc-48		0.3	8.11	0.3	8.11	5.5E+4	1.5E+6
Se-75	Selenium (34)	3	81.1	3	81.1	5.4E+2	1.5E+4
Se-79		40	1080	2	54.1	2.6E-3	7.0E-2
Si-31	Silicon (14)	0.6	16.2	0.5	13.5	1.4E+6	3.9E+7
Si-32		40	1080	0.2	5.41	3.9	1.1E+2
Sm-145	Samarium (62)	20	541	20	541	9.8E+1	2.6E+3
Sm-147		Unlimited	Unlimited	Unlimited	Unlimited	8.5E-1	2.3E-8
Sm-151		40	1080	4	108	9.7E-1	2.6E+1
Sm-153		4	108	0.5	13.5	1.6E+4	4.4E+5
Sn-113	Tin (50)	4	108	4	108	3.7E+2	1.0E+4
Sn-117m		6	162	2	54.1	3.0E+3	8.2E+4
Sn-119m		40	1080	40	1080	1.4E+2	3.7E+3
Sn-121m		40	1080	0.9	24.3	2.0	5.4E+1
Sn-123		0.6	16.2	0.5	13.5	3.0E+2	8.2E+3
Sn-125		0.2	5.41	0.2	5.41	4.0E+3	1.1E+5
Sn-126		0.3	8.11	0.3	8.11	1.0E-3	2.8E-2
Sr-82	Strontium (38)	0.2	5.41	0.2	5.41	2.3E+3	6.2E+4
Sr-85m		5	135	5	135	1.2E+6	3.3E+7
Sr-85		2	54.1	2	54.1	8.8E+2	2.4E+4
Sr-87m		3	81.1	3	81.1	4.8E+5	1.3E+7
Sr-89		0.6	16.2	0.5	13.5	1.1E+3	2.9E+4
Sr-90		0.2	5.41	0.1	2.70	5.1	1.4E+2
Sr-91		0.3	8.11	0.3	8.11	1.3E+5	3.6E+6
Sr-92		0.8	21.6	0.5	13.5	4.7E+5	1.3E+7
T	Tritium (1)	40	1080	40	1080	3.6E+2	9.7E+3
Ta-178	Tantalum (73)	1	27.0	1	27.0	4.2E+6	1.1E+8
Ta-179		30	811	30	811	4.1E+1	1.1E+3
Ta-182		0.8	21.6	0.5	13.5	2.3E+2	6.2E+3
Tb-157	Terbium (65)	40	1080	10	270	5.6E-1	1.5E+1
Tb-158		1	27.0	0.7	18.9	5.6E-1	1.5E+1
Tb-160		0.9	24.3	0.5	13.5	4.2E+2	1.1E+4
Tc-95m	Technetium (43)	2	54.1	2	54.1	8.3E+2	2.2E+4
Tc-96m		0.4	10.8	0.4	10.8	1.4E+6	3.8E+7
Tc-96		0.4	10.8	0.4	10.8	1.2E+4	3.2E+5
Tc-97m		40	1080	40	1080	5.6E+2	1.5E+4
Tc-97		Unlimited	Unlimited	Unlimited	Unlimited	5.2E-5	1.4E-3
Tc-98		0.7	18.9	0.7	18.9	3.2E-5	8.7E-4
Tc-99m		8	216	8	216	1.9E+5	5.3E+6

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Symbol of Radionuclide	Element and atomic number					Specific activity	
		A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	(TBq/g)	(Ci/g)
Tc-99		40	1080	0.9	24.3	6.3E-4	1.7E-2
Te-118	Tellurium (52)	0.2	5.41	0.2	5.41	6.8E+3	1.8E+5
Te-121m		5	135	5	135	2.6E+2	7.0E+3
Te-121		2	54.1	2	54.1	2.4E+3	6.4E+4
Te-123m		7	189	7	189	3.3E+2	8.9E+3
Te-125m		30	811	9	243	6.7E+2	1.8E+4
Te-127m		20	541	0.5	13.5	3.5E+2	9.4E+3
Te-127		20	541	0.5	13.5	9.8E+4	2.6E+6
Te-129m		0.6	16.2	0.5	13.5	1.1E+3	3.0E+4
Te-129		0.6	16.2	0.5	13.5	7.7E+5	2.1E+7
Te-131m		0.7	18.9	0.5	13.5	3.0E+4	8.0E+5
Te-132		0.4	10.8	0.4	10.8	1.1E+4	3.0E+5
Th-227	Thorium (90)	9	243	1E-2	0.270	1.1E+3	3.1E+4
Th-228		0.3	8.11	4E-4	1.08E-2	3.0E+1	8.2E+2
Th-229		0.3	8.11	3E-5	8.11E-4	7.9E-3	2.1E-1
Th-230		2	54.1	2E-4	5.41E-3	7.6E-4	2.1E-2
Th-231		40	1080	0.9	24.3	2.0E+4	5.3E+5
Th-232		Unlimited	Unlimited	Unlimited	Unlimited	4.0E-9	1.1E-7
Th-234		0.2	5.41	0.2	5.41	8.6E+2	2.3E+4
Th (natural)		Unlimited	Unlimited	Unlimited	Unlimited	8.1E-9	2.2E-7
Ti-44	Titanium (22)	0.5	13.5	0.2	5.41	6.4	1.7E+2
Tl-200	Thallium (81.1)	0.8	21.6	0.8	21.6	2.2E+4	6.0E+5
Tl-201		10	270	10	270	7.9E+3	2.1E+5
Tl-202		2	54.1	2	54.1	2.0E+3	5.3E+4
Tl-204		4	108	0.5	13.5	1.7E+1	4.6E+2
Tm-167	Thulium (69)	7	189	7	189	3.1E+3	8.5E+4
Tm-168		0.8	21.6	0.8	21.6	3.1E+2	8.3E+3
Tm-170		4	108	0.5	13.5	2.2E+2	6.0E+3
Tm-171		40	1080	10	270	4.0E+1	1.1E+3
U-230	Uranium (92)	40	1080	1E-2	0.270	1.0E+3	2.7E+4
U-232		3	81.1	3E-4	8.11E-3	8.3E-1	2.2E+1
U-233		10	270	1E-3	2.70E-2	3.6E-4	9.7E-3
U-234		10	270	1E-3	2.70E-2	2.3E-4	6.2E-3
U-235		Unlimited	Unlimited	Unlimited	Unlimited	8.0E-8	2.2E-6
U-236		10	270	1E-3	2.70E-2	2.4E-6	6.5E-5
U-238		Unlimited	Unlimited	Unlimited	Unlimited	1.2E-8	3.4E-7
U (natural)		Unlimited	Unlimited	Unlimited	Unlimited	2.6E-8	7.1E-7
U (enriched 5% or less)		Unlimited	Unlimited	Unlimited	Unlimited	(See Table A-3)	
U (enriched more than 5%)		10	270	1E-3	2.70E-2	(See Table A-3)	
U (depleted)		Unlimited	Unlimited	Unlimited	Unlimited	(See Table A-3)	
V-48	Vanadium (23)	0.3	8.11	0.3	8.11	6.3E+3	1.7E+5
V-49		40	1080	40	1080	3.0E+2	8.1E+3
W-178	Tungsten (74)	1	27.0	1	27.0	1.3E+3	3.4E+4
W-181		30	811	30	811	2.2E+2	6.0E+3
W-185		40	1080	0.9	24.3	3.5E+2	9.4E+3
W-187		2	54.1	0.5	13.5	2.6E+4	7.0E+5
W-188		0.2	5.41	0.2	5.41	3.7E+2	1.0E+4
Xe-122	Xenon (54)	0.2	5.41	0.2	5.41	4.8E+4	1.3E+6
Xe-123		0.2	5.41	0.2	5.41	4.4E+5	1.2E+7
Xe-127		4	108	4	108	1.0E+3	2.8E+4
Xe-131m		40	1080	40	1080	3.1E+3	8.4E+4
Xe-133		20	541	20	541	6.9E+3	1.9E+5
Xe-135		4	108	4	108	9.5E+4	2.6E+6

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Symbol of Radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	Specific activity	
						(TBq/g)	(Ci/g)
Y-87	Yttrium (39)	2	54.1	2	54.1	1.7E+4	4.5E+5
Y-88		0.4	10.8	0.4	10.8	5.2E+2	1.4E+4
Y-90		0.2	5.41	0.2	5.41	2.0E+4	5.4E+5
Y-91m		2	54.1	2	54.1	1.5E+6	4.2E+7
Y-91		0.3	8.11	0.3	8.11	9.1E+2	2.5E+4
Y-92		0.2	5.41	0.2	5.41	3.6E+5	9.6E+6
Y-93		0.2	5.41	0.2	5.41	1.2E+5	3.3E+6
Yb-169	Ytterbium (70)	3	81.1	3	81.1	8.9E+2	2.4E+4
Yb-175		30	811	0.9	24.3	6.6E+3	1.8E+5
Zn-65	Zinc (30)	2	54.1	2	54.1	3.0E+2	8.2E+3
Zn-69m		2	54.1	0.5	13.5	1.2E+5	3.3E+6
Zn-69		4	108	0.5	13.5	1.8E+6	4.9E+7
Zr-88	Zirconium (40)	3	81.1	3	81.1	6.6E+2	1.8E+4
Zr-93		40	1080	0.2	5.41	9.3E-5	2.5E-3
Zr-95		1	27.0	0.9	24.3	7.9E+2	2.1E+4
Zr-97		0.3	8.11	0.3	8.11	7.1E+4	1.9E+6

- a International shipments of Einsteinium require multilateral approval of A1 and A2 values.
- b International shipments of Fermium require multilateral approval of A1 and A2 values.
- c 20 Ci for Mo99 for domestic use.

The figures for uranium include representative values for the activity of the uranium-234 that is concentrated during the enrichment process.

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

Table A-2.—General Values for A1 and A2

Contents	A1		A2	
	(TBq)	(Ci)	(TBq)	(Ci)
Only beta- or gamma-emitting nuclides are known to be present . . .	0.2	5	0.02	0.5
Alpha-emitting nuclides are known to be present, or no relevant data are available	0.10	2.70	2E-5	5.41E-4

Table A-3.—Activity-mass Relationships for Uranium

Uranium Enrichment wt % U-235 present	Specific Activity	
	TBq/g	Ci/g
0.45	1.8E-8	5.0E-7
0.72	2.6E-8	7.1E-7
1.0	2.8E-8	7.6E-7
1.5	3.7E-8	1.0E-6
5.0	1.0E-7	2.7E-6
10.0	1.8E-7	4.8E-6
20.0	3.7E-7	1.0E-5
35.0	7.4E-7	2.0E-5
50.0	9.3E-7	2.5E-5
90.0	2.2E-6	5.8E-5
93.0	2.6E-6	7.0E-5
95.0	3.4E-6	9.1E-5

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-232-001 Purpose and scope. (1) This chapter prescribes rules governing licensing of radioactive material. No person shall receive, possess, use, transfer, own or acquire radioactive material except as authorized in a specific or general license issued pursuant to chapters 246-233 or 246-235 WAC or as otherwise provided in this chapter.

(2) In addition to the requirements of this chapter, or chapters 246-233 or 246-235 WAC, all licensees are subject to the requirements of chapters 246-220, 246-221, 246-222, 246-231, 246-247, and 246-254 WAC. Licensees engaged in the practice of nuclear medicine are subject to the requirements of chapter 246-239 WAC; licensees engaged in industrial radiographic operations are subject to the requirements of chapter 246-243 WAC, licensees using sealed sources in the healing arts are subject to the requirements of chapter 246-240 WAC, licensees using radioactive material in well logging and subsurface tracer studies are subject to the requirements of chapter 246-244 WAC, licensees engaged in land disposal of radioactive waste are subject to the requirements of chapter 246-250 WAC, and licensees owning or operating uranium or thorium mills and associated mill tailings are subject to the requirements of chapter 246-252 WAC.

AMENDATORY SECTION (Amending WSR 98-13-037, filed 6/8/98, effective 7/9/98)

WAC 246-232-040 Reciprocal recognition of licenses. (1) Subject to these regulations, any person who

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holds a specific license from the United States Nuclear Regulatory Commission or any agreement state or licensing state, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this state for a period not in excess of one hundred eighty days in that twelve month period which commences the date approval is granted, and the appropriate fee received, by the department provided that:

(a) The licensing document does not limit the activity authorized by such document to specified installations or locations;

(b) The licensed activity is not conducted in an area under exclusive federal jurisdiction;

(c) The out-of-state licensee notifies the department in writing and pays or has paid the appropriate fee (refer to chapter 246-254 WAC), at least three days prior to each entry to the state to engage in such activity. The written notification must be sent to the Radioactive Materials Section, Department of Health, Mailstop 47827, Olympia, Washington 98504-7827 and the fee should be sent to Washington State Department of Health, Revenue Accounting, P.O. Box 1099, Olympia, Washington 98504. Such notification shall indicate the location, period, and type of proposed possession and use within the state, and shall be accompanied by copies of the pertinent licensing documents. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon telephone application to the department (360 236-3220), obtain permission to proceed sooner. The department may waive the requirement for filing additional written notifications during the remainder of the twelve months following the receipt of the initial notification from a person engaging in activities under the general license provided in this subsection;

((e)) (d) The out-of-state licensee complies with all applicable regulations of the department and with all the terms and conditions of the licensing document, except any such terms and conditions which may be inconsistent with applicable regulations of the department;

((d)) (e) The out-of-state licensee supplies such other information as the department may request; and

((e)) (f) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in this subsection except by transfer to a person:

(i) Specifically licensed by the department or by the United States Nuclear Regulatory Commission, an agreement state or a licensing state to receive such material; or

(ii) Exempt from the requirements for a license for such material under WAC 246-232-010 (2)(a).

(2) Notwithstanding the provisions of subsection (1) of this section, any person who holds a specific license issued by the United States Nuclear Regulatory Commission, an agreement state or a licensing state authorizing the holder to manufacture, transfer, install, or service a device described in WAC 246-233-020(4) within the areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or service a device in this

state in areas not under exclusive federal jurisdiction provided that:

(a) Such person shall file a report with the department within thirty days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;

(b) The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the United States Nuclear Regulatory Commission, an agreement state or a licensing state;

(c) Such person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement that "Removal of this label is prohibited"; and

(d) The holder of the specific license shall furnish to each general licensee to whom such device is transferred or on whose premises such device is installed a copy of the general license contained in WAC 246-233-020(4).

(3) The department may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by another agency, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to prevent undue hazard to public health and safety or property.

AMENDATORY SECTION (Amending WSR 97-08-095, filed 4/2/97, effective 5/3/97)

WAC 246-232-060 Termination of licenses and decommissioning of sites and separate buildings or outdoor areas. (1) Each specific licensee shall immediately notify the department in writing when the licensee decides to permanently discontinue all activities involving materials authorized under the license and request termination of the license. This notification and request for termination of the license must include the reports and information specified in subsection (3)(c) and (d) of this section. The licensee is subject to the provisions of subsections (3) and (4) of this section, as applicable.

(2) No less than thirty days before the expiration date specified in a specific license, the licensee shall either:

(a) Submit an application for license renewal under WAC 246-235-050; or

(b) Notify the department in writing if the licensee decides not to renew the license.

(3) If a licensee does not submit an application for license renewal under WAC 246-235-050, the licensee shall on or before the expiration date specified in the license:

(a) Terminate use of radioactive material;

(b) Properly dispose of radioactive material;

(c) Submit a completed departmental form "Certificate of disposition of radioactive material" or equivalent; and

(d) Submit a radiation survey report to confirm the absence of radioactive materials or establish the levels of radioactive contamination, unless the department determines a radiation survey report is not necessary.

(i) If no radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found. If the information submitted under this paragraph and subsection (3)(c) and (d) of this section is adequate, the department will notify the licensee in writing that the license is terminated.

(ii) If detectable levels of radioactive contamination attributable to activities conducted under the license are found, the license continues in effect beyond the expiration date, if necessary, with respect to possession of residual radioactive material present as contamination until the department notifies the licensee in writing that the license is terminated. During this time, the licensee is subject to the provisions of subsection (4) of this section. In addition to the information submitted under subsection (3)(c) and (d) of this section, the licensee shall submit a plan for decontamination, if necessary.

(4) Each licensee who possesses residual radioactive material under subsection (3)(d)(ii) of this section, following the expiration of the facility and/or equipment date specified in the license, shall:

(a) Be limited to actions, involving radioactive material related to decontamination and preparation for release for unrestricted use; and

(b) Continue to control entry to restricted areas until they are suitable for release for unrestricted use and the department notifies the licensee in writing that the license is terminated. The guidance contained in WAC 246-232-140, Schedule D, shall be used in making this determination.

(5) Each general licensee licensed under the provisions of WAC 246-233-020(8), shall immediately notify the department in writing when the licensee decides to discontinue all activities involving radioactive materials authorized under the general license. Such notification shall include a description of how the generally licensed material was disposed and the results of facility surveys, if applicable, to confirm the absence of radioactive materials.

(6) Within sixty days of the occurrence of any of the following, each licensee shall provide notification to the department in writing of such occurrence, and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity so that the building or outdoor area is suitable for release in accordance with department requirements, or submit within twelve months of notification a decommissioning plan, if required by subsection (10)(a) of this section, and begin decommissioning upon approval of that plan if:

(a) The license has expired or has been revoked by the department; or

(b) The licensee has decided to permanently cease principal activities, as defined in this section, at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with department requirements; or

(c) No principal activities under the license have been conducted for a period of twenty-four months; or

(d) No principal activities have been conducted for a period of twenty-four months in any separate building or out-

door area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with department requirements.

(7) As used in this section, principal activities means activities authorized by the license which are essential to achieving the purpose(s) for which the license was issued or amended. Storage during which no licensed material is accessed for use or disposal and activities incidental to decontamination or decommissioning are not principal activities.

(8) Coincident with the notification required by subsection (6) of this section, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to WAC 246-235-075 or as required by this section. The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pursuant to subsection (10)(d)(v) of this section. Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the department.

(9) The department may grant a request to extend the time periods established in subsection (6) of this section if the department determines that this relief is not detrimental to the public health and safety and is otherwise in the public interest. The request must be submitted no later than thirty days before notification pursuant to subsection (6) of this section. The schedule for decommissioning set forth in subsection (6) of this section may not commence until the department has made a determination on the request.

(10)(a) A decommissioning plan must be submitted if required by license condition or if the procedures and activities necessary to carry out decommissioning of the site or separate building or outdoor area have not been previously approved by the department and these procedures could increase potential health and safety impacts to workers or to the public, such as in any of the following cases:

(i) Procedures would involve techniques not applied routinely during cleanup or maintenance operations;

(ii) Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;

(iii) Procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation; or

(iv) Procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.

(b) The department may approve an alternate schedule for submittal of a decommissioning plan required pursuant to subsection (6) of this section if the department determines that the alternative schedule is necessary to the effective conduct of decommissioning operations and presents no undue risk from radiation to the public health and safety and is otherwise in the public interest.

(c) Procedures such as those listed in (a) of this subsection with potential health and safety impacts may not be carried out prior to approval of the decommissioning plan.

(d) The proposed decommissioning plan for the site or separate building or outdoor area must include:

(i) A description of the conditions of the site or separate building or outdoor area sufficient to evaluate the acceptability of the plan;

(ii) A description of planned decommissioning activities;

(iii) A description of methods used to ensure protection of workers and the environment against radiation hazards during decommissioning;

(iv) A description of the planned final radiation survey;

(v) An updated detailed cost estimate for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and a plan for assuring the availability of adequate funds for completion of decommissioning;

(vi) A description of the physical security plan and material control and accounting plan provisions in place during decommissioning;

(vii) For decommissioning plans calling for completion of decommissioning later than twenty-four months after plan approval, the plan shall include a justification for the delay based on the criteria in subsection (12) of this section.

(e) The proposed decommissioning plan will be approved by the department if the information therein demonstrates that the decommissioning will be completed as soon as practicable and that the health and safety of workers and the public will be adequately protected.

(11)(a) Except as provided in subsection (12) of this section, licensees shall complete decommissioning of the site or separate building or outdoor area as soon as practicable but no later than twenty-four months following the initiation of decommissioning.

(b) Except as provided in subsection (12) of this section, when decommissioning involves the entire site, the licensee shall request license termination as soon as practicable but no later than twenty-four months following the initiation of decommissioning.

(12) The department may approve a request for an alternative schedule for completion of decommissioning of the site or separate building or outdoor area, and license termination if appropriate, if the department determines that the alternative is warranted by consideration of the following:

(a) Whether it is technically feasible to complete decommissioning within the allotted twenty-four-month period;

(b) Whether sufficient waste disposal capacity is available to allow completion of decommissioning within the allotted twenty-four-month period;

(c) Whether a significant volume reduction in wastes requiring disposal will be achieved by allowing short-lived radionuclides to decay;

(d) Whether a significant reduction in radiation exposure to workers can be achieved by allowing short-lived radionuclides to decay; and

(e) Other site-specific factors which the department may consider appropriate on a case-by-case basis, such as the regulatory requirements of other government agencies, lawsuits, ground water treatment activities, monitored natural ground water restoration, actions that could result in more environmental harm than deferred cleanup, and other factors beyond the control of the licensee.

(13) As the final step in decommissioning, the licensee shall:

(a) Certify the disposition of all licensed material, including accumulated wastes, by submitting a completed certificate of disposition of radioactive material or equivalent information; and

(b) Conduct a radiation survey of the premises where the licensed activities were carried out and submit a report of the results of this survey unless the licensee demonstrates that the premises are suitable for release in some other manner. The licensee shall, as appropriate:

(i) Report levels of gamma radiation in units of millisieverts (microrentgen) per hour at one meter from surfaces, and report levels of radioactivity, including alpha and beta, in units of megabecquerels (disintegrations per minute or microcuries) per one hundred square centimeters—removable and fixed—for surfaces, megabecquerels (microcuries) per milliliter for water, and becquerels (picocuries) per gram for solids such as soils or concrete; and

(ii) Specify the survey instrument(s) used and certify that each instrument is properly calibrated and tested.

(14) Specific licenses, including expired licenses, will be terminated by written notice to the licensee when the department determines that:

(a) Radioactive material has been properly disposed;

(b) Reasonable effort has been made to eliminate residual radioactive contamination, if present; and

(c)(i) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with department requirements; or

(ii) Other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with department requirements; and

(d) Records required by subsections (16) and (18) of this section have been received.

(15) Specific licenses for uranium and thorium milling are exempt from subsections (6)(d), (9) and (10) of this section with respect to reclamation of tailings impoundments and/or waste disposal areas.

(16) Prior to license termination, each licensee authorized to possess radioactive material with a half-life greater than one hundred twenty days, in an unsealed form, shall forward the following records to the department:

(a) Records of disposal required by WAC 246-221-230 (8)(a); and

(b) Records of results required by WAC 246-221-230 (7)(h).

(17) If licensed activities are transferred or assigned in accordance with WAC 246-232-050(2), each licensee authorized to possess radioactive material, with a half-life greater than one hundred twenty days, in an unsealed form, shall transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

(a) Records of disposal required by WAC 246-221-230 (8)(a); and

(b) Records of results required by WAC 246-221-230 (7)(h).

(18) Prior to license termination, each licensee shall forward the records required by WAC 246-235-075(6) to the department.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-232-090 Transportation. (~~((1) *Transportation of radioactive material.*)~~) No person shall deliver radioactive material to a carrier for transport or transport radioactive material except as authorized in a general or specific license issued by the department or as exempted (~~((in subsection (2) of this section.~~

~~(2) *Exemptions.*~~

~~(a) Common and contract carriers, freight forwarders, and warehousemen who are subject to the rules and regulations of the United States Department of Transportation (49 CFR Parts 170 through 189) or the United States Postal Service (Domestic Mail Manual, Section 124.3 incorporated by reference, 39 CFR 111.11 (1974)) are exempt from this section to the extent that they transport or store radioactive material in the regular course of their carriage for another or storage incident thereto. Common and contract carriers who are not subject to the rules and regulations of the United States Department of Transportation or United States Postal Service are subject to subsection (1) of this section and other applicable sections of these regulations.~~

~~(b) Physicians, as defined in WAC 246-220-010, are exempt from the requirements of this section only to the extent that they transport radioactive material for emergency use in the practice of medicine.~~

~~(c) Specific licensees are exempt from this section to the extent that they deliver to a carrier for transport packages each of which contains no radioactive material having a specific activity in excess of 0.002 microcurie per gram.~~

~~(d) Any licensee who delivers radioactive material to a carrier for transport, where such transport is subject to the regulations of the United States Postal Service, is exempt from the provisions of subsection (1) of this section.~~

~~(3) *General licenses for carriers.*~~

~~(a) A general license is hereby issued to any common or contract carrier not exempted under subsection (2) of this section to receive, possess, transport and store radioactive material in the regular course of their carriage for another or storage incident thereto, provided the transportation and storage is in accordance with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation.~~

~~(b) A general license is hereby issued to any private carrier to transport radioactive material, provided the transportation is in accordance with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation insofar as such regulations relate to the loading and storage of packages, placarding of the transporting vehicle, shipping papers, and incident reporting.¹~~

~~(c) Persons who transport radioactive material pursuant to the general licenses in (a) or (b) of this subsection are exempt from the requirements of chapters 246-221 and 246-~~

~~222-WAC of these regulations to the extent that they transport radioactive material.~~

~~(4) *Preparation of radioactive material for transport.* A general license is hereby issued to deliver radioactive material to a carrier² for transport provided that:~~

~~(a) The licensee complies with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation insofar as such regulations relate to the packaging of radioactive material, to shipping papers, and to the monitoring, marking and labeling of those packages.~~

~~(b) The licensee has established procedures for opening and closing packages in which radioactive material is transported to provide safety and to assure that, prior to the delivery to a carrier for transport, each package is properly closed for transport.~~

~~(c) Prior to delivery of a package to a carrier for transport, the licensee shall assure that any special instructions needed to safely open the package are sent to or have been made [made] available to the consignee.~~

~~(d) In addition to the requirements of the United States Department of Transportation, each package of Type A or Type B quantity radioactive material prepared for shipment must have the innermost container labeled as to the isotope, chemical form, number of curies or subunits thereof, and date of determination of activity and each innermost container shall be tested to assure that the container is properly sealed and that contamination which would cause undue hazard to public health and safety or property is not present prior to transportation. This requirement does not apply to properly packaged shipments of radioactive waste consigned to a commercial low level waste burial facility.~~

~~(5) *Transport of nuclear waste—Advance notification requirement.* Prior to the transport of any nuclear waste outside of the confines of the licensee's plant or other place of use or storage, or prior to the delivery of any nuclear waste to a carrier for transport, each licensee shall comply with the procedures in this subsection for advance notification to the governor of a state or the governor's designee for the transport of nuclear waste to, through, or across the boundary of the state.~~

~~(a) Where, when, and how advance notification must be sent. The notification required by subsection (5) of this section must be made in writing to the office of each appropriate governor or governor's designee and to the director of the appropriate Nuclear Regulatory Commission Regional Office. A notification delivered by mail must be postmarked at least seven days before the beginning of the seven day period during which departure of the shipment is estimated to occur. A notification delivered by messenger must reach the office of the governor or of the governor's designee at least four days before the beginning of the seven day period during which departure of the shipment is estimated to occur. A list of the mailing addresses of the governors and governors' designees is available upon request from the Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the notification shall be retained by the licensee as a record for one year.~~

~~(b) Information to be furnished in advance notification of shipment. Each advance notification of shipments of nuclear waste must contain the following information:~~

~~(i) The name, address, and telephone number of the shipper, carrier, and receiver of the nuclear waste shipment;~~

~~(ii) A description of the nuclear waste contained in the shipment as required by the regulations of the U.S. Department of Transportation in 49 CFR §§ 172.202 and 172.203(d);~~

~~(iii) The point of origin of the shipment, and the seven-day period during which departure of the shipment is estimated to occur;~~

~~(iv) The seven-day period during which arrival of the shipment at state boundaries is estimated to occur;~~

~~(v) The destination of the shipment, and the seven-day period during which arrival of the shipment is estimated to occur; and~~

~~(vi) A point of contact with a telephone number for current shipment information.~~

~~(e) Revision notice. A licensee who finds that schedule information previously furnished to a governor or governor's designee in accordance with (a) and (b) of this subsection will not be met, shall telephone a responsible individual in the office of the governor of the state or of the governor's designee and inform that individual of the extent of the delay relative to the schedule originally reported in writing under the provisions of (a) and (b) of this subsection. The licensee shall maintain a record of the name of the individual contacted for one year.~~

~~(d) Cancellation notice. Each licensee who cancels a nuclear waste shipment for which advance notification has been sent as required by this subsection shall send a cancellation notice to the governor of each state or the governor's designee previously notified and to the director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office. The notice shall state that it is a cancellation and shall identify the advance notification which is being cancelled. A copy of the notice shall be retained by the licensee as a record for one year)) in chapter 246-231 WAC. General licenses for transportation of radioactive material and other transportation requirements are found in chapter 246-231 WAC.~~

~~(† Any notification of incidents referred to in those requirements shall be filed with, or made to, the department.~~

~~‡ For the purpose of this regulation, licensees who transport their own licensed material as private carriers are considered to have delivered such material to a carrier for transport.)~~

AMENDATORY SECTION (Amending WSR 97-08-095, filed 4/2/97, effective 5/3/97)

WAC 246-235-075 Financial assurance and record-keeping for decommissioning. (1) Each applicant for one of the following licenses shall submit a decommissioning funding plan as described in this section:

(a) A specific license authorizing receipt of radioactive waste for the purpose of volume reduction, repackaging or interim storage.

(b) Receipt of contaminated articles, scrap material, equipment, or clothing to be decontaminated at the licensee's facility.

(c) A specific license authorizing the possession and use of radioactive material of half-life greater than one hundred twenty days and in quantities for unsealed material exceeding 10^3 times and for sealed forms exceeding 10^{10} times the applicable quantities set forth in WAC 246-221-300 Appendix B (for a combination of isotopes the unity rule applies. A decommissioning funding plan will be required if R is greater than 1, where R is defined as the sum of the ratios of the quantity for sealed and unsealed forms of each isotope compared to the applicable value derived from WAC 246-221-300).

(d) A specific license authorizing possession and use of source material in readily dispersible form and in quantities greater than 10 millicuries.

(2) Each decommissioning funding plan shall contain:

(a) A cost estimate for decommissioning facilities impacted by the activities authorized in the specific license.

(b) A description of the method of assuring funds for decommissioning.

(c) A schedule for adjusting cost estimates and associated funding levels periodically over the life of the facility or facilities.

(d) A description of methods and general procedures for performing facility decontamination, maintaining security, and performing a final radiation survey.

(e) A commitment to clean up accidental spills promptly and to begin decommissioning of the facility or facilities within twelve months of ceasing operation involving radioactive material.

(3) Each cost estimate for decommissioning shall include:

(a) A description of the facility and areas within the facility likely to require decommissioning as a result of routine operation.

(b) Anticipated labor, equipment and material costs.

(c) Anticipated waste volume.

(d) Anticipated packaging, transportation and waste disposal costs.

(e) An assessment of costs associated with an accident involving licensed material.

(4) Submit a certification that financial assurance for decommissioning shall be provided by one or more of the following methods:

(a) **Prepayment.** Prepayment is the deposit of sufficient funds to pay decommissioning costs. Funds shall be deposited prior to the start of operation into an account segregated from licensee assets and outside the licensee's administrative control. Prepayment may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities.

(b) A surety method, insurance, or other guarantee method. These methods guarantee that decommissioning costs will be paid should the licensee default. A surety method may be in the form of a surety bond, letter of credit, or line of credit. Any surety method or insurance used to provide financial assurance for decommissioning must contain the following conditions:

(i) The surety method or insurance shall be open-ended or, if written for a specified term, such as five years, shall be renewed automatically unless ninety days or more prior to the renewal date, the issuer notifies the department, the beneficiary, and the licensee of its intention not to renew. The surety method or insurance shall also provide that the full face amount be paid to the beneficiary automatically prior to the expiration without proof of forfeiture if the licensee fails to provide a replacement acceptable to the department within thirty days after receipt of notification of cancellation.

(ii) The surety method or insurance shall be payable to a trust established for decommissioning costs. The trustee and trust shall be acceptable to the department. Acceptable trustees include an appropriate state or federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(iii) The surety method or insurance must remain in effect until the department has terminated the license.

(c) An external sinking fund in which deposits are made at least annually, coupled with a surety method or insurance, the value of which may decrease by the amount being accumulated in the sinking fund. An external sinking fund is a fund established and maintained by setting aside funds periodically in an account segregated from licensee assets and outside the licensee's administrative control. The total amount of funds in the external sinking fund shall be sufficient to pay decommissioning costs at the time termination of operation is expected. An external sinking fund may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities. The surety or insurance provisions shall be as stated in subsection (4)(b) of this section.

(d) In the case of state or local government licensees, a statement of intent containing a cost estimate for decommissioning and indicating that funds for decommissioning will be obtained when necessary.

(e) Other methods of financial assurance as approved by the department. The department may approve other financial mechanisms submitted by the applicant or licensee provided the alternate method meets, at a minimum, the requirements of 10 C.F.R. 30.35 and associated U.S. Nuclear Regulatory Commission guidance.

(5)(a) The department shall review each decommissioning funding plan prior to license issuance and prior to license renewal.

(b) The applicant or licensee shall incorporate department comments into its cost estimate and shall revise its financial surety accordingly.

(c) Applicants shall obtain the appropriate financial assurance as approved by the department prior to receipt of licensed material. The department may issue a new license if the applicant agrees to comply with the decommissioning funding plan as approved. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of this section shall be submitted to the department before receipt of licensed material.

(d) Holders of licenses issued on or before the effective date of this rule shall submit a decommissioning funding plan

to the department by April 1, 1993. Licensees shall implement the financial-assurance requirements within thirty days of receiving department approval of the decommissioning funding plan. Licensees shall submit copies of the financial surety within thirty days of securing the surety and annually thereafter.

(6) Each person licensed under this chapter shall keep records of information important to the safe and effective decommissioning of the facility in an identified location until the site is released for unrestricted use. Before licensed activities are transferred or assigned in accordance with WAC 246-232-050(2), licensees shall transfer all records described in this subsection to the new licensee. In this case, the new licensee will be responsible for maintaining these records until the license is terminated by the department. If records of relevant information are kept for other purposes, reference to these records and their locations may be used. Information the department considers important to decommissioning consists of:

(a) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete. These records shall include any known information on identification of involved nuclides, quantities, forms, and concentrations.

(b) As-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are used and/or stored, and of locations of possible inaccessible contamination such as buried pipes which may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.

(c) Except for areas containing only sealed sources (provided the sources have not leaked or no contamination remains after any leak) or depleted uranium used only for shielding or as penetrators in unused munitions, or radioactive materials having only half-lives of less than sixty-five days, a list contained in a single document and updated every two years, of the following:

(i) All areas designated and formerly designated as restricted areas as defined under WAC 246-220-010;

(ii) All areas outside of restricted areas that require documentation under (a) of this subsection;

(iii) All areas outside of restricted areas where current and previous wastes have been buried as documented under WAC 246-221-230 (8)(a); and

(iv) All areas outside of restricted areas which contain material such that, if the license expired, the licensee would be required to either decontaminate the area to unrestricted release levels or apply for approval for disposal under WAC 246-221-180. Records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used

for assuring funds if either a funding plan or certification is used.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-244-040 Limits on levels of radiation.

Sources of radiation shall be used, stored, and transported in such a manner that the transportation requirements of chapter 246-231 WAC (~~(246-232-090)~~) and the dose limitation requirements of chapter 246-221 WAC are met.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-244-060 Transport precautions. (1) Transport containers shall be physically secured to the transporting vehicle to prevent accidental loss, tampering, or unauthorized removal.

(2) Transport of radioactive material shall be in accordance with applicable provisions of the United States Department of Transportation, as required by chapter 246-231 WAC (~~(246-232-090)~~).

WSR 99-14-029
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services)
 (Office of Rates Management)

[Filed June 28, 1999, 3:30 p.m., effective July 1, 1999]

Date of Adoption: June 28, 1999.

Purpose: To implement the changes required by E2SHB 1484, chapter 353, Laws of 1999, Medicaid payment—Nursing facilities and ESSB 5967, section 3, chapter 376, Laws of 1999, Nursing home bed ratio and funds.

Citation of Existing Rules Affected by this Order: Amending WAC 388-96-010, 388-96-218, 388-96-559, 388-96-565, 388-96-709, 388-96-710, 388-96-723, 388-96-724, 388-96-725, 388-96-726, 388-96-767, and 388-96-771.

Statutory Authority for Adoption: RCW 74.46.431 as amended by E2SHB 1484.

Other Authority: ESSB 5967, section 3, chapter 376, Laws of 1999, amending 1999.c ... (ESSB 5180) s 207 (uncodified).

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: E2SHB 1484, section 18, chapter 353, Laws of 1999, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Section 11 of this act takes effect immediately, and sections 1 through 10 and 12 through 17 take effect July 1, 1999. ESSB 5967, section 4, chapter 376, Laws of 1999, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 12, 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 4, Amended 12, Repealed 0.

Effective Date of Rule: July 1, 1999.

June 28, 1999

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-20-023, filed 8/14/97 [9/25/98], effective 9/14/97 [10/1/98])

WAC 388-96-010 Definitions. Unless the context indicates otherwise, the following definitions apply in this chapter.

"**Accounting**" means activities providing information, usually quantitative and often expressed in monetary units, for:

- (1) Decision-making;
- (2) Planning;
- (3) Evaluating performance;
- (4) Controlling resources and operations; and
- (5) External financial reporting to investors, creditors, regulatory authorities, and the public.

"**Administration and management**" means activities used to maintain, control, and evaluate the efforts and resources of an organization for the accomplishment of the objectives and policies of that organization.

"**Allowable costs**" ((—)) means documented costs that are necessary, ordinary, and related to the care of Medicaid recipients, and are not expressly declared nonallowable by this chapter or chapter 74.46 RCW. Costs are ordinary if they are of the nature and magnitude that prudent and cost-conscious management would pay.

"**Allowable depreciation costs**" means depreciation costs of tangible assets, whether owned or leased by the contractor, meeting the criteria specified in RCW 74.46.330.

"**Anticipated patient days**" are calculated by multiplying the number of licensed beds at the nursing facility by the number of days in the cost report period used to set the property rate and multiplying the product by the nursing facility's expected occupancy, which must be at eighty-five percent or above.

"**Assignment of contract**" means:

- (1) A new nursing facility licensee has elected to care for Medicaid residents;
- (2) The department finds no good cause to object to continuing the Medicaid contract at the facility; and
- (3) The new licensee accepts assignment of the immediately preceding contractor's contract at the facility.

"**Capitalized lease**" means a lease required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

"**Cash method of accounting**" means a method of accounting in which revenues are recorded when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for those expenditures and assets.

"**Change of ownership**" means a substitution of the individual operator or operating entity contracting with the department to deliver care services to medical care recipients in a nursing facility and ultimately responsible for the daily operational decisions of the nursing facility.

(1) Events which constitute a change of ownership include, but are not limited to, the following:

- (a) Changing the form of legal organization of the contractor, e.g., a sole proprietor forms a partnership or corporation;

(b) Transferring ownership of the nursing facility business enterprise to another party, regardless of whether ownership of some or all of the real property and/or personal property assets of the facility are also transferred;

(c) Dissolving of a partnership;

(d) Dissolving the corporation, merging the corporation with another corporation, which is the survivor, or consolidating with one or more other corporations to form a new corporation;

(e) Transferring, whether by a single transaction or multiple transactions within any continuous twenty-four-month period, fifty percent or more of the stock to one or more:

(i) New or former stockholders; or

(ii) Present stockholders each having held less than five percent of the stock before the initial transaction; or

(f) Substituting of the individual operator or the operating entity by any other event or combination of events that results in a substitution or substitution of control of the individual operator or the operating entity contracting with the department to deliver care services.

(2) Ownership does not change when the following, without more, occurs:

(a) A party contracts with the contractor to manage the nursing facility enterprise as the contractor's agent, i.e., subject to the contractor's general approval of daily operating and management decisions; or

(b) The real property or personal property assets of the nursing facility change ownership or are leased, or a lease of them is terminated, without a substitution of individual operator or operating entity and without a substitution of control of the operating entity contracting with the department to deliver care services.

"Charity allowance" means a reduction in charges made by the contractor because of the indigence or medical indigence of a patient.

"Contract" means an agreement between the department and a contractor for the delivery of nursing facility services to medical care recipients.

"Cost report" means all schedules of a nursing facility's cost report submitted according to the department's instructions.

"Courtesy allowances" means reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

"Donated asset" means an asset the contractor acquired without making any payment for the asset either in cash, property, or services. An asset is not a donated asset if the contractor:

(1) Made even a nominal payment in acquiring the asset; or

(2) Used donated funds to purchase the asset.

"Equity capital" means total tangible and other assets which are necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

"Fiscal year" means the operating or business year of a contractor. All contractors report on the basis of a twelve-

month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods. As determined by context or otherwise, **"fiscal year"** may also refer to a state fiscal year extending from July 1 through June 30 of the following year and comprising the first or second half of a state fiscal biennium.

"Gain on sale" means the actual total sales price of all tangible and intangible nursing facility assets including, but not limited to, land, building, equipment, supplies, goodwill, and beds authorized by certificate of need, minus the net book value of such assets immediately prior to the time of sale.

"Intangible asset" is an asset that lacks physical substance but possesses economic value.

"Interest" means the cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

"Multiservice facility" means a facility at which two or more types of health or related care are delivered, e.g., a hospital and nursing facility, or a boarding home and nursing facility.

"Nonadministrative wages and benefits" means wages, benefits, and corresponding payroll taxes paid for nonadministrative personnel, not to include administrator, assistant administrator, or administrator-in-training.

"Nonallowable costs" means the same as **"unallowable costs."**

"Nonrestricted funds" means funds which are not restricted to a specific use by the donor, e.g., general operating funds.

"Per diem (per patient day or per resident day) costs" means total allowable costs for a fiscal period divided by total patient or resident days for the same period.

"Prospective daily payment rate" means the rate assigned by the department to a contractor for providing service to medical care recipients prior to the application of settlement principles.

"Recipient" means a Medicaid recipient.

"Related care" includes:

- (1) The director of nursing services;
- (2) Activities and social services programs;
- (3) Medical and medical records specialists; and
- (4) Consultation provided by:

(a) Medical directors; and

(b) Pharmacists.

"Relative" includes:

(1) Spouse;

(2) Natural parent, child, or sibling;

(3) Adopted child or adoptive parent;

(4) Stepparent, stepchild, stepbrother, stepsister;

(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law;

(6) Grandparent or grandchild; and

(7) Uncle, aunt, nephew, niece, or cousin.

"Start-up costs" means the one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start-up costs include:

(1) Administrative and nursing salaries;

(2) Utility costs;

- (3) Taxes;
- (4) Insurance;
- (5) Repairs and maintenance; and
- (6) Training costs.

Start-up costs do not include expenditures for capital assets.

"**Unallowable costs**" means costs which do not meet every test of an allowable cost.

"**Uniform chart of accounts**" means a list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

"**Vendor number**" means a number assigned to each contractor delivering care services to medical care recipients.

~~("Working capital" means total current assets necessary, ordinary, and related to patient care from the most recent cost report minus total current liabilities necessary, ordinary, and related to patient care from the most recent cost report.)~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 98-20-023, filed 9/25/98, effective 10/1/98)

WAC 388-96-218 Proposed, preliminary, and final settlements. (1) For each component rate, the department shall calculate a settlement at the lower of prospective payment rate or audited allowable costs, except as otherwise provided in this chapter.

(2) In the proposed settlement report, a contractor shall compare the contractor's payment rates during a report period, weighted by the number of resident days reported for the period when each rate was in effect, to the contractor's allowable costs for the reporting period. The contractor shall take into account all authorized shifting, retained savings, and upper limits to rates on a cost center basis.

(a) Within one hundred twenty days after a proposed settlement report is received, the department shall:

(i) Review the proposed settlement report for accuracy; and

(ii) Either accept or reject the proposal of the contractor. If accepted, the proposed settlement report shall become the preliminary settlement report. If rejected, the department shall issue, by cost center, a preliminary settlement report fully substantiating disallowed costs, refunds, or underpayments due and adjustments to the proposed preliminary settlement.

(b) A contractor shall have twenty-eight days after receipt of a preliminary settlement report to contest such report under WAC 388-96-901 and 388-96-904. Upon expiration of the twenty-eight-day period, the department shall not review or adjust a preliminary settlement report. Any administrative review of a preliminary settlement shall be limited to calculation of the settlement, to the application of settlement principles and rules, or both, and shall not encompass rate or audit issues.

(3) The department shall issue a final settlement report to the contractor after the completion of the department audit process, including exhaustion or termination of any administrative review and appeal of audit findings or determinations

requested by the contractor, but not including judicial review as may be available to and commenced by the contractor.

(a) The department shall prepare a final settlement by cost center and shall fully substantiate disallowed costs, refunds, underpayments, or adjustments to the cost report and financial statements, reports, and schedules submitted by the contractor. The department shall take into account all authorized shifting, savings, and upper limits to rates on a cost center basis. For the final settlement report, the department shall compare:

(i) The payment rate the contractor was paid for the facility in question during the report period, weighted by the number of allowable resident days reported for the period each rate was in effect to the contractor's;

(ii) Audited allowable costs for the reporting period; or

(iii) Reported costs for the nonaudited reporting period.

(b) A contractor shall have twenty-eight days after the receipt of a final settlement report to contest such report pursuant to WAC 388-96-901 and 388-96-904. Upon expiration of the twenty-eight-day period, the department shall not review a final settlement report. Any administrative review of a final settlement shall be limited to calculation of the settlement, the application of settlement principles and rules, or both, and shall not encompass rate or audit issues.

(c) The department shall reopen a final settlement if it is necessary to make adjustments based upon findings resulting from a department audit performed pursuant to RCW 74.46.100. The department may also reopen a final settlement to recover an industrial insurance dividend or premium discount under RCW 51.16.035 in proportion to a contractor's Medicaid recipients.

(4) In computing a preliminary or final settlement, a contractor may shift savings and/or overpayment in the support services cost center to cover a deficit and/or underpayment in the direct care or therapy cost centers up to the amount of the savings as provided in RCW 74.46.165(4). The provider's payment rate is subject to the provisions of RCW 74.46.421.

(5) If an administrative or judicial remedy sought by the facility is not granted or is granted only in part after exhaustion or mutual termination of all appeals, the facility shall refund all amounts due the department within sixty days after the date of decision or termination plus interest as payment on judgments from the date the review was requested pursuant to WAC 388-96-901 and WAC 388-96-904 to the date the repayment is made.

(6) In determining whether a facility has forfeited unused rate funds in its direct care, therapy care and support services component rates under authority of RCW 74.46.165(3), the following rules shall apply:

(a) Federal or state survey officials shall determine when a facility is not in substantial compliance or is providing substandard care, according to federal and state nursing facility survey regulations;

(b) Correspondence from state or federal survey officials notifying a facility of its compliance status shall be used to determine the beginning and ending dates of any period(s) of noncompliance; and

(c) Forfeiture shall occur if the facility was out of substantial compliance more than ninety days during the settlement period. The ninety-day period need not be continuous

if the number of days of noncompliance exceed ninety days during the settlement period regardless of the length of the settlement period. Also, forfeiture shall occur if the nursing facility was determined to have provided substandard quality of care at any time during the settlement period.

(7)(a) For calendar year 1998, the department will calculate two settlements covering the following periods:

- (i) January 1, 1998 through September 30, 1998; and
- (ii) October 1, 1998 through December 31, 1998.

(b) The department will use Medicaid rates weighted by total patient days (i.e., Medicaid and non-Medicaid days) to divide 1998 costs between the two settlement periods identified in subsection (7)(a) of this section.

(c) The department will net the two settlements for 1998 to determine a nursing facility's 1998 settlement.

AMENDATORY SECTION (Amending WSR 97-17-040, filed 8/14/97, effective 9/14/97)

WAC 388-96-559 Cost basis of land and depreciation base. (1) For all partial or whole rate periods after December 31, 1984 unless otherwise provided or limited by this chapter or by this section, chapter 388-96 WAC or chapter 74.46 RCW, the total depreciation base of depreciable assets and the cost basis of land shall be the lowest of:

- (a) The contractor's appraisal, if any;
- (b) The department's appraisal obtained through the department of general administration of the state of Washington, if any; or

(c) The historical purchase cost of the contractor, or lessor if the assets are leased by the contractor, in acquiring ownership of the asset in an arm's-length transaction, and preparing the asset for use, less goodwill, and less accumulated depreciation, if applicable, incurred during periods the assets have been used in or as a facility by any and all contractors. Such accumulated depreciation is to be measured in accordance with subsection (5) of this section and WAC 388-96-561, 388-96-565, and 388-96-567. Where the straight-line or sum-of-the-years digits method of depreciation is used the contractor:

(i) May deduct salvage values from historical costs for each cloth based item, e.g., mattresses, linen, and draperies; and

(ii) Shall deduct salvage values from historical costs of at least:

- (A) Five percent of the historical value for each noncloth item included in moveable equipment; and
- (B) Twenty-five percent of the historical value for each vehicle.

(2) Unless otherwise provided or limited by this chapter or by chapter 74.46 RCW, the department shall, in determining the total depreciation base of a depreciable real or personal asset owned or leased by the contractor, deduct depreciation relating to all periods subsequent to the more recent of:

- (a) The date such asset was first used in the medical care program; or
- (b) The most recent date such asset was acquired in an arm's-length purchase transaction which the department is

required to recognize for Medicaid cost reimbursement purposes.

No depreciation shall be deducted for periods such asset was not used in the medical care program or was not used to provide nursing care.

(3) The department may have the fair market value of the asset at the time of purchase established by appraisal through the department of general administration of the state of Washington if:

- (a) The department challenges the historical cost of an asset; or
- (b) The contractor cannot or will not provide the historical cost of a leased asset and the department is unable to determine such historical cost from its own records or from any other source.

The contractor may allocate or reallocate values among land, building, improvements, and equipment in accordance with the department's appraisal.

If an appraisal is conducted, the depreciation base of the asset and cost basis of land will not exceed the fair market value of the asset. An appraisal conducted by or through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious.

(4) If the land and depreciable assets of a newly constructed nursing facility were never used in or as a nursing facility before being purchased from the builder, the cost basis and the depreciation base shall be the lesser of:

- (a) Documented actual cost of the builder; or
- (b) The approved amount of the certificate of need issued to the builder.

When the builder is unable or unwilling to document its costs, the cost basis and the depreciation base shall be the approved amount of the certificate of need.

(5) For leased assets, the department may examine documentation in its files or otherwise obtainable from any source to determine:

- (a) The lessor's purchase acquisition date; or
- (b) The lessor's historical cost at the time of the last arm's-length purchase transaction.

If the department is unable to determine the lessor's acquisition date by review of its records or other records, the department, in determining fair market value as of such date, may use the construction date of the facility, as found in the state fire marshal's records or other records, as the lessor's purchase acquisition date of leased assets.

(6) For all rate periods past or future, where depreciable assets or land are acquired from a related organization, the contractor's depreciation base and land cost basis shall not exceed the base and basis the related organization had or would have had under a contract with the department.

(7) If a contractor cannot or will not provide the lessor's purchase acquisition cost of assets leased by the contractor and the department is unable to determine historical purchase cost from another source, the appraised asset value of land, building, or equipment, determined by or through the department of general administration shall be adjusted, if necessary, by the department using the *Marshall and Swift Valuation Guide* to reflect the value at the lessor's acquisition date. If an appraisal has been prepared for leased assets and the assets subsequently sell in the first arm's-length transaction since

January 1, 1980, under subsection (9) of this section, the *Marshall and Swift Valuation Guide* will be used to adjust, if necessary, the asset value determined by the appraisal to the sale date. If the assets are located in a city for which the *Marshall and Swift Valuation Guide* publishes a specific index, or if the assets are located in a county containing that city, the city-specific index shall be used to adjust the appraised value of the asset. If the assets are located in a city or county for which a specific index is not calculated, the *Western District Index* calculated by Marshall and Swift shall be used.

(8) For new or replacement building construction or for substantial building additions requiring the acquisition of land and which commenced to operate on or after July 1, 1997, the department shall determine allowable land costs of the additional land acquired for the new or replacement construction or for substantial building additions to be the lesser of:

(a) The contractor's or lessor's actual cost per square foot; or

(b) The square foot land value as established by an appraisal that meets the latest publication of the *Uniform Standards of Professional Appraisal Practice (USPAP)* and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). The department shall obtain a USPAP appraisal that meets FIRREA first from:

(i) An arms'-length lender that has accepted the ordered appraisal; or

(ii) If the department is unable to obtain from the arms'-length lender a lender-approved appraisal meeting USPAP and FIRREA standards or if the contractor or lessor is unable or unwilling to provide or cause to be provided a lender-approved appraisal meeting USPAP and FIRREA standards, then:

(A) The department shall order such an appraisal; and

(B) The contractor shall immediately reimburse the department for the costs incurred in obtaining the USPAP and FIRREA appraisal.

(9) Except as provided for in subsection (8) of this section, for all rates effective on or after January 1, 1985, if depreciable assets or land are acquired by purchase which were used in the medical care program on or after January 1, 1980, the depreciation base or cost basis of such assets shall not exceed the net book value existing at the time of such acquisition or which would have existed had the assets continued in use under the previous Medicaid contract with the department; except that depreciation shall not be accumulated for periods during which such assets were not used in the medical care program or were not in use in or as a nursing care facility.

(10)(a) Subsection (9) of this section shall not apply to the most recent arm's-length purchase acquisition if it occurs ten years or more after the previous arm's-length transfer of ownership nor shall subsection (9) of this section apply to the first arm's-length purchase acquisition of assets occurring on or after January 1, 1980, for facilities participating in the Medicaid program before January 1, 1980. The depreciation base or cost basis for such acquisitions shall not exceed the lesser of the fair market value as of the date of purchase of the assets determined by an appraisal conducted by or through the department of general administration or the owner's

acquisition cost of each asset, land, building, or equipment. An appraisal conducted by or through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious. Should a contractor request a revaluation of an asset, the contractor must document ten years have passed since the most recent arm's-length transfer of ownership. As mandated by Section 2314 of the Deficit Reduction Act of 1984 (P.L. 98-369) and state statutory amendments, and under RCW 74.46.840, for all partial or whole rate periods after July 17, 1984, this subsection is inoperative for any transfer of ownership of any asset, including land and all depreciable or nondepreciable assets, occurring on or after July 18, 1984, leaving subsection (9) of this section to apply without exception to acquisitions occurring on or after July 18, 1984, except as provided in subsections (10)(b) and (11) of this section.

(b) For all rates after July 17, 1984, subsection (8)(a) shall apply, however, to transfers of ownership of assets:

(i) Occurring before January 1, 1985, if the costs of such assets have never been reimbursed under Medicaid cost reimbursement on an owner-operated basis or as a related party lease; or

(ii) Under written and enforceable purchase and sale agreements dated before July 18, 1984, which are documented and submitted to the department before January 1, 1988.

(c) For purposes of Medicaid cost reimbursement under this chapter, an otherwise enforceable agreement to purchase a nursing home dated before July 18, 1984, shall be considered enforceable even though the agreement contains:

(i) No legal description of the real property involved; or

(ii) An inaccurate legal description, notwithstanding the statute of frauds or any other provision of law.

(11)(a) In the case of land or depreciable assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option to have the:

(i) Provisions of subsection (10) of this section apply to the purchase; or

(ii) Reimbursement for property and ~~((return on investment continue to be))~~ financing allowance calculated under the provisions ~~((contained in))~~ of chapter 74.46 RCW ~~((74.46.530 (1)(e) and (f) and WAC 388-96-754(5)))~~. Reimbursement shall be based upon provisions of the lease in existence on the date of the purchase, but only if the purchase date meets the criteria of RCW 74.46.360(6)(c)(ii)(A) through (D).

(b) The lessee/contractor may select the option in subsection (11)(a)(ii) of this section only when the purchase date meets one of the following criteria. The purchase date is:

(i) After the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(ii) Within one year of the lease expiration or renewal date contained in the lease;

(iii) After a rate setting for the facility in which the reimbursement rate set, under this chapter and under chapter 74.46 RCW, no longer is equal to or greater than the actual cost of the lease; or

(iv) Within one year of any purchase option in existence on January 1, 1988.

(12) For purposes of establishing the property and ~~((return on investment))~~ financing allowance component rate~~((s))~~ allocations, the value of leased equipment, if unknown by the contractor, may be estimated by the department using previous department of general administration appraisals as a data base. The estimated value may be adjusted using the *Marshall and Swift Valuation Guide* to reflect the value of the asset at the lessor's purchase acquisition date.

AMENDATORY SECTION (Amending WSR 97-17-040, filed 8/14/97, effective 9/14/97)

WAC 388-96-565 Lives. (1) Except for new buildings, major remodels and major repair projects as defined in subsection (3) of this section, the contractor shall use lives reflecting the estimated actual useful life of assets, for example, land improvements, buildings, equipment, leasehold improvements, and other assets. Lives shall not be shorter than guideline lives published by the American Hospital Association in computing allowable depreciation. In cases of newly constructed buildings containing newly licensed nursing home beds that received certificate of need approval before July 1, 1999 or certificate of need exemptions under chapter 70.38 RCW before July 1, 1999, the shortest lives shall be the most recently published lives for construction classes as defined and described in the *Marshall Valuation Service* published by the Marshall Swift Publication Company.

(2) The contractor shall measure lives from the date on which the assets were first used in the medical care program or from the date of the most recent arm's-length acquisition by purchase of the asset, whichever is more recent. The contractor shall extend lives to reflect periods, if any, during which assets were not used to provide nursing care or were not used in the medical care program.

(3) Effective July 1, 1997, for depreciable assets acquired on or after July 1, 1997 including new facilities, major remodels, and major repair projects that begin operating on or after July 1, 1997, the department shall use the most current edition of *Estimated Useful Lives of Depreciable Hospital Assets* published by the American Hospital Publishing, Inc., to determine the useful life of depreciable assets, new building, major remodels, and major repair projects; provided that, ((the)) forty years is shortest life that may be used for new buildings receiving certificate of need approval on or after July 1, 1999 or certificate of need exemptions under chapter 70.38 RCW on or after July 1, 1999 ((is thirty years)). New building, major remodels, and major repair projects are those projects that meet or exceed the expenditure minimum established by the department of health pursuant to chapter 70.38 RCW.

(4) Contractors shall depreciate building improvements other than major remodels and major repairs defined in subsection (3) of this section over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.

(5) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement in accordance with American Hospital Association guidelines.

(6) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

(7) For new or replacement building construction or for major renovations receiving certificate of need approval or exemption under chapter 70.38 RCW on or after July 1, 1999, the department will depreciate fixed equipment the same number of years as the life of the building to which it is affixed.

AMENDATORY SECTION (Amending WSR 98-20-023, filed 9/25/98, effective 10/1/98)

WAC 388-96-709 Prospective rate revisions—Reduction in licensed beds. (1) The department will revise a contractor's prospective rate when the contractor reduces the number of its licensed beds and:

(a) Notifies the department in writing thirty days before the licensed bed reduction; and

(b) Supplies a copy of the new bed license and documentation of the number of beds sold, exchanged or otherwise placed out of service, along with the name of the contractor that received the beds, if any; and

(c) Requests a rate revision.

(2) The revised prospective rate shall comply with all the provisions of rate setting contained in chapter 74.46 RCW and in this chapter, including all lids and maximums, unless otherwise specified in this section.

(3) The revised prospective payment rate shall be effective the first of a month determined as follows:

(a) When the contractor complies with subsection (1)(b) and (c) of this section and the effective date of the licensed bed reduction falls:

(i) Between the first and the fifteenth of the month, then the revised prospective rate is effective the first of the month in which the licensed bed reduction occurs; or

(ii) Between the sixteenth and the end of the month, then the revised prospective rate is effective the first of the month following the month in which the licensed bed reduction occurs.

(b) The department shall revise a nursing facility's prospective rate to reflect a reduction in licensed beds as follows:

(i) The department shall use the reduced total number of licensed beds to determine occupancy used to calculate the direct care, therapy care, support services ~~((and))~~, operations and variable return rate component allocations. If actual occupancy from the rate base cost report is:

(A) At or over eighty-five percent before the reduction and remains at or above eighty-five percent, there will be no change to the component allocations;

(B) Less than eighty-five percent before the reduction and changes to at or above eighty-five percent, then recompute the components using actual rate based resident days; or

(C) Less than eighty-five percent before the reduction and remains below eighty-five percent, then recompute the components using the change in resident days from the rate

base cost report resulting from the reduced number of licensed beds used to calculate the eighty-five percent.

(ii) To determine occupancy used to calculate the property and ~~((return on investment (ROI)))~~ financing allowance rate component allocations, the department shall use the facility's anticipated resident occupancy level subsequent to the decrease in licensed bed capacity as long as the occupancy for the reduced number of beds is at or above eighty-five percent and in no case shall the department use less than eighty-five percent occupancy of the facility's reduced licensed bed capacity.

AMENDATORY SECTION (Amending WSR 98-20-023, filed 9/25/98, effective 10/1/98)

WAC 388-96-710 Prospective payment rate for new contractors. (1) The department shall establish an initial prospective Medicaid payment rate for a new contractor as defined under WAC 388-96-026 within sixty days following the new contractor's application and approval for a license to operate the facility under chapter 18.51 RCW. The rate shall take effect as of the effective date of the contract, except as provided in this section, and shall comply with all the provisions of rate setting contained in chapter 74.46 RCW and in this chapter, including all lids and maximums set forth.

(2) Except for quarterly updates per RCW 74.46.501 (7)(c), the rate established for a new contractor as defined in WAC 388-96-026 (1)(a) or (b) shall remain in effect for the nursing facility until the rate can be reset effective July 1 using the first cost report for that facility under the new contractor's operation containing at least six months' data from the prior calendar year, regardless of whether reported costs for facilities operated by other contractors for the prior calendar year in question will be used to cost rebase their July 1 rates. The new contractor's rate thereafter shall be cost rebased only as provided in this chapter and chapter 74.46 RCW.

(3) To set the initial prospective Medicaid payment rate for a new contractor as defined in WAC 388-96-026 (1)(a) and (b), the department shall:

(a) Determine whether the new contractor nursing facility belongs to the metropolitan statistical area (MSA) peer group or the non-MSA peer group using the latest information received from the office of management and budget or the appropriate federal agency;

(b) Select all nursing facilities from the department's records of all the current Medicaid nursing facilities in the new contractor's peer group with the same bed capacity plus or minus ten beds. If the selection does not result in at least seven facilities, then the department will increase the bed capacity by plus or minus five bed increments until a sample of at least seven nursing facilities is obtained;

(c) Based on the information for the nursing facilities selected under subsection (3)(b) of this section and available to the department on the day the new contractor began participating in the Medicaid payment rate system at the facility, rank from the highest to the lowest the component rate allocation in direct care, therapy care, support services, and operations cost centers and based on this ranking:

(i) Determine the middle of the ranking and then identify the rate immediately above the median for each cost center identified in subsection (3)(c) of this section. The rate immediately above the median will be known as the "selected rate" for each cost center;

(ii) Set the new contractor's nursing facility component rate allocation for therapy care, support services, and operations at the "selected rate";

(iii) Set the direct care rate using data from the direct care "selected" rate facility identified in (c) of this subsection as follows:

(A) The cost per case mix unit shall be the rate base allowable case mixed direct care cost per patient day for the direct care "selected" rate facility, whether or not that facility is held harmless under WAC 388-96-728 and 388-96-729, divided by the facility average case mix index per WAC 388-96-741;

(B) The cost per case mix unit determined under (c)(iii)(A) of this subsection shall be multiplied by the Medicaid average case mix index per WAC 388-96-740. The product shall be the new contractor's direct care rate under case mix; and

(C) The department shall not apply RCW 74.46.506 (5)(k) to any direct care rate established under subsection (5)(e) or (f) of this section. A new contractor whose direct care rate was established under subsection (5)(e) or (f) of this section is not eligible to be paid by a "hold harmless" rate as determined under RCW 74.46.506 (5)(k);

(iv) Set the property rate in accordance with the provisions of this chapter and chapter 74.46 RCW; and

(v) Set the ~~((return on investment))~~ financing allowance and variable return component rate allocations in accordance with the provisions of this chapter and chapter 74.46 RCW. In computing the ~~((financing allowance))~~ variable return component rate allocation, the department shall use for direct care, therapy care, support services and operations ~~((cost centers the rates))~~ rate allocations set pursuant to subsection (3)(c)(i), (ii) and (iii) of this section.

(d) Any subsequent revisions to the rate component allocations of the sample members will not impact a "selected rate" component allocation of the initial prospective rate established for the new contractor under this subsection.

(4) For the WAC 388-96-026 (1)(a) or (b) new contractor, the department shall establish rate component allocations for:

(a) Direct care, therapy care, support services and operations ~~((cost centers))~~ based on the "selected rates" as determined under subsection (3)(c) of this section that are in effect on the date the new contractor began participating in the program; ~~((and))~~

(b) Property in accordance with the provisions of this chapter and chapter 74.46 RCW using for the new contractor as defined under:

(i) WAC 388-96-026 (1)(a), information from the certificate of need; or

(ii) WAC 388-96-026 (1)(b), information provided by the new contractor within ten days of the date the department requests the information in writing. If the contractor as defined under WAC 388-96-026 (1)(b), has not provided the requested information within ten days of the date requested,

then the property rate will be zero. The property rate will remain zero until the information is received((-);

(c) (~~Return on investment rate~~) Variable return in accordance with the provisions of this chapter and chapter 74.46 RCW using the "selected rates" established under subsection (3)(c) of this section that are in effect on the date the new contractor began participating in the program(~~(- to compute the working capital provision and variable return)~~); and

(d) Financing allowance using for the new contractor as defined under:

(i) WAC 388-96-026 (1)(a), information from the certificate of need; or

(ii) WAC 388-96-026 (1)(b), information provided by the new contractor within ten days of the date the department requests the information in writing. If the contractor as defined under WAC 388-96-026 (1)(b), has not provided the requested information within ten days of the date requested, then the net book value of allowable assets will be zero. The financing allowance rate component allocation will remain zero until the information is received.

(5) The initial prospective payment rate for a new contractor as defined under WAC 388-96-026 (1)(a) or (b) shall be established under subsections (3) and (4) of this section. If the WAC 388-96-026 (1)(a) or (b) contractor's initial rate:

(a) Was set before January 1, 1997, and the contractor does not have six months or greater of cost report data for 1996, the October 1, 1998, rate will be set using the contractor's 1997 cost report. Its July 1, 1999, and July 1, 2000, rates will not be cost rebased;

(b) Was set between January 1, 1997, and June 30, 1997, the October 1, 1998, rate will be set using the contractor's 1997 cost report. Its July 1, 1999, and July 1, 2000, rates will not be cost rebased;

(c) Was set between July 1, 1997, and June 30, 1998, the October 1, 1998, rate will be the revised initial sample based rate using October 1, 1998, rate data for direct care, therapy care, support services, and operations, and following the steps identified in subsection (3)(c)(i) and (ii) of this section. There will be no change to the facilities identified in the initial rate under subsection (3)(b) of this section. There will be no change to the property rate. The financing allowance will be revised. The contractor's July 1, 1999, rate will be rebased using 1998 cost report data. Its July 1, 2000, rate will not be cost rebased;

(d) Was set between July 1, 1998, and September 30, 1998, the October 1, 1998, rate will be the revised initial sample based rate using October 1, 1998, rate data for direct care, therapy care, support services, and operations, and following the steps identified in subsection (3)(c)(i) and (ii) of this section. There will be no change to the facilities identified in the initial rate under subsection (3)(b) of this section. There will be no change to the property rate. The financing allowance will be revised. The July 1, 1999, rate will be revised in the same manner using July 1, 1999, rate data. The July 1, 2000, rate will be rebased using 1999 cost report data;

(e) Is set between October 1, 1998, and June 30, 1999, the initial rate is set in accordance with subsections (3) and (4) of this section. The July 1, 1999, rate will be the revised initial sample based rate using July 1, 1999, rate data for direct care, therapy care, support services, and operations,

and following the steps identified in subsection (3)(c)(i) and (ii) of this section. There will be no change to the facilities identified in the initial rate under subsection (3)(b) of this section. There will be no change to the property (~~rate~~) and the financing allowance (~~will be revised~~) component rate allocations. The department will revise the variable return component rate allocation. The July 1, 2000, rate will be rebased using 1999 cost report data; or

(f) Is set between July 1, 1999, and June 30, 2000, the initial rate is set in accordance with subsections (3) and (4) of this section. The July 1, 2000, rate will be the revised initial sample based rate using July 1, 2000, rate data for direct care, therapy care, support services, and operations, and following the steps identified in subsection (3)(c)(i) and (ii) of this section. There will be no change to the facilities identified in the initial rate under subsection (3)(b) of this section. There will be no change to the property (~~rate~~) and the financing allowance (~~will be revised~~) component rate allocations. The department will revise the variable return component rate allocation.

(6) For the WAC 388-96-026 (1)(c) new contractor, the initial prospective payment rate shall be the last prospective payment rate the department paid to the Medicaid contractor operating the nursing facility immediately prior to the effective date of the new Medicaid contract or assignment. If the WAC 388-96-026 (1)(c) contractor's initial rate:

(a) Was set before January 1, 1997, and the new contractor does not have a cost report containing at least six months' data from 1996, its October 1, 1998, rate will be set by using twelve months of cost report data derived from the old contractor's data and the new contractor's data for the 1996 cost report year and its July 1, 1999, and July 1, 2000, rates will not be cost rebased;

(b) Was set between January 1, 1997, and September 30, 1998, its October 1, 1998, rate will be set by using the old contractor's 1996 twelve months' cost report data and its July 1, 1999, and July 1, 2000, rates will not be cost rebased; or

(c) Is set on or after October 1, 1998, its July 1, 1999, and July 1, 2000, rates will not be cost rebased.

(7) A prospective payment rate set for all new contractors shall be subject to adjustments for economic trends and conditions as authorized and provided in this chapter and in chapter 74.46 RCW. For the WAC 388-96-026 (1)(a) or (b) new contractor, to adjust the October 1, 1998, payment rate for economic trends and conditions, the department shall apply a 2.96 percent inflation factor to direct care, therapy care, support services, and operations rate components.

(8) For a WAC 388-96-026 (1)(a), (b) or (c), the Medicaid case mix index and facility average case mix index shall be determined in accordance with this chapter and chapter 74.46 RCW.

NEW SECTION

WAC 388-96-714 Nursing facility Medicaid rate allocations—Economic trends and conditions adjustment factors. (1)(a) For July 1, 1999, the department will increase the following component rate allocations for each nursing facility by two percent:

(i) Direct care based on case mix requirements of RCW 74.46.506 (5)(g) (Direct care - CM);

(ii) Therapy care;

(iii) Support services; and

(iv) Operations.

(b) For direct care - CM, the department will apply the two percent increase allowed under subsection (1) (a)(i) of this section to the total of the component rate allocations identified in subsection (1)(a) of this section after the direct care component rate allocation is adjusted for case-mix changes and before application of any reductions required by RCW 74.46.421.

(c) For July 1, 1999, the department will increase by one percent the direct care component rate allocations based on the requirements of RCW 74.46.506 (5)(k)(i) (Direct care - hold harmless).

(2) For July 1, 2000, the department will increase each nursing facility's component rate allocations in the same manner as described in subsection (1) of this section. The department will base the direct care - hold harmless component rate allocation of subsection (1)(c) of this section on the requirements of RCW 74.46.506 (5)(k)(ii).

(3)(a) After applying subsection (1) of this section, the department will determine whether a nursing facility's July 1 total rate allocation will be adjusted by an additional economic trends and conditions factor. The department will adjust a nursing facility's July 1 rate total rate allocation set pursuant to this chapter and chapter 74.46 RCW when it is less than its April 1, 1999 total rate allocation adjusted for case-mix changes. Whether the April 1, 1999 or July 1 direct care (DC) rate allocation is determined by case-mix under RCW 74.46.506 (a) through (j) or a hold harmless rate under RCW 74.46.506(k), the department will determine whether the July 1 total rate allocation is less than the April 1, 1999 total rate allocation adjusted for case-mix changes by:

(i) Calculating the nursing facility's April 1, 1999 DC component rate allocation by applying the case mix index (CMI) used to set the nursing facility's July 1 DC rate;

(ii) Adding the April 1, 1999 DC component rate allocation based on the CMI used to set the July 1 DC component rate to the remaining April 1, 1999 component rate allocations to establish the April 1, 1999 total rate allocation adjusted for case-mix changes;

(iii) Comparing the April 1, 1999 total rate allocation adjusted for case-mix changes pursuant to subsection (3) (a)(i) and (ii) of this section with the July 1 total rate allocation set pursuant to this chapter and chapter 74.46 RCW; and

(iv) Determining an additional economic trends and conditions factor for the nursing facility when its April 1, 1999 total rate allocation adjusted for case-mix changes pursuant to subsection (3)(a)(i) and (ii) of this section is greater than the facility's July 1 total rate allocation.

(b) The department will determine the additional economic trends and conditions factor by determining the percentage that the April 1, 1999 rate determined pursuant to subsection (3)(a)(i) and (ii) of this section is greater than the July 1 total rate allocation. The percentage is the additional economic trends and condition factor.

(c) For each nursing facility whose April 1, 1999 total rate allocation adjusted for case-mix changes pursuant to sub-

section (3)(a) of this section is greater than its July 1 total rate allocation, the department will increase each of its July 1 rate component allocations by the nursing facility's additional economic trends and condition factor determined pursuant to subsection (3)(a) and (b) of this section. A nursing facility's additional economic trends and condition factor will be reduced proportionately by the percentage by which total supplemental payments to all nursing facilities would exceed the funds provided for such payments in the biennial appropriations act.

(d) The department will adjust by an additional economic trends and conditions factor determined pursuant to subsection (3)(a) and (b) of this section only the amount of a nursing facility's July 1 total rate allocation that has not resulted from the nursing facility, under WAC 388-96-708, reinstating beds that were previously removed from service (i.e., banked) under chapter 70.38 RCW.

(4) After the initial determination under subsection (3) of this section of whether a nursing facility's July 1 total rate allocation will be adjusted by an additional economic trends and conditions factor, the department may adjust a nursing facility's April 1, 1999 rate and/or its July 1 total rate allocations. If any adjustments occur, then the department will apply subsection (3) using the newly adjusted April 1, 1999 and/or July 1 total rate allocations.

AMENDATORY SECTION (Amending WSR 98-20-023, filed 9/25/98, effective 10/1/98)

WAC 388-96-723 How often will the department compare the state-wide weighted average payment rate for the capital and noncapital portions of the rate for all nursing facilities with the state-wide weighted average payment rate for the capital and noncapital portions of the rate identified in the biennial appropriations act? (1) On a monthly basis, the department will compare the state-wide weighted average payment rate for the capital and non-capital portions of the rate for all nursing facilities with the state-wide weighted average payment rate for the capital and noncapital portions of the rate identified in the biennial appropriations act.

(2) To determine the state-wide weighted average payment rate, the department ~~((shall))~~ will use total billed Medicaid days and total billed Medicaid dollars((-

~~(2) Under RCW 74.46.421, the department must implement a reduction in all nursing facilities' component rates any time its comparison indicates that the state-wide weighted average payment rate for all nursing facilities:~~

~~(a) Exceeds the state-wide weighted average payment rate identified in the Biennial Appropriations Act; or~~

~~(b) Is likely to exceed the state-wide weighted average payment rate identified in the Biennial Appropriations Act)).~~

AMENDATORY SECTION (Amending WSR 98-20-023, filed 9/25/98, effective 10/1/98)

WAC 388-96-724 How much advance notice will a nursing facility receive of a rate reduction? (1) The department will notify the nursing facility at least twenty-eight cal-

endar days in advance of the effective date of a reduction taken under RCW 74.46.421.

(2) ~~((The))~~ A rate reduction taken under RCW 74.46.421 will be effective the first day of the month following the twenty-eight calendar day advance notice.

AMENDATORY SECTION (Amending WSR 98-20-023, filed 9/25/98, effective 10/1/98)

WAC 388-96-725 After ~~((the))~~ a RCW 74.46.421 rate reduction(s) when will a nursing facility's rates return to their previous level? (1) The department will not reverse any rate reductions ~~((to all nursing facilities' component rates))~~ taken in accordance with RCW 74.46.421 ~~((will not be reversed))~~.

(2) If after a reduction a nursing facility is eligible to receive an increase in a capital and/or noncapital component rate for some unrelated change~~((;))~~ (e.g., a change in the Medicaid case mix index causes the direct care rate to increase), the department ~~((must))~~ will apply the increase to the rate reduced by application of RCW 74.46.421.

(3) Reductions made under RCW 74.46.421 are cumulative. ~~((When a monthly comparison indicates that the state-wide weighted average payment rate for all nursing facilities will exceed or exceeds the state-wide weighted average payment rate identified in the Biennial Appropriations Act, under RCW 74.46.421,))~~ The department ~~((must))~~ will reduce the capital and/or noncapital component rates for all nursing facilities without reversing any previous reductions ~~((or forgoing any future reductions))~~.

AMENDATORY SECTION (Amending WSR 98-20-023, filed 9/25/98, effective 10/1/98)

WAC 388-96-726 If a nursing facility's capital and/or noncapital component rates are below the state-wide weighted average payment rate for the capital and/or noncapital portion(s) of the rate identified in the biennial appropriations act, will the department reduce the facility's capital and/or noncapital component rates when it ~~((makes a rate reduction))~~ reduces rates under RCW 74.46.421? (1) Even if an individual nursing facility's capital and/or noncapital component rates are below the state-wide weighted average payment rate for the capital and/or noncapital portion(s) of the rate identified in the biennial appropriations act, the department ~~((must))~~ will reduce the nursing facility's capital and/or noncapital component rates as required under RCW 74.46.421.

(2) The department ~~((shall))~~ will not exempt any nursing facility from a component rates reduction required by RCW 74.46.421 for any circumstance, e.g., billed Medicaid days, under-spending of the biennial appropriation for nursing facility rates, etc.

NEW SECTION

WAC 388-96-730 How will the department reduce a nursing facility's capital and/or noncapital portion(s) of its rate so that the statewide weighted average payment rate for the capital and/or noncapital portion(s) of the

rate is equal to or less than the statewide weighted average for the capital and/or noncapital portion(s) of the rate identified in the biennial appropriations act? (1) The department will determine a percentage reduction factor (PRF) that, when applied to all nursing facilities' capital and/or noncapital portion(s) of their rates will result in a statewide weighted average payment rate for the capital and/or noncapital portion(s) of the rate that is equal to or less than the statewide weighted average payment rate for capital and/or noncapital portion(s) of the rate identified in the biennial appropriations act.

(2) By applying various percentages of the capital and/or noncapital portion(s) of the rates for all nursing facilities, the department will identify the percentage(s) that reduce(s) the statewide weighted average payment rate for the capital and/or noncapital portion(s) of the rate to equal to or less than the statewide weighted average payment rate for the capital and/or noncapital portion(s) of the rate identified in the biennial appropriations act.

(3) The percentage(s) identified in subsection (2) of this section will be the PRF(s). The department will apply the PFR(s) equally to all rate component allocations of each nursing facility's capital and/or noncapital portions of the rate.

NEW SECTION

WAC 388-96-731 When will the department reduce all nursing facilities capital and/or noncapital portion(s) of their rates? (1) Under RCW 74.46.421, the department will reduce the capital portion of the rate for each nursing facility when the statewide weighted average payment rate for the capital portion of the rate for all nursing facilities exceeds or is likely to exceed the statewide weighted average payment rate for the capital portion of the rate identified in the biennial appropriations act.

(2) Under RCW 74.46.421, the department will reduce the noncapital portion of the rate for each nursing facility when the statewide weighted average payment rate for the noncapital portion of the rate exceeds or is likely to exceed the statewide weighted average payment rate for the noncapital portion of the rate identified in the biennial appropriations act.

NEW SECTION

WAC 388-96-748 Financing allowance component rate allocation. (1) Beginning July 1, 1999, for each Medicaid nursing facility, the department will establish a financing allowance component rate allocation. The financing allowance component rate allocation will be rebased annually, effective July 1st, in accordance with this chapter and chapter 74.46 RCW.

(2) The department will determine the financing allowance component rate allocation by:

(a) Multiplying the net invested funds of each nursing facility by the applicable factor identified in subsection (3) of this section; and

(b) Dividing the sum of the products by the greater of:

(i) A nursing facility's total resident days from the most recent cost report period; or

(ii) Resident days calculated on eighty-five percent facility occupancy.

(3)(a) The multiplication factor required by subsection (2) (a) of this section is determined by the acquisition date of the tangible fixed asset(s). For each nursing facility, the department will multiply the net invested funds for assets acquired:

(i) Before May 17, 1999 by a factor of .10; and/or

(ii) On or after May 17, 1999 by a factor of .085.

(b) The department will apply the factor of .10 to the net invested funds pertaining to new construction or major renovations:

(i) That received certificate of need approval before May 17, 1999;

(ii) That received an exemption from certificate of need requirements under chapter 70.38 RCW before May 17, 1999; or

(iii) for which the nursing facility submitted working drawings to the department of health for construction review before May 17, 1999.

(c) For a new contractor as defined under WAC 388-96-026 (1)(c), assets acquired from the former contractor will retain their initial acquisition dates when determining the new contractor's financing allowance under this section.

AMENDATORY SECTION (Amending WSR 84-12-039 (Order 2105), filed 5/30/84)

WAC 388-96-767 Appraisal values. If a contractor is unwilling or unable to provide and document the lessor's historical cost of leased assets, the department shall arrange for an appraisal of such assets to be conducted by the state of Washington department of general administration. If such an appraisal is conducted, it shall be the basis for all property and ~~((return on investment reimbursement))~~ financing allowance component rate allocations, except that: If documentation subsequently becomes available to the department establishing the lessor's historical cost is less than the appraisal value, the historical cost shall be the basis for all property and ~~((return on investment reimbursement))~~ financing allowance component rate allocations.

AMENDATORY SECTION (Amending WSR 90-09-061 (Order 2970), filed 4/17/90, effective 5/18/90)

WAC 388-96-771 Receivership. (1) If the nursing home is providing care to recipients of state medical assistance, the receiver shall:

(a) Become the Medicaid contractor for the duration of the receivership period;

(b) Assume all reporting responsibilities for new contractors;

(c) Assume all other responsibilities for new contractors set forth in this chapter; and

(d) Be responsible for the refund of Medicaid rate payments in excess of costs during the period of receivership.

(2) In establishing the prospective rate during receivership the department shall consider:

(a) Compensation, if any, ordered by the court for the receiver. Such compensation may already be available to the receiver through the rate as follows:

(i) ~~((The return on investment))~~ Financing allowance and variable return component rate allocations, or

(ii) The administrator's salary in the case of facilities where the receiver is also the administrator.

If these existing sources of compensation are less than what was ordered by the court, additional costs may be allowed in the rate up to the compensation amount ordered by the court.

(b) Start-up costs and costs of repairs, replacements, and additional staff needed for patient health, security, and welfare. To the extent such costs can be covered through ~~((return on investment))~~ the financing allowance and the variable return component rate allocations, no additional monies will be added to the rate;

(c) Any other allowable costs as set forth in this chapter.

(3)(a) Upon order of the court, the department shall provide emergency or transitional financial assistance to a receiver not to exceed thirty thousand dollars.

(b) The department shall recover any emergency or transitional expenditure made by the department on behalf of a nursing home not certified to participate in the Medicaid Title XIX program from revenue generated by the facility which is not obligated to the operation of the facility.

(c) In order to help recover an emergency or transitional expenditure, regardless of whether the facility is certified to participate in the Medicaid Title XIX program or not, the department may:

(i) File an action against the former licensee or owner at the time the expenditure is made to recover such expenditure; or

(ii) File a lien on the facility or on the proceeds of the sale of the facility.

(4) If recommendations on receiver's compensation are solicited from the department by the court, the department shall consider the following:

(a) The range of compensation for nursing home managers;

(b) Experience and training of the receiver;

(c) The size, location, and current condition of the facility;

(d) Any additional factors deemed appropriate by the department.

(5) When the receivership terminates, the department may revise the nursing home's Medicaid reimbursement. The Medicaid reimbursement rate for:

(a) The former owner or licensee shall be what it was before receivership, unless the former owner or licensee requests prospective rate revisions from the department as set forth in this chapter; and

(b) Licensed replacement operators shall be determined consistent with rules governing prospective reimbursement rates for new contractors as set forth in this chapter.

AMENDATORY SECTION (Amending WSR 98-20-023, filed 9/25/98, effective 10/1/98)

WAC 388-96-776 Add-ons to the payment rate—Capital improvements. (1) The department shall grant an add-on to a payment rate for any capitalized additions or replacements made as a condition for licensure or certification; provided, the net rate effect is ten cents per patient day or greater.

(2) The department shall grant an add-on to a prospective rate for capitalized improvements done under RCW 74.46.431(12); provided, the legislature specifically appropriates funds for capital improvements for the biennium in which the request is made and the net rate effect is ten cents per patient day or greater. Physical plant capital improvements include, but are not limited to, capitalized additions, replacements or renovations made as a result of an approved certificate of need or exemption from the requirements for certificate of need for the replacement of existing nursing facility beds pursuant to RCW 70.38.115 (13)(a) or capitalized additions or renovations for the removal of physical plant waivers.

(3) Rate add-ons granted pursuant to subsection (1) or (2) of this section shall be limited in total amount each fiscal year to the total current legislative appropriation, if any, specifically made to fund the Medicaid share of such rate add-ons for the fiscal year. Rate add-ons are subject to the provisions of RCW 74.46.421.

(4) When physical plant improvements made under subsection (1) or (2) of this section are completed in phases, the department shall not grant a rate add-on for any addition, replacement or improvement until each phase is completed and fully utilized for the purpose for which it was intended. The department shall limit rate add-on to only the actual cost of the depreciable tangible assets meeting the criteria of RCW 74.46.330 and as applicable to that specific completed and fully utilized phase.

(5) When the construction class of any portion of a newly constructed building will improve as the result of any addition, replacement or improvement occurring in a later, but not yet completed and fully utilized phase of the project, the most appropriate construction class, as applicable to that completed and fully utilized phase, will be assigned for purposes of calculating the rate add-on. The department shall not revise the rate add-on retroactively after completion of the portion of the project that provides the improved construction class. Rather, the department shall calculate a new rate add-on when the improved construction class phase is completed and fully utilized and the rate add-on will be effective in accordance with subsection (9) of this section using the date the class was improved.

(6) The department shall not add on construction fees as defined in WAC 388-96-747 and other capitalized allowable fees and costs as related to the completion of all phases of the project to the rate until all phases of the entire project are completed and fully utilized for the purpose it was made. At that time, the department shall add on these fees and costs to the rate, effective no earlier than the earliest date a rate add-on was established specifically for any phase of this project. If the fees and costs are incurred in a later phase of the

project, the add-on to the rate will be effective on the same date as the rate add-on for the actual cost of the tangible assets for that phase.

(7) The contractor requesting an adjustment under subsection (1) or (2) shall submit a written request to the office of rates management separate from all other requests and inquiries of the department, e.g., WAC 388-96-904 (1) and (5). A complete written request shall include the following:

(a) A copy of documentation requiring completion of the addition or replacements to maintain licensure or certification for adjustments requested under subsection (1) of this section;

(b) A copy of the new bed license, whether the number of licensed beds increases or decreases, if applicable;

(c) All documentation, e.g., copies of paid invoices showing actual final cost of assets and/or service, e.g., labor purchased as part of the capitalized addition or replacements;

(d) Certification showing the completion date of the capitalized additions or replacements and the date the assets were placed in service per RCW 74.46.360;

(e) A properly completed depreciation schedule for the capitalized additions or replacement as provided in this chapter;

(f) A written justification for granting the rate increase; and

(g) For capitalized additions or replacements requiring certificate of need approval, a copy of the approval and description of the project.

(8) The department's criteria used to evaluate the request may include, but is not limited to:

(a) The remaining functional life of the facility and the length of time since the facility's last significant improvement;

(b) The amount and scope of the renovation or remodel to the facility and whether the facility will be better able to serve the needs of its residents;

(c) Whether the improvement improves the quality of living conditions of the residents;

(d) Whether the improvement might eliminate life safety, building code, or construction standard waivers;

(e) Prior survey results; and

(f) A review of the copy of the approval and description of the project.

(9) The department shall not grant a rate add-on effective earlier than sixty days prior to the receipt of the initial written request by the office of rates management and not earlier than the date the physical plant improvements are completed and fully utilized. The department shall grant a rate add-on for an approved request as follows:

(a) If the physical plant improvements are completed and fully utilized during the period from the first day to the fifteenth day of the month, then the rate will be effective on the first day of that month; or

(b) If the physical plant improvements are completed and fully utilized during the period from the sixteenth day and the last day of the month, the rate will be effective on the first day of the following month.

(10) If the initial written request is incomplete, the department will notify the contractor of the documentation and information required. The contractor shall submit the

requested information within fifteen calendar days from the date the contractor receives the notice to provide the information. If the contractor fails to complete the add-on request by providing all the requested documentation and information within the fifteen calendar days from the date of receipt of notification, the department shall deny the request for failure to complete.

(11) If, after the denial for failure to complete, the contractor submits a written request for the same project, the date of receipt for the purpose of applying subsection (9) of this section will depend upon whether the subsequent request for the same project is complete, i.e., the department does not have to request additional documentation and information in order to make a determination. If a subsequent request for funding of the same project is:

(a) Complete, then the date of the first request may be used when applying subsection (9) of this section; or

(b) Incomplete, then the date of the subsequent request must be used when applying subsection (9) of this section even though the physical plant improvements may be completed and fully utilized prior to that date.

(12) The department shall respond, in writing, not later than sixty calendar days after receipt of a complete request.

(13) If the contractor does not use the funds for the purpose for which they were granted, the department shall immediately recoup the misspent or unused funds.

(14) When any physical plant improvements made under subsection (1) or (2) of this section results in a change in licensed beds, any rate add-on granted will be subject to the provisions regarding the number of licensed beds, patient days, occupancy, etc., included in this chapter and chapter 74.46 RCW.

(15) All rate components to fund the Medicaid share of nursing facility new construction or refurbishing projects costing in excess of one million two hundred thousand dollars, or projects requiring state or federal certificate of need approval, shall be based upon a minimum facility occupancy of eighty-five percent for the direct care, therapy care, support services, operations (~~and property cost centers, and the return on investment (ROI) rate~~), property, financing allowance, and variable return component rate allocations, during the initial rate period in which the adjustment is granted. These same component rate(s) allocations shall be based upon a minimum facility occupancy of eighty-five percent for all rate periods after the initial rate period.

(16) When a capitalized addition or replacement results in an increased licensed bed capacity during the calendar year following the capitalized addition or replacement:

(a) The department shall for:

(i) Property, use the facility's anticipated resident occupancy level subsequent to the increase in licensed bed capacity; and

(ii) The financing allowance, multiply the net invested funds by ten percent and divide by the facility's anticipated resident occupancy level subsequent to the increase in licensed bed capacity; and

(b) The anticipated resident occupancy for the increased number of beds must be at or above eighty-five percent. In all cases the department shall use at least eighty-five percent occupancy of the facility's increased licensed bed capacity.

WSR 99-15-001
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES

[Order 702—Filed July 7, 1999, 1:42 p.m.]

Date of Adoption: July 1, 1999.

Purpose: Establish regions of extra fire hazard which are closed to entry due to the high fire risk.

Statutory Authority for Adoption: [RCW 76.04.305.]

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: Certain areas of the state are particularly exposed to fire danger due to the high fire risk. In order to prevent a fire from starting whereby lives and property would be at risk, it is necessary to post these lands as closed to entry.

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 1, 1999

Charles Baum

Department Supervisor

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Jennifer Belcher, Commissioner

NOTICE OF DECLARATION OF AREAS OF
EXTREME FIRE HAZARD

NEW SECTION

WAC 332-26-010 Southwest region closures COWLITZ COUNTY: Township 10 North, Range 1 West, W.M: Section 11 parts E1/2 NW1/4, parts NE1/4, parts E1/2 SE1/4.

When in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he/she may suspend this Notice by issuing a news release to the newspapers of general circulation in the Region and to radio and television stations serv-

ing the Region, specifying the date and time of the suspension and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he/she will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

"Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations."

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective tentatively midnight Thursday, July 1, 1998 to midnight Friday, October 15, 1999.

JENNIFER M. BELCHER
Commissioner of Public Lands

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

WSR 99-15-008
EMERGENCY RULES
LAKE WASHINGTON
TECHNICAL COLLEGE
[Filed July 8, 1999, 2:47 p.m.]

Date of Adoption: July 6, 1999.

Purpose: To amend on an emergency basis WAC 495D-135-040 to reflect changes necessary to comply with federal and state provisions for calculation and payment of student refunds.

Citation of Existing Rules Affected by this Order: Amending WAC 495D-135-040.

Statutory Authority for Adoption: RCW 28B.50.140.

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: Staff review of changes in college course structure, with assistant attorney general concurrence, determined that minor refund policy revisions are necessary to ensure compliance with federal rules and state statutes.

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: Immediately.

July 6, 1999
Gary D. Cohn
President

AMENDATORY SECTION (Amending WSR 93-19-075 [95-17-052], filed 9/14/93 [8/14/95], effective 10/15/93 [9/14/95])

WAC 495D-135-040 Tuition and special course/program connected fees refund policy. Upon withdrawal from college or reduction in class load and the completion of all applicable fee refund forms, the student may receive a tuition and/or fee refund under the following conditions:

(1) A full refund of general tuition fees, operating fees, special course/program connected fees, and services and activities fees will be made if the student has properly withdrawn prior to the first class session.

(2) A full refund will be made when courses or programs are canceled by the college.

(3) Upon withdrawal or termination from a state-supported course on or after the first day of instruction and prior to the sixth day of instruction of the regular quarter or registration period for which the tuition and fees have been paid or are due, an eighty percent refund will be made. When a registration is for a first-time federally funded student, his or her refund will be calculated on a pro rata basis consistent with applicable federal rules.

(4) Upon withdrawal or termination from a state-supported course after the fifth day of instruction and up to the twentieth calendar day of the regular quarter or registration period for which the tuition and fees have been paid or are due, a fifty percent refund will be made. When a registration is for a first-time federally funded student, his or her refund will be calculated on a pro rata basis consistent with applicable federal rules.

(5) Refunds for withdrawals or terminations from state-supported courses that start after the regular quarter begins, or from state-supported short courses, shall be made in proportion to the amounts prescribed in subsections (3) and (4) of this section. However, the college will use the start date of the student's longest course or registration period during the regular quarter when calculating refunds upon the student's withdrawal from all courses. Refunds will be made prior to the second scheduled class meeting for self-supported courses, except that refunds will be made only prior to a single-session self-supported course.

(6) Refund requests must be made in person or in writing. Refund requests may not be made by telephone.

(7) Refund processing procedures shall be established by the president.

(8) Exceptions may be made at the president's discretion for students who withdraw for bona fide medical reasons or when called into the military service.

(9) The college may charge a registration or transfer fee set by the president for registration or transfer processing.

(10) Refunds of less than five dollars will not be made.

(11) Students who have paid fees for equipment or material which have a return/refund value must obtain written verification and approval on an appropriate form from the instructor or staff person who is responsible for the return/refund.

(12) Fees which are nonrefundable and not subject to this policy will be set by the president and identified as such in the quarterly course schedule and/or course announcement.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 99-15-009
EMERGENCY RULES
LAKE WASHINGTON
TECHNICAL COLLEGE

[Filed July 8, 1999, 2:50 p.m.]

Date of Adoption: July 6, 1999.

Purpose: To amend on an emergency basis WAC 495D-120-040 to provide the college with adequately comprehensive definition of student misconduct.

Citation of Existing Rules Affected by this Order: Amending WAC 495D-120-040.

Statutory Authority for Adoption: RCW 28B.50.140.

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: Staff review of definitions of student conduct and misconduct is too limited in the college's policies and procedures and needs to be more comprehensive.

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: Immediately.

July 6, 1999
Gary D. Cohn
President

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-040 Student misconduct. Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) Smoking is prohibited in all enclosed college facilities and other areas so posted by college officials;

(2) The possession, use, sale, or distribution of any alcoholic beverage or illegal drug on the college campus is prohibited, except as specifically provided for by board policy. The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on non-college property shall conform to state law;

(3) Engaging in lewd, indecent, or obscene behavior;

(4) Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education process of the college;

(5) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

(6) The intentional making of false statements or filing of false charges against the college and members of the college community;

(7) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(8) Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises;

(9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;

(10) Possession of firearms, licensed or unlicensed, except where possessed by commissioned police officers as prescribed by law.

(11) Failure to comply with a college rule or policy, as set forth in the *Lake Washington Technical College Policies and Procedures Manual*;

(12) Failure to comply with college attendance policy as published in the current edition of the *Student Handbook*;

(13) Retaliation upon witnesses or accusers under this chapter.

The Lake Washington Technical College Policies and Procedures Manual and Student Handbook are available during normal business hours for review in the college's library.

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

EMERGENCY

WSR 99-15-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-93—Filed July 9, 1999, 2:03 p.m., effective July 9, 1999, 11:59 p.m.]

Date of Adoption: July 8, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500J; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: The halibut quota is projected to be taken by July 9, 1999. This action is necessary to fulfill the provisions of the halibut catch sharing plan adopted by the Pacific Fisheries Management Council. 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 9, 1999, 11:59 p.m.

July 8, 1999

J. D. Brittell

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-56-25500K Halibut—Seasons—Daily limits. Notwithstanding the provisions of WAC 220-56-235, effective 11:59 p.m. July 9, 1999 until further notice it is unlawful to fish for or possess halibut taken for personal use except as provided for in this section:

(1) Catch Record Card Area 1: Open until further notice. Minimum size 32 inches in length. The daily limit is the first halibut 32 inches in length or greater brought aboard the vessel.

(2) Catch Record Card Area 2:

(a) Waters south of the Queets River, north of 47°N and east of 124°40'W: Open until further notice.

(b) All other open waters in Area 2: Closed until further notice.

(3) Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5 through 13: Open immediately through July 12, 1999.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. July 9, 1999:

WAC 220-56-25500J Halibut—Seasons—Daily limits. (99-70)

WSR 99-15-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-94—Filed July 9, 1999, 2:07 p.m., effective July 10, 1999, 12:01 a.m.]

Date of Adoption: July 9, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000H and 220-24-02000I; and amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that 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 quota of salmon is available for troll fishermen. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council and is consistent with federal law. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: July 10, 1999, 12:01 a.m.

July 9, 1999

Jeff P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-24-02000I Commercial salmon troll. Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh line, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River from the U.S. - Canada border to Cape Falcon, Oregon except as provided for in this section:

(1) Effective 12:01 a.m., July 10, 1999 through 11:59 p.m. September 30, 1999, it is lawful to fish for and possess salmon in those waters of Washington Catch Reporting Areas 2, 3 and that portion of area 4 which is west of 125°05'00" W Longitude and South of 48°23'00"N from Leadbetter Point north to Cape Flattery (48°23'00" N).

(2) Open Saturdays through Tuesdays and closed Wednesdays through Fridays.

(3) Gear is restricted to plugs 6 inches or longer only with single point, single shank barbless hooks only. No more than 4 spreads per line. Flashers without hooks may be used if installed below the second spread from the top and will not be counted as a spread. No more than one flasher per line.

(4) Each participating vessel must land and deliver to a port within the area or an adjacent closed area within 24 hours of any closure. Each vessel may possess, land and deliver no more than 100 coho per open period.

(5) No chinook salmon smaller than 28 inches in total length or coho salmon smaller than 16 inches in length may be taken or retained in the fishery provided for herein, except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(6) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

[REPEALER]

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000H Commercial salmon troll.
(99-54)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 30, 1999:

WAC 220-24-02000I Commercial salmon troll.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 99-15-015
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-95—Filed July 9, 1999, 2:10 p.m., effective July 10, 1999, 12:01 a.m.]

Date of Adoption: July 9, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-57-17500Q and 220-57-17500R; and amending WAC 220-57-175.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: The Cowlitz Salmon Hatchery is projected to achieve the adult spring chinook escapement goal. Based on run timing, hatchery escapement may reach 1,300 fish. The sport fishery impacts are expected to be at levels that will allow the hatchery to meet its escapement goal. 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 10, 1999, 12:01 a.m.

July 9, 1999

Jeff P. Koenings

Director

by Larry Peck

EMERGENCY

NEW SECTION

WAC 220-57-17500R Cowlitz River. Notwithstanding the provisions of WAC 220-57-175, effective 12:01 a.m. July 10, 1999 through July 31, 1999, it is lawful to fish for or possess salmon in those waters of the Cowlitz River 400 feet below the barrier dam at the Cowlitz Salmon Hatchery downstream to the mouth. Daily limit of one chinook salmon not less than 12 inches in length. Night closure and non-buoyant lure restrictions are in effect and fishing from boats is prohibited in those waters from the mouth of Mill Creek to a boundary marker on the opposite shore upstream to boundary markers located approximately 400 feet below the barrier dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. July 9, 1999:

WAC 220-57-17500Q Cowlitz River. (99-51)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. July 31, 1999:

WAC 220-57-17500R Cowlitz River.

WSR 99-15-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-97—Filed July 12, 1999, 1:23 p.m., effective July 13, 1999, 5:00 p.m.]

Date of Adoption: July 12, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-88A-07000T; and amending WAC 220-88A-070.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: The provisions of this emergency rule are necessitated by federal court order. The state may not authorize commercial shellfish harvests absent agreed planning or compliance with a process. Agreed plans with applicable tribes have been entered as required by the court order. Such plans have the effect of a federal court order. 898 F. Supp. 1453, 1466, 3.1. Pursuant to RCW 34.04.350, the need to comply with such federal court orders in the form of allocative management plans constitutes an emergency that requires bypassing the time periods inherent in permanent rule making. Failure to comply with the conservation and/or allocation requirements of such plans may result in contempt of federal court or failure of all commercial shrimp fishing in a given region addressed by a plan. The state's quota share of spot shrimp in Shrimp Management Harvest Area 1B is projected to be taken by this section date. These rules are necessary to implement the 1999 state/tribal Puget Sound shrimp harvest management plan, and meet all allocation requirements under Subproceeding 89-3 in *United States v. Washington*. These rules will allow for a sharing of catch between treaty and nontreaty shrimp fishers. 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 13, 1999, 5:00 p.m.

July 12, 1999

Jeff P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-88A-07000U Puget Sound shrimp—Weekly trip limits and open areas—Closes 1B to spot shrimp and opens 1A for one week with 600 pound limit Notwithstanding the provisions of WAC 220-88A-070, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except as provided for in this section:

(1) All waters of Crustacean Management Regions 1B, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp immediately until further notice, with the following exceptions:

(a) Effective 5:00 p.m. July 13, 1999 until further notice, all waters of Crustacean Management Region 1B are closed to the harvest of spot shrimp.

(b) Effective 8:00 a.m. July 19 until 5:00 p.m. July 25, all waters of Crustacean Management Region 1A are open to the harvest of all shrimp.

(c) All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B and 26C, and all waters of Crustacean Management Regions 1A and 2 are closed to the harvest of spot shrimp.

(2) It is unlawful to set or pull shellfish pot gear from one hour after official sunset until one hour before official sunrise.

(3) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 800 pounds per week or to exceed 600 pounds per week from Crustacean Management Region 1A or 300 pounds per week from Crustacean Management Regions 4 or 6. The spot shrimp trip limit accounting week is Monday through Sunday.

(4) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day.

(5) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Catch Reporting Area.

(6) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed whole-

sale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:00 p.m. July 13, 1999:

WAC 220-88A-07000T Emerging commercial fishery—Puget Sound shrimp pot (99-87)

WSR 99-15-020
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-96—Filed July 12, 1999, 1:25 p.m.]

Date of Adoption: July 12, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-27000G and 220-57-27000H; and amending WAC 220-57-270.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: In-season management data has indicated that the run size is large enough to accommodate additional harvest. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: Immediately.

July 12, 1999
Jeff P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-57-27000H Hoh River. Notwithstanding the provisions of WAC 220-57-270:

(1) Effective 12:01 a.m. July 14, through August 31, 1999, in those waters from the mouth of the Hoh River to Morgan's Crossing: Wednesday through Sundays the daily limit is six salmon, only one of which may be an adult; Mondays and Tuesdays the daily limit is six jack salmon (release adults).

(2) Effective 12:01 a.m. July 14, through August 31, 1999, Daily limit of six jack salmon in those waters from Morgan's Crossing upriver to the Hoh River's South Fork.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-27000G Hoh River. (99-58)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. August 31, 1999:

WAC 220-57-27000H Hoh River

WSR 99-15-036
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-98—Filed July 14, 1999, 4:20 p.m., effective July 21, 1999]

Date of Adoption: July 14, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100K; 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 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: Harvestable amounts of sea cucumbers are available in all districts and areas listed. It is predicted that the South Sound region (26D, 28A, 28B, 28C and 28D) will reach quota by close of fishing on July 20, 1999. San Juan Channel and southwestern Haro Strait are closed consistent with state/tribal agreement. Octopus Hole Conservation Area, Orchard Rocks Conservation Area, City of Des Moines Park Conservation Area, South 239th Street Park Conservation Area and Brackett's Landing Shoreline Sanctuary Conservation Area are closed to preserve the character of the marine preserves. Tatoosh Island closure is consistent with tribal agreements. Eagle Harbor and Sinclair Inlet are closed for health-related reasons. Two divers are allowed when a vessel is designated on two licenses, consistent with SB 5658 passed by the 1999 legislature. 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 21, 1999.

July 14, 1999

Jeff P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-07100L Sea cucumbers Notwithstanding the provisions of WAC 220-52-071, effective 11:59 p.m. July 20, 1999 until further notice, it is unlawful 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, and 29), and Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A, 26B, 26C, 27A, 27B, and 27C, 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 areas are closed to the harvest of sea cucumbers at all times:

(a) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(b) Those waters of San Juan Channel and Upright Channel within the following lines: north of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, south of a line projected from Flat Point on Lopez Island true west to Shaw Island, west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island, and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

(c) Octopus Hole Conservaton Area - Those waters and bedlands of Hood Canal within a line projected due east from the western shore of Hood Canal on latitude 47°27'01"N for 200 yards, thence southerly 628 yards parallel to the high water mark to latitude 46°26'66", thence due west to shore, but excluding those tidelands, bedlands and waters within 100 feet of the high water mark.

(d) Orchard Rocks Conservation Area - Those waters and bedlands of Rich Passage north and west within a 400 yard radius of Orchard Rocks between a line projected from

Orchard Rocks day marker and a line projected from Orchard Rocks day marker southwesterly through the R '6' flashing red (2.5s) buoy as well as waters within 50 yards of Orchard Rocks day marker.

(e) City of Des Moines Park Conservation Area - Those tidelands owned by the City of Des Moines at City of Des Moines Park, and the water column above these tidelands.

(f) South 239th Street Park Conservation Area - Those tidelands owned by the City of Des Moines at South 239th Street Park, and the water column above these tidelands.

(g) Brackett's Landing Shoreline Sanctuary Conservation Area - Those tidelands owned by the City of Edmonds at Brackett's Landing Shoreline Sanctuary, and the water column above these tidelands.

(h) Tatoosh Island - Those waters within one-quarter mile of Tatoosh Island.

(i) The waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1 then due west to the shore on Bainbridge Island.

(j) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to land-fall below the Veteran's Home in Annapolis.

(3) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on July 24, 25 and 31, August 1, 7, 8, 14, 15, 21, 22, 28 and 29, 1999.

(4) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea cucumber harvest operation or when commercial quantities of sea cucumbers are aboard, except that two divers may be in the water if the vessel has been designated on two sea cucumber dive fishery licenses.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 21, 1999:

WAC 220-52-07100K Sea cucumbers. (99-74)

WSR 99-15-037

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 99-99—Filed July 14, 1999, 4:23 p.m.]

Date of Adoption: July 13, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-35000A and 220-56-38000T; and amending WAC 220-56-350 and 220-56-380.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: This regulation is necessary to ensure conservation and/or court ordered sharing of the allowable harvest. There is insufficient time to promulgate permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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 13, 1999

Jeff P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-35000B Clams other than razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-350, effective immediately until further notice, it is unlawful to harvest or possess clams, cockles, or mussels taken for personal use from the following public tidelands during the closed periods herein, and lawful to harvest only during the open periods specified herein:

(1) Kitsap Memorial State Park - **Closed** until further notice.

(2) South Indian Island County Park - **Closed** until further notice.

NEW SECTION

WAC 220-56-38000U Oysters—Areas and seasons. Notwithstanding the provisions of WAC 220-56-380, effective immediately until further notice, it is unlawful to harvest or possess oysters taken for personal use from the following public tidelands except as provided below:

(1) DNR 46 (east side of Hood Canal) - **Closed** until further notice.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-35000A Clams other than razor clams—Areas and seasons. (99-84)

WAC 220-56-38000T Oysters—Areas and seasons. (99-84)

**WSR 99-15-038
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 99-100—Filed July 14, 1999, 4:27 p.m.]

Date of Adoption: July 14, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000T; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 75.08.080.

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: Crab testfishing results from Whatcom County (excluding Bellingham Bay) do not meet hardshell criteria established by agreed state/tribal harvest plans. The agreed plans require fishery closures to prevent unacceptable handling mortality and resource loss when hardshell criteria are not met. Failure to comply with the conservation and/or allocation requirements of such plans may result in contempt of federal court or failure of all crab fishing in a given region addressed by a plan. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: Immediately.

July 14, 1999

Jeff P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-33000U Personal use crab pot fishery—Exceptions to permanent rules—Delayed opening for Whatcom County outside Bellingham Bay Notwithstanding the provisions of WAC 220-56-330, effective 12:01 a.m. July 16, 1999 until further notice, it is unlawful to fish

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for and possess crab taken for personal use using shellfish pot gear in those waters of Catch Record Card Area 7 within Whatcom County north of a line from Point Francis in Bellingham Bay to the north end of Inati Bay on Lummi Island; and north of line projected 300 degrees true northwest from Village Point on the west side of Lummi Island to the U.S./Canada border. All waters of Bellingham Bay remain open to personal use crab pot harvest.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. July 15, 1999:

WAC 220-56-33000T Personal use crab fishery— Allocation/softshell closures. (99-92)

**WSR 99-15-045
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)
[Filed July 15, 1999, 11:41 a.m., effective July 23, 1999]

Date of Adoption: July 15, 1999.

Purpose: These amendments change income standards to reflect the new federal poverty level (FPL). These changes will increase the number of people eligible for the medical programs based on the FPL, including pregnant women, children, and those people eligible for Medicare cost sharing programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0075 and 388-478-0085.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.04.057, 74.09.530 and the poverty guidelines updated annually in the Federal Register by the United States Department of Health and Human Services under authority of Section 673(2) of the Omnibus Budget Reconciliation Act (42 U.S.C. 9902(2)).

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: The increase in FPL must go into effect by April 1, 1999, to comply with federal requirements. An emergency rule was filed on March 25, 1999, under WSR 99-08-001; it expires July 23, 1999. The rule is being proposed for permanent adoption, but in order to keep the new increased income levels in effect until the permanent rule is adopted, this emergency filing is needed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 2, 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.

Effective Date of Rule: July 23, 1999.

July 15, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-478-0075 Medical programs—Monthly income standards (~~for~~) based on the federal poverty level (~~(income-based programs)~~) (FPL). (1) The department bases the income (~~(eligibility)~~) standard upon the Federal Poverty Level (FPL) for the following medical programs (~~(is based upon the Federal Poverty Level (FPL) as established by the U.S. Department of Labor and updated annually)~~):

(a) Children's health program is one hundred percent of FPL(~~;~~);

(b) Pregnant women's program is one hundred eighty-five percent of FPL(~~, and~~);

(c) Children's categorically needy program is two hundred percent of FPL; and

(d) The children's health insurance program (CHIP), effective January 1, 2000, is over two hundred percent of FPL but under two hundred fifty percent of FPL.

(2) (~~The FPL is effective as of~~) Beginning April 1, (1998-) 1999, the monthly FPL standards are:

FAMILY SIZE	100% FPL	185% FPL	200% FPL	250% FPL
1	\$((674)) <u>687</u>	\$((1242)) <u>1271</u>	\$((1342)) <u>1374</u>	<u>\$1717</u>
2	\$((905)) <u>922</u>	\$((1673)) <u>1706</u>	\$((1809)) <u>1844</u>	<u>\$2305</u>
3	\$((1138)) <u>1157</u>	\$((2105)) <u>2140</u>	\$((2275)) <u>2314</u>	<u>\$2892</u>
4	\$((1371)) <u>1392</u>	\$((2537)) <u>2575</u>	\$((2742)) <u>2784</u>	<u>\$3480</u>
5	\$((1605)) <u>1627</u>	\$((2968)) <u>3010</u>	\$((3209)) <u>3254</u>	<u>\$4067</u>
6	\$((1838)) <u>1862</u>	\$((3400)) <u>3445</u>	\$((3675)) <u>3724</u>	<u>\$4655</u>

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7	\$ ((2074)) <u>2097</u>	\$ ((3832)) <u>3879</u>	\$ ((4142)) <u>4194</u>	<u>\$5242</u>
8	\$ ((2305)) <u>2332</u>	\$ ((4263)) <u>4314</u>	\$ ((4609)) <u>4664</u>	<u>\$5830</u>
9	\$ ((2538)) <u>2567</u>	\$ ((4695)) <u>4749</u>	\$ ((5075)) <u>5134</u>	<u>\$6417</u>
10	\$ ((2774)) <u>2802</u>	\$ ((5127)) <u>5184</u>	\$ ((5542)) <u>5604</u>	<u>\$7005</u>

Add to the ten person standard for each person over ten:

\$ ((234)) <u>235</u>	\$ ((432)) <u>435</u>	\$ ((467)) <u>470</u>	<u>\$588</u>
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(3) There are no resource limits for the programs under this section.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-478-0085 Medicare cost sharing programs—Monthly income and countable resources standards. (1) The qualified Medicare beneficiary (QMB) program income standard is ~~((based upon))~~ one hundred percent of the Federal Poverty Level (FPL). Beginning April 1, ~~((1998, this))~~ 1999, the QMB program's income standards are:

(a) One person	\$ ((674)) <u>687</u>
(b) Two persons	\$ ((905)) <u>922</u>

(2) The special low-income Medicare beneficiary (SLMB) program income standard is over one hundred percent of ~~((the))~~ FPL, but under one hundred twenty percent of ~~((the))~~ FPL. Beginning April 1, ~~((1998, this))~~ 1999, the SLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$ ((674.01)) <u>687.01</u>	\$ ((805)) <u>824</u>
(b) Two persons	\$ ((905.01)) <u>922.01</u>	\$ ((1085)) <u>1106</u>

(3) The expanded special low-income Medicare beneficiary (ESLMB) program income standard is over one hundred twenty percent of ~~((the))~~ FPL, but under one hundred thirty-five percent of ~~((the))~~ FPL. Beginning April 1, ~~((1998, this))~~ 1999, the ESLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$ ((805.01)) <u>824.01</u>	\$ ((906)) <u>927</u>
(b) Two persons	\$ ((1085.01)) <u>1106.01</u>	\$ ((1224)) <u>1245</u>

(4) The qualified disabled working individual (QDWI) program income standard is based upon two hundred percent of ~~((the))~~ FPL. Beginning April 1, ~~((1998, this))~~ 1999, the QDWI program's income standards are:

(a) One person	\$ ((1342)) <u>1374</u>
(b) Two persons	\$ ((1809)) <u>1844</u>

(5) The qualified individual (QI) program income standard is over one hundred thirty-five percent of ~~((the))~~ FPL, but under one hundred seventy-five percent of ~~((the))~~ FPL. Beginning April 1, ~~((1998 this))~~ 1999, the QI program's income standards are:

	Minimum	Maximum
(a) One person	\$ ((906.01)) <u>927.01</u>	\$ ((1174)) <u>1202</u>
(b) Two persons	\$ ((1221.01)) <u>1245.01</u>	\$ ((1583)) <u>1613</u>

(6) The ~~((countable))~~ resource standard~~((s))~~ for ~~((all of))~~ the Medicare cost sharing programs in this section~~((s are the same. These resource standards are))~~ is:

(a) One person	\$4000
(b) Two persons	\$6000

WSR 99-15-061
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-101—Filed July 16, 1999, 2:50 p.m.]

Date of Adoption: July 16, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
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 state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: This rule opens coastal salmon fishing consistent with recommendations of the Pacific Fisheries Management Council. This rule implements the permanent rule which has not yet taken effect.

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

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

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

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

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

EMERGENCY

Effective Date of Rule: Immediately.

July 16, 1999
Jeff P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-19000X Coastal salmon seasons. Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to fish for salmon for personal use from Catch Record Card Areas 1 through 4 except as provided in this section:

(1) Area 1 - Open July 19, 1999, until further notice, Sunday through Thursday of each week only. Daily limit 2 salmon not more than one of which may be a chinook salmon and release wild coho, cumulative limit of six salmon in each Sunday through Thursday period. Columbia River Mouth Control Zone closed.

(2) Area 2 and Area 2-2 west of the Buoy 13 line - Open July 19, 1999, until further notice, Sunday through Thursday of each week only. Daily limit 2 salmon not more than one of which may be a chinook salmon and release wild coho, cumulative limit of six salmon in each Sunday through Thursday period.

(3) Area 3 - Open July 19, 1999, until further notice. Daily limit 2 salmon except release wild coho.

(4) Area 4 - Open July 19, 1999, until further notice. Daily limit 2 salmon except release chinook and wild coho.

EMERGENCY

WSR 99-14-071
RULES OF COURT
STATE SUPREME COURT
[July 1, 1999]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO NEW CrRLJ) NO. 25700-A-661
4.2(i); CrR 4.2(g); CrRLJ 4.2(g) AND JuCR)
7.7)

The Washington Pattern Forms Committee having recommended the adoption of the proposed amendments to New CrRLJ 4.2(i); CrR 4.2(g); CrRLJ 4.2(g) and JuCR 7.7, 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, 1999.

DATED at Olympia, Washington this 1st day of July, 1999.

Guy, C. J.
B. Durham
Alexander, J.
Madsen, J.
Smith, J.
Johnson, J.
Sanders, J.
Talmadge, J.
Ireland, J.

CrRLJ 4.2
PLEAS AND PRETRIAL DISPOSITION
[New Section (i)]

(i) Deferred Prosecution. A written petition shall be filed at the time a defendant moves the court to grant a deferred prosecution under RCW Chapter 10.05. The petition shall be in substantially the following form:

Form with fields for COURT OF WASHINGTON, FOR, PLAINTIFF, VS., DEFENDANT, NO., PETITION FOR DEFERRED PROSECUTION, CHARGES, VIOLATION DATE.

COMES NOW the defendant and petitions the court for deferred prosecution pursuant to RCW Chapter 10.05, and states as follows:

1. I allege the wrongful conduct charged is the result of or caused by

- [] ALCOHOLISM [] DRUG ADDICTION [] MENTAL PROBLEMS,

for which I need treatment.

2. Unless I receive treatment for my problem, the probability of future reoccurrence is great.

3. I agree to pay for the cost of diagnosis and treatment, if financially able to do so, subject to RCW 10.05.130.

4. I understand that the court will not accept a petition for deferred prosecution from a person who sincerely believes that he or she is innocent of the crime(s) charged or does not suffer from alcoholism, drug addiction, or mental problems.

5. If this charge is a violation of Title 46 or similar municipal ordinance, I have not previously been placed on a deferred prosecution for a Title 46 or similar municipal ordinance violation.

6. A case history and assessment have been filed with this petition pursuant to RCW 10.05.020.

7. I understand and acknowledge I have the following rights: (a) to have a lawyer represent me at all hearings; (b) to have a lawyer appointed at public expense if I cannot afford one; (c) to a speedy, public jury trial; (d) to appeal any conviction; (e) to remain silent and not testify; (f) to question witnesses who testify against me; (g) to call witnesses to testify for me, at no cost; (h) to be presumed innocent unless the charge(s) against me is proven beyond a reasonable doubt;

and (i) to present evidence and a defense. By deferring prosecution on these charges, I understand I give up my right to: (a) a speedy trial; (b) a jury; (c) testify; (d) question witnesses; (e) call witnesses; and (f) present evidence or a defense.

8. I stipulate to the admissibility and sufficiency of the facts in the attached police reports. I acknowledge that the above items will be entered and used to support a finding of guilty if the deferred prosecution is revoked.

9. If my deferred prosecution is revoked and I am found guilty, I understand that I may be sentenced up to the maximum penalty allowed by law.

10. I understand that if I proceed to trial and I am found guilty, I may be allowed to seek suspension of some or all fines and incarceration if I seek treatment. I understand that I may seek treatment from a public or private agency at any time, whether or not I have been found guilty or placed on deferred prosecution.

11. I understand that for some crimes, a deferred prosecution will enhance mandatory penalties for subsequent offenses committed within a seven-year period. I understand that a deferred prosecution will be a prior offense under RCW 46.61.5055 (driving under the influence, physical control of a

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vehicle under the influence, negligent driving if originally charged as driving under the influence or physical control of a vehicle under the influence, vehicular homicide, or vehicular assault).

12. I understand that if the court grants this Petition, I may not operate a motor vehicle on the public highways without a valid operator's license and proof of liability insurance pursuant to RCW 46.29.490. I understand I may also be required to install an ignition interlock or other device on any motor vehicle I operate as set forth in RCW 46.20.720. I may also be required to pay restitution to victims, pay court costs, and pay probation costs authorized by law. The court may terminate the deferred prosecution program if I violate this paragraph.

13. I understand that if I fail or neglect to comply with any part of my treatment plan or with any ignition interlock requirements, then the court will hold a hearing to determine whether I should be removed from the deferred prosecution program. After the hearing the court will either order that I continue with treatment or be removed from deferred prosecution and enter judgment. If I am convicted of a similar offense during the deferred prosecution, the court will revoke the deferred prosecution and enter judgment.

14. I understand that the charge(s) against me in this case will be dismissed three years from the end of the two-year treatment plan, but no less than five years from the date the deferred prosecution is granted, if the court grants my petition for deferred prosecution and if I fully comply with all the terms of the court order placing me on deferred prosecution.

I certify under penalty of perjury under the laws of the State of Washington that I have read the foregoing and agree with all of its provisions and that all statements made are true and correct.

Dated at _____, Washington this ___ day of _____.

Petitioner-Defendant

Defense Attorney

SUPERIOR COURT OF WASHINGTON	
FOR	
STATE OF WASHINGTON	
_____	Plaintiff
vs.	
_____	Defendant.

NO.

STATEMENT OF DEFENDANT ON PLEA OF GUILTY (STDFG)

1. My true name is: _____.
2. My age is: _____.
3. I went through the _____ grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with:

The elements are:

5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

(a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

COUNT NO.	STANDARD RANGE (not including enhancements)	PLUS Enhancement for Firearm (F), other deadly weapon (D) or VUCSA (V) in protected zone	TOTAL (standard range including enhancements)	MAXIMUM TERM AND FINE
1				
2				
3				

MISC.

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

(f) In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is less than 12 months and community custody or community placement is not required due to the nature of the crime. If this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. If this crime is a sex offense, the court will order me to serve at least three years of community custody. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005 (6)(h).

(g) The prosecuting attorney will make the following recommendation to the judge:

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either the State or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE

[k] This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (2) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation, or (3) any attempt to commit any of the crimes listed in this sentence and I have at least one prior conviction for one of these listed crimes in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

[l] The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement, two years community supervision, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.

[m] The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.120(8). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, which ever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; and I will be subject to all of the conditions described in paragraph (e). Additionally, the judge could require me to devote time to a specific occupa-

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tion and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

[n] Because this crime involves a sex offense, or a kidnapping offense involving a minor, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed or where I carry on a vocation.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry out a vocation in Washington, or attend school in Washington, I must register within 30 days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving, and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom the person last registered in Washington State.

If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution.

If I lack a fixed residence, I am required to register. Registration must occur within 24 hours of my release in the county where I am being supervised if I do not have a residence at the time of my release from custody or within 14 days after ceasing to have a fixed residence. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis if I have been classified as a risk level III or on

a monthly basis if I have been classified as a risk level I or II. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

[o] If this crime involves a sex offense or violent offense, I will be required to provide a sample of my blood for purposes of DNA identification analysis.

[p] If this is a crime of domestic violence and if I, or the victim of the offense, has a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

[q] If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.

[r] The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.120(6). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph (e). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose community custody of at least one-half of the midpoint of the standard range that must include appropriate outpatient treatment, a condition not to use illegal controlled substances, and requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could require me to devote time to a specific employment or training, to stay out of certain areas, and to pay thirty dollars per month to offset the cost of monitoring.

[s] If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine or amphetamine, a mandatory methamphetamine clean-up fine of \$3,000.00 will be assessed. RCW 69.50.401 (a)(1)(ii).

[t] If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.

[u] If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(8).

[v] The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[k].

[w] I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

[x] I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly

weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.

[y] I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

[z] This plea of guilty will result in the suspension of public assistance. RCW 74.08.290.

7. I plead guilty to count _____ in the _____ Information. I have received a copy of that information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement:

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Defendant
I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Prosecuting Attorney Bar#

Defendant's Lawyer Bar#

Print Name

Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the

undersigned judge. The defendant asserted that [check appropriate box]:

(a) The defendant had previously read the entire statement above and that the defendant understood it in full;

(b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or

*(c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

Judge

INTERPRETER'S DECLARATION
(If required, attach to Statement of Defendant on Plea of Guilty.)

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the

_____ language,
which the defendant understands, and I have translated

Identify document being translated

for the defendant from English into that language.

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: _____

Interpreter

Location: _____

COURT OF WASHINGTON FOR	NO.
_____ Plaintiff	STATEMENT OF DEFENDANT ON PLEA OF GUILTY
vs.	
_____ Defendant.	

1. My true name is _____.
2. My age is _____.
3. I went through the _____ grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with:

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The elements are:

5. I UNDERSTAND THAT I HAVE THE FOLLOWING IMPOR-
TANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING
GUILTY:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
(c) The right at trial to hear and question the witnesses who testify against me;
(d) The right at trial to testify and to have witnesses to testify for me. These witnesses can be made to appear at no expense to me;
(e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
(f) The right to appeal a finding of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) The crime with which I am charged carries a maximum sentence of _____ days in jail and a \$ _____ fine.
(b) The prosecuting authority will make the following recommendation to the judge:

(c) The judge does not have to follow anyone's recommendation as to sentence. The judge can give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.

(d) The judge may place me on probation for up to five years if I am sentenced under RCW 46.61.5055 or up to two years for all other offenses and impose conditions of probation.

(e) The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.

(f) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS APPLY, THE BOX SHOULD BE CHECKED AND THE PARAGRAPH INITIALED BY THE DEFENDANT.

[] g The crime of _____ has a mandatory minimum sentence of _____. The law does not allow any reduction of this sentence.

[] h If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.

[] i This plea of guilty will result in suspension or revocation of my driver's license by the Department of Licensing. If I have a driver's license, I must now surrender it to the judge.

[] j I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

[] k If this case involves driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs, I have been informed and understand that I will be subject to the penalties described in Attachment "A".

[] l I understand that if this crime involves a sex offense, a kidnapping offense involving a minor, communicating with a minor, or one of the other offenses listed RCW 9.9A.44, I will be required to register with the county sheriff as described in Attachment "B".

7. I plead guilty to the crime of _____ as charged in the complaint or citation and notice. I have received a copy of that complaint or citation and notice.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my statement:

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of guilty." I have no further questions to ask the judge.

MISC.

Date: _____

Defendant
I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Prosecuting Authority Bar# _____ Defendant's Lawyer Bar# _____

Print Name _____ Print name _____

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that (check the appropriate box):

- (a) The defendant had previously read; or
- (b) The defendant's lawyer had previously read to him or her; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

DATED: _____ Judge _____

INTERPRETER'S DECLARATION

(If required, attach to Statement of Defendant on Plea of Guilty.)

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated

Identify document being translated

for the defendant from English into that language.

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED: _____

Interpreter _____

LOCATION: _____

Case Name: _____ Cause No: _____

Attachment A: Paragraph 6(k), driving under the influence of alcohol and/or actual physical control of a vehicle while under the influence of alcohol and/or drugs. (If required, attach to Statement of Defendant on Plea of Guilty.)

Department of Licensing - 1999 DUI Administrative Sanctions and Reinstatement Provisions

ADMINISTRATIVE SANCTIONS		
REFUSED TEST	<i>First Refusal Within 7 Years And No Prior Administrative Action Within Past 7 Years</i>	<i>Second or Subsequent Refusal Within Past 7 Years OR First Refusal And At Least One Prior Administrative Action Within Past 7 Years (Suspension consecutive to any court ordered suspension)</i>
Adult	1-Year License Revocation	2-Year License Revocation
Minor	1-Year License Revocation	2-Year License Revocation Or Until Age 21 Whichever Is Longer
ALCOHOL CONCENTRATION TEST RESULT	<i>First Administrative Action</i>	<i>Second or Subsequent Administrative Action</i>
Adults With 0.08 or Greater	90-Day License Suspension	2-Year License Revocation
Minors With 0.02 or Greater	90-Day License Suspension	1-Year License Revocation Or Until Age 21 Whichever Is Longer

Note: An individual convicted of DUI or physical control will have his/her driving privilege placed in probationary status for five years from the date he/she is eligible to reinstate his/her driver's license. An individual granted a deferred prosecution under RCW 10.05.060 will have his/her driving privilege placed on probationary status for five years from the date of the incident, which was the basis for the deferred prosecution.

REQUIREMENTS FOR REINSTATEMENT OF DRIVING PRIVILEGE	
<i>Suspended License*</i>	<i>Revoked License*</i>
<ul style="list-style-type: none"> • File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW • Pay \$150 driver's license reissue fee • Driver's ability test NOT required 	<ul style="list-style-type: none"> • File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW • Pay \$150 driver's license reissue fee • Satisfactorily complete a driver's ability test

MISC.

* If suspension or revocation is the result of a criminal conviction, the driver must also show proof of either (1) enrollment and satisfactory participation in an approved alcohol treatment program or (2) completion of an alcohol information school, as determined by the court and/or treatment agency.

COURT - 1999 DUI Sentencing Grid

"Prior Offense" includes the following: (as defined in RCW 46.61.5055 as amended by Ch. 211 and 214 Laws of 1998)		
Original Convictions for the following: (1) DUI (RCW 46.61.502) (or an equivalent local ordinance) (2) Phys. Cont. (RCW 46.61.504) (or an equivalent local ordinance) (3) Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) if either committed while under the influence (4) Equiv. out-of-state statute for any of the above offenses	Amended Convictions for the following: <i>If the person was originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522)</i> (1) Neg. Driving 1st (RCW 46.61.5249 previously 46.61.525.1) (2) Reckless driving (RCW 46.61.500) (3) Reckless endangerment (RCW 9A.36.050) (4) Equiv. out-of-state or local ordinance for the above offenses	Deferred Prosecution Granted for the following: (1) DUI (RCW 46.61.502) (or equivalent local ordinance) (2) Phys. Cont. (RCW 46.61.504) (or equiv. local ordinance) (3) Neg. Driving 1st (RCW 46.61.5249 previously 46.61.525.1, or equiv. local ord.), <i>if the person was originally charged with DUI or Phys. Cont. (or an equiv. local ord.), or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522)</i>
"Within seven years" means that the arrest for a prior offense(s) occurred within 7 years of the arrest for the current offense. (as defined in RCW 46.61.5055 as amended by Ch. 207, Laws of 1998.)		

Alcohol Concentration Less Than .15 Or No Test Result	No Prior Offenses Within Past 7 Years	One Prior Offense Within Past 7 Years	Two or More Prior Offenses Within Past 7 Years
Jail Time***	1-365 Days (24 consecutive hours non-suspendable)	30-365 Days (30 days non-suspendable)	90-365 Days (90 days non-suspendable)
Electronic Home Monitoring*	In Lieu of Mandatory Minimum Jail Time, Not Less Than 15 Days	60 Days	120 Days
Fine	\$350-\$5,000 (\$685 total minimum fine w/statutory assessments)	\$500-\$5,000 (\$925 total minimum fine w/statutory assessments)	\$1,000-\$5,000 (\$1,725 total minimum fine w/statutory assessments)
Driver's License	90-Day Suspension	2-Year Revocation	3-Year Revocation
Ignition Interlock Device	Court may order**	Not Less Than 1 Year**	Not Less Than 1 Year**
Alcohol/Drug Ed. or Treatment	As Determined By The Court	As Determined By The Court	As Determined By The Court
Alcohol Concentration At Least .15 or Greater Or Test Refusal	No Prior Offenses Within Past 7 Years	One Prior Offense Within Past 7 Years	Two or More Prior Offenses Within Past 7 Years
Jail Time***	2-365 Days (2 consecutive days non-suspendable)	45-365 Days (45 days non-suspendable)	120-365 Days (120 days non-suspendable)
Electronic Home Monitoring*	In lieu of Mandatory Minimum Jail Time, Not Less Than 30 Days	90 Days	150 Days
Fine	\$500-\$5,000 (\$925 total minimum fine w/statutory assessments)	\$750-\$5,000 (\$1,325 total minimum fine w/statutory assessments)	\$1,500-\$5,000 (\$2,525 total minimum fine w/statutory assessments)
Driver's License	1-Year Revocation	900-Day Revocation	4-Year Revocation
Ignition Interlock Device	Not Less Than 1 Year**	Not Less Than 1 Year**	Not Less Than 1 Year**
Alcohol/Drug Ed. or Treatment	As Determined By The Court	As Determined By The Court	As Determined By The Court

MISC.

* Electronic Home Monitoring: For first time offenders, the electronic home monitoring option in lieu of the mandatory minimum jail time is effective June 11, 1998. Effective March 16, 1999, courts may waive electronic home monitoring in writing stating the reasons therefore and facts relied upon. If EHM is waived, the court is required to impose an alternative sentence with similar punitive consequences. (Chapter 5, Laws of 1999)

** Ignition Interlock: For a person previously ordered to install ignition interlock under RCW 46.20.720 (3)(a) not less than 5 years, for a person previously ordered to install ignition interlock under RCW 46.20.720 (3)(b) not less than 10 years. Note: RCW 46.20.720 (3)(a) and (3)(b) are effective January 1, 1999. For application in DUI Deferred Prosecution, see: RCW 10.05.140, as amended Ch. 331, Laws of 1999, effective May 14, 1999

*** Mandatory conditions of probation if any jail time is suspended: (Court's jurisdiction extended to five years if it imposes less than one year in jail - RCW

46.61.5055 as amended by Ch. 206, Laws of 1998, effective June 11, 1998. See also Ch 56, Laws of 1999, effective 7/25/99.) (i) The individual is not to drive a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future, (ii) the individual is not to drive a motor vehicle within this state while having an alcohol concentration of .08 or more within two hours after driving, (iii) the individual is not to refuse to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor.

Case Name: _____

Cause No: _____

ATTACHMENT B: Paragraph 6(l); Sex Offense, kidnapping offense involving a minor, communicating with a minor and other offenses listed in RCW 9.9A.44

(If required, attach to Statement of defendant on Plea of Guilty.)

Because this crime involves a sex offense, a kidnapping offense involving a minor, communicating with a minor or other offense listed in RCW 9.9A.44, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed, or where I carry on a vocation.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry out a vocation in Washington, or attend school in Washington, I must register within 30 days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within

72 hours of moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving, and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom the person last registered in Washington State.

If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution.

If I lack a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody or within 14 days after ceasing to have a fixed residence. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis if I have been classified as a risk level III or on a monthly basis if I have been classified as a risk level I or II. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

SUPERIOR COURT OF WASHINGTON
COUNTY OF _____
JUVENILE COURT

STATE OF WASHINGTON V.

Respondent

D.O.B.:

NO:

STATEMENT ON PLEA OF GUILTY
(STJOPG)

- 1. My true name is: _____
- I am also known as: _____
- 2. My age is _____. Date of Birth: _____

and that the elements are

3. I have been informed and fully understand that I have the right to a lawyer, and that if I cannot afford to pay for a lawyer, the judge will provide me with one at no cost. I understand that a lawyer can look at the social and legal files in my case, talk to the police, probation counselor and prosecuting attorney, tell me about the law, help me understand my rights, and help me at trial.

and I have been given a copy of the charge(s).

5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

a. I have the right to a speedy and public trial in the county where I reside or where the offense(s) allegedly occurred.

4. I understand that I am charged with

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b. I have the right to remain silent before and during trial, and I need not testify against myself.

c. I have the right to hear and question witnesses who might testify against me.

d. I have the right to testify and to have witnesses testify for me. These witnesses may be required to appear at no cost to me.

e. I have the right to testify on my own behalf.

f. I am presumed innocent unless each element of the offense(s) I am charged with is proven beyond a reasonable doubt or I enter a plea of guilty.

g. I have the right to appeal a finding of guilt after trial.

6. I have been informed that in order to determine an appropriate sentence regarding the charges to which I plead

COUNT	SUPERVISION	COMMUNITY SERVICE	FINE	DETENTION	CVC	RESTITUTION
<input type="checkbox"/> 1	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 2	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 3	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> _____

I understand that, if community supervision is imposed, I will be required to comply with various rules which could include school attendance, curfew, restrictions, law abiding behavior, associational restrictions, counseling, treatment, urinalysis, and/or other conditions deemed appropriate by the judge. Failure to comply with the conditions of supervision could result in a violation being found and further confinement imposed for the violation up to 30 days.

JUVENILE REHABILITATION ADMINISTRATION (JRA) COMMITMENT:

COUNT	WEEKS AT JUVENILE REHABILITATION ADMINISTRATION,(JRA) FACILITY	CVC	RESTITUTION
<input type="checkbox"/> 1	<input type="checkbox"/> 15 to 36 <input type="checkbox"/> 30 to 40 <input type="checkbox"/> 52 to 65 <input type="checkbox"/> 80 to 100 <input type="checkbox"/> 103 to 129 <input type="checkbox"/> 180 to Age 21	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 2	<input type="checkbox"/> 15 to 36 <input type="checkbox"/> 30 to 40 <input type="checkbox"/> 52 to 65 <input type="checkbox"/> 80 to 100 <input type="checkbox"/> 103 to 129 <input type="checkbox"/> 180 to Age 21	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 3	<input type="checkbox"/> 15 to 36 <input type="checkbox"/> 30 to 40 <input type="checkbox"/> 52 to 65 <input type="checkbox"/> 80 to 100 <input type="checkbox"/> 103 to 129 <input type="checkbox"/> 180 to Age 21	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> _____

I understand that, if I am committed to a Juvenile Rehabilitation Administration (JRA) facility, following my release, I may be required to comply with a program of parole for a number of months. I understand that if placed on parole, I will be under the supervision of a parole officer. The conditions of parole will restrict my actions and may require me to participate in activities and programs including, but not limited to, evaluation, treatment, education, employment, community service, electronic monitoring, and urinalysis. Failure to comply with the conditions of parole may result in parole revocation and further confinement.

I understand that if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding.

8. RIGHT TO APPEAL SENTENCE: I understand, that the judge must impose a sentence within the standard range, unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either I or the State can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

9. MAXIMUM PUNISHMENT: I have been informed, and fully understand, that the maximum punishment I can receive is commitment until I am 21 years old, but that I may be incarcerated for no longer than the adult maximum sentence for this offense.

10. COUNTS AS CRIMINAL HISTORY: I understand that my plea of guilty and the judge's acceptance of my plea will become part of my criminal history. I understand that my

guilty in this matter, the judge will take into consideration my criminal history, which is as follows:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

7. The Standard Sentencing Range, which was calculated using my criminal history as referenced in Paragraph 6, above, is as follows:

LOCAL SANCTIONS:

guilty plea will remain part of my criminal history when I am an adult and may affect my ability to remain in the Juvenile Justice System should I re-offend. I understand that the judge will consider my criminal history when sentencing me for any offense that I commit in the future as an adult or juvenile.

11. GROUNDS FOR DEPORTATION: If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

12. NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE

[A] SUSPENSION/REVOCAION OF DRIVING PRIVILEGE FOR FIREARMS OR DRUGS: I have been informed that if the offense that I am pleading guilty to involves a finding that I was armed with a firearm when I committed the offense or if the offense was a violation of RCW 9.41.040(1) or chapters 66.44, 69.41, 69.50 or 69.52 and I was 13 years of age or older when I committed the offense, then the plea will result in the suspension or revocation of my privilege to drive.

[B] SUSPENSION/REVOCAION OF DRIVING PRIVILEGE FOR DRIVING OFFENSES: I have been informed that if the offense that I am pleading guilty to is reckless driving, driving or being in physical control of a motor vehicle while under the influence of intoxicants, driving while license suspended or revoked, vehicular assault, vehicular homicide, hit and run, or attempting to elude a pursuing police vehicle, the

MISC.

plea will result in the suspension or revocation of my privilege to drive.

[C] OFFENDER REGISTRATION FOR SEX OFFENSE OR KIDNAPPING OFFENSE: Because this crime involves a sex offense, or a kidnapping offense involving a minor, I will be required to register with the sheriff of the county of the state of Washington where I reside. RCW 9A.44.130. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed or where I carry on a vocation.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry out a vocation in Washington, or attend school in Washington, I must register within 30 days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom the person last registered in Washington State.

If I am resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution.

If I lack a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody or within 14 days after ceasing to have a fixed residence. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis if I have been classified as a risk level III or on a monthly

basis if I have been classified as a risk level I or II. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within 5 days of the entry of the order. RCW 9A.44.130(6)

[D] DNA TESTING: If this crime involves a sex offense or a violent offense, I will be required to provide a sample of my blood for purposes of DNA identification analysis. RCW 43.43.754.

[E] HIV TESTING: If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus. RCW 70.24.340.

[F] CRIME LAB FEES: If this offense involves a controlled substance, I will be required to pay \$100 for the State Patrol Crime Lab fees to test the substance.

[G] SCHOOL NOTIFICATION: If I am enrolled in a common school, the court will notify the principal of my plea of guilty if the offense for which I am pleading guilty is a violent offense as defined in RCW 9.94A.030; a sex offense as defined in RCW 9.94A.030; inhaling toxic fumes under chapter 9.47A RCW; a controlled substance violation under chapter 69.50 RCW; a liquor violation under RCW 66.44.270; or any crime under chapters 9A.36, 9A.40, 9A.46, and 9A.48 RCW. RCW 13.04.155

[H] SCHOOL ATTENDANCE WITH VICTIM PROHIBITED: I understand that if I am pleading guilty to a sex offense, I will not be allowed to attend the school attended by the victim or victim's siblings. RCW 13.40.160

[I] RIGHT TO POSSESS FIREARMS: [JUDGE MUST READ THE FOLLOWING TO OFFENDER] I have been informed that if I am pleading guilty to any offense that is classified as a felony or any of the following crimes when committed by one family or household member against another: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order straining the person or excluding the person from a residence; that I may not possess, own, or have under my control any firearm unless my right to do so has been restored by a court of record.. RCW 9.41.040(1).

[J] FIREARMS POSSESSION OR COMMISSION WHILE ARMED:

[i] Minimum 10 Days for Possession Under Age 18: I understand that the offense I am pleading guilty to includes possession of a firearm in violation of RCW 9.41.040 (1)(b)(iii), and pursuant to chapter 13.40.193, the judge will impose a mandatory minimum disposition of 10 days of confinement, which must be served in total confinement without possibility of release until a minimum of 10 days has been served.

[ii] Unlawful Possession with Stolen Firearm: I understand that if the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of

a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm, that the sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

[iii] Armed During Commission of Any Offense: I understand that if the offense I am pleading guilty to includes a finding that either I or my accomplice was armed with a firearm during the commission of the offense, that the standard range disposition shall be determined pursuant to RCW 13.40.160, unless the judge finds a manifest injustice, in which case the disposition shall be determined pursuant to chapter 13.40.193(3). Such confinement will run consecutive to any other sentence that may be imposed.

[iv] Armed During Commission of a Felony: I further understand that the offense I am pleading guilty to includes a finding that either myself or my accomplice was armed with a firearm during the commission of a felony (other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, or use of a machine gun in a felony) and, therefore, the following mandatory periods of total confinement will be added to my sentence: For a class A felony, six (6) months; for a class B felony, four (4) months; and for a class C felony, two (2) months. Such confinement will run consecutive to any other sentence that may be imposed.

13. I understand that the prosecuting attorney will make the following recommendation to the judge:

14. I understand that the probation counselor will make the following recommendation to the judge:

15. Although the judge will consider recommendations of the prosecuting attorney and the probation officer, the judge may impose any sentence it feels is appropriate. The

Dated: _____

Attorney for Respondent

Type or Print Name/Bar Number

Reviser's note: The brackets and enclosed material above occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

judge must impose a sentence within the standard sentence range unless the judge finds that doing so would constitute a manifest injustice. If the judge goes outside the standard sentence range, either I or the prosecuting attorney can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

16. The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my statement:

[] Instead of making a statement, I agree that the judge may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

17. I plead guilty to count _____ in the _____ Information. I have received a copy of that information.

18. I make this plea freely. No one has threatened to harm me or anyone else to get me to plead guilty.

19. No one has made any promises to make me plead guilty, except as written in this statement.

20. I have read or someone has read to me everything printed above and I have been given a copy of this statement. I have no more questions to ask the judge.

Dated: _____
RESPONDENT

JUDGE'S CERTIFICATE

The foregoing statement was read by or to the Respondent and signed by the Respondent in the presence of his or her lawyer and the undersigned judge in open court. The judge finds the Respondent's plea of guilty is knowingly, intelligently, and voluntarily made, that the Respondent has been advised by the judge concerning the nature of the offense, that there is a factual basis for the plea, and that the Respondent is guilty as charged.

JUDGE/COMMISSIONER

Deputy Prosecuting Attorney

Type or Print Name/Bar Number

MISC.

WSR 99-15-002

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF

GENERAL ADMINISTRATION

(Commission on the Legislative Building
Renovation and Preservation)
[Memorandum—July 7, 1999]

**Commission on the Legislative Building
Renovation and Preservation**

Date: Tuesday, July 13, 1999
Time: 10:00 a.m. - 4:00 p.m.
Location: John L. O'Brien Building, Hearing Room A

Should you have any questions, please feel free to contact (360) 664-9212.

WSR 99-15-003

NOTICE OF PUBLIC MEETINGS

CENTER FOR

INFORMATION SERVICES

[Memorandum—July 7, 1999]

Meetings scheduled until year-end:

- CIS Executive Committee Meeting: 9:00-11:00, July 28, 1999
Skagit Valley College
Whidbey Campus
- CIS Executive Committee Meeting: 9:00-11:00, September 23, 1999
Everett Community College
- CIS Executive Committee Meeting: 9:00-11:00, October 29, 1999
Washington State University
- CIS Executive Committee Meeting: 9:00-11:00, December 2, 1999
Renton Technical College

These meetings are scheduled as part of WACTC. We just received the schedule for the upcoming fiscal year (July 1999-June 2000). These dates were not available when requested in January.

WSR 99-15-004

NOTICE OF PUBLIC MEETINGS

TRANSPORTATION IMPROVEMENT BOARD

[Memorandum—July 2, 1999]

MEETING NOTICE FOR JULY 1999

**TRANSPORTATION IMPROVEMENT BOARD
ELLENSBURG, WASHINGTON**

Sidewalk Committee, 1:00 p.m. - 2:00 p.m., Thursday, July 22, 1999, at the Best Western Ellensburg Inn, 1700 Canyon Road, Ellensburg.

Increase Committee, 2:00 p.m. - 4:00 p.m., Thursday, July 22, 1999, at the Best Western Ellensburg Inn.

Kemper Freeman Presentation, Part 2, 4:00 p.m. - 5:00 p.m., Thursday, July 22, 1999, at the Best Western Ellensburg Inn.

Work Session, 7:00 p.m., Thursday, July 22, 1999, at the Best Western Ellensburg Inn.

Board Meeting, 9:00 a.m., Friday, July 23, 1999, at the Best Western Ellensburg Inn.

SPECIAL NEEDS: For special accommodations or to request an auxiliary aid, please contact the TIB office at (360) 705-7300 by July 16, 1999.

There are no regular TIB meetings scheduled in August or September. The next scheduled meeting is October 7-8, 1999, in Spokane. A notice with further detail of the October meeting will be mailed September 17, 1999.

WSR 99-15-005

NOTICE OF PUBLIC MEETINGS

PUBLIC WORKS BOARD

[Memorandum—July 8, 1999]

NOTICE OF MEETING LOCATION CHANGE

The Public Works Board meeting scheduled for September 21, 1999, will begin at 8:30 a.m. in the Main Conference Room of the Rodeway Inn in Leavenworth, Washington.

The meeting will include an inspection of projects funded by the public works trust fund and the drinking water state revolving fund in Chelan County and the city of Leavenworth.

MISC.

WSR 99-15-012

AGENDA

HEALTH CARE AUTHORITY

[Filed July 9, 1999, 10:59 a.m.]

July 31, 1999 Rule-making Semi-Annual Agenda

Approximate Preproposal 1. Date 2. Subject Area 3. Contact/Telephone Number	Purpose of the Rule Why is this Significant?	Rule(s) Mandate	Other Agencies who may have Interest in the Subject of Rule(s)
1. July 1999 2. WAC 182-25-030 3. Rosanne Reynolds, (360) 923-2948	Changes in the number of health plans participating in the nonsubsidized program may impact members who lose eligibility for premium subsidy. Transitional coverage is established to allow these members to remain with their current health plan through the end of the plan year, if they pay the full cost of their coverage.	No mandate. This revision is to protect the coverage of continuous members who may experience frequent income changes.	Department of Social and Health Services, Medical Assistance Administration
1. Third Quarter 1999 2. WAC 182-25-020 3. Rosanne Reynolds, (360) 923-2948	Benefits need to be amended to ensure consistency with statute.	Consistency with RCW 70.47.060(1).	Department of Social and Health Services, Medical Assistance Administration
1. Third Quarter 1999 2. WAC 182-20 3. Bob Blacksmith, (360) 923-2755	Administrative review of chapter 182-20 WAC to allow elimination of nonessential language and housekeeping to provide requested clarification of language.	No mandate. Simplification of rules.	None
1. July 1999 2. PEBB eligibility rules (WAC 182-12-111 and 119; and WAC 182-08-095) 3. Mich'l Prentice Needham, (360) 923-2735	Proposed changes to chapters 182-12 and 182-08 WAC to streamline eligibility categories for political subdivisions and school districts, condensing rules where possible; streamlining agency operations for these employer groups with other populations served in PEBB.	No mandate for change-seeking efficiency.	Political subdivisions, school districts, and state agencies participating in the PEBB program.
1. December 1999 2. PEBB eligibility for retirement plans 3. Mich'l Prentice Needham, (360) 923-2735	Provide clarification for higher education institutions on the eligibility categories for retirees enrolled in the TIAA-CREF program.	Chapter 41.05 RCW.	All state higher education institutions including the community colleges.

* All agencies, in that the eligibility rules will affect all state employees.

(interpreter, wheelchair access, etc.) at (360) 753-3174, ext. 284, P.O. Box 40244, Olympia, WA 98504-0244.

NAME OF AGENCY: Washington State Health Care Authority (HCA).

CONTACT/TELEPHONE: Elin Meyer, Rules Coordinator, (360) 923-2801.

Elin S. Meyer
Rules Coordinator

WSR 99-15-021

DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 12, 1999, 1:51 p.m.]

Renumbering Chapter 388-10 WAC to Chapter 388-04 WAC, Protection of Human Research Subjects

In the effort to migrate all of DSHS rules into one WAC title, I am requesting that you renumber the rules as follows:

Old WAC Number	New WAC Number
388-10-010	388-04-010
388-10-020	388-04-020
388-10-030	388-04-030
388-10-040	388-04-040
388-10-050	388-04-050
388-10-060	388-04-060
388-10-070	388-04-070

WSR 99-15-018

NOTICE OF PUBLIC MEETINGS
PRODUCTIVITY BOARD

[Filed July 12, 1999, 10:50 a.m.]

The Washington State Productivity Board will hold a special board meeting on Monday, July 19, 1999, at 3:00 p.m. in the House Rules Room No. 149, located on the first floor of the Legislative Building in Olympia.

This is a preliminary meeting to discuss the Productivity Board's Washington Administrative Codes (WACs), chapter 383-06 and 383-07 WAC.

Please contact Productivity Board staff one week prior to the meeting to request accommodations for any special needs

MISC.

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 99-15-022
AGENDA
DEPARTMENT OF LICENSING

[Filed July 12, 1999, 2:35 p.m.]

DEPARTMENT OF LICENSING
RULE-MAKING AGENDA FOR RULES UNDER DEVELOPMENT
JULY 1999

CR-101	CR-102	PROGRAM	SUBJECT
97-11-002		Driver Responsibility	Procedural rules regarding the revocation and restoration of driving privileges of those forced to be an habitual traffic offender under chapter 46.65 RCW, including rules regarding the right to a hearing.
97-12-026	97-21-056	Title and Registration	Chapter 308-93 WAC, Vessel registration and certificate of title.
97-15-037		Vehicle Dealers	Change in vehicle dealer temporary permit requirements.
97-13-079		Professional Athletics	Establish new rules for the regulation of professional boxing, wrestling, kickboxing and martial arts.
98-06-046	98-14-043	Architects	Addition of the definition for "structured intern training program" that was added to RCW 18.08.350 (3)(a) and (b) during the 1007 [1997] legislature.
98-09-077	99-08-087	Bail Bond Agents	Rule revisions on this subject are needed to better meet the intention of the law and to clarify the procedures provided in the rules.
98-09-079		Boxing	Rule revisions on this subject are needed to clarify processes and procedures.
98-11-038		Funeral	Reinstatement of license or registration following suspension for failure to comply with a support order under chapter 74.20 RCW or a residential or visitation order under chapter 26.09 RCW.
98-13-003	98-18-059	Prorate and Fuel Tax	Administration and collection of motor vehicle fuel and special fuel excise taxes. Chapter 308-72 WAC, Motor vehicle fuel tax and chapter 308-77 WAC, Special fuel tax rules and regulations.
98-16-073		Title and Registration	Chapter 308-96A WAC, Vehicle licensing, including but not limited to WAC 308-96A-205, 308-96A-206, 308-96A-220.
98-22-031		Title and Registration	Chapter 308-93 WAC, Vessel registration and certificate of title, to include but not limited to WAC 308-93-370, 308-93-380, 308-93-390, 308-93-400, 308-93-490, 308-93-500, 308-93-510.
98-24-004		Title and Registration	Chapter 308-93 WAC, Vessel registration and certificate of title, including but not limited to WAC 308-93-030, 308-93-040, 308-93-079, 308-93-090, 308-93-100, 308-93-160, 308-93-340.
98-24-005	99-13-081	Title and Registration	Chapter 308-96A WAC, Vehicle licensing, including but not limited to WAC 308-96A-161, 308-96A-162, 308-96A-275, 308-96A-400, 308-96A-410, 308-96A-415, 308-96A-420.
99-02-072	99-10-088	Engineers	Amendment of WAC 196-24-100 Meetings and officers.
99-02-073	99-10-088	Engineers	Amendment of WAC 196-24-060 Renewals.
99-02-074	99-10-080	Engineers	Amendment of WAC 196-25-040 Provisions pertaining to both corporations and limited liability companies.
99-02-075	99-10-082	Engineers	Amendment of WAC 196-24-090 Branch offices.
99-02-076	99-10-083	Engineers	Amendment of WAC 196-24-092 Offer to practice.
99-02-077	99-10-084	Engineers	Amendment of WAC 196-24-095 Seals.
99-02-078	99-10-085	Engineers	Amendment of WAC 196-24-097 Seal/stamp usage.

MISC.

CR-101	CR-102	PROGRAM	SUBJECT
99-02-079	99-10-087	Engineers	Amendment of WAC 196-24-098 Documents prepared by a corporation, organization or public agency.
99-03-003	99-12-111	Title and Registration	Chapter 308-96A WAC, Vehicle licenses, to include but not limited to WAC 308-96A-080, 308-96A-085, and 308-96A-097.
99-08-036	99-12-026	Administration	WAC 308-10-010 Definitions.
99-08-127		Title and Registration	Chapter 308-78 WAC, Aircraft fuel tax.
99-07-134	99-10-081	Engineers	Amending of WAC 196-24-058.
99-07-135	99-10-086	Engineers	New section title providing direct supervision.
99-07-136		Engineers	New section titled signature.
99-10-016	99-13-136	Funeral	Fee increase.
99-10-017	99-13-137	Funeral	Fee increase.
99-10-054		Title and Registration	Chapter 308-58 WAC, Reporting destroyed vehicles.
99-10-055		Title and Registration	Chapter 308-99 WAC, Procedures for operation of foreign plated vehicles in this state.
99-10-056		Title and Registration	Chapter 308-96A WAC, Provisions for veteran's vehicle licensing and special license plates.
99-10-057		Title and Registration	Chapter 308-93 WAC, Vessel registration identification.
99-10-058		Title and Registration	Chapter 308-96A WAC, Provisions for obtaining honorary consul and foreign organization special license plates.
99-11-016		Title and Registration	Chapter 308-96A WAC, Disabled person special parking privileges.
99-12-018		Master Licensing	Chapter 308-87 WAC, Limousine carrier businesses.
99-13-006		Title and Registration	Chapter 308-56A WAC, To include but not limited to WAC 308-56A-150.
99-12-102		Sellers of Travel	Legislative changes.
99-12-103		Boxing	Legislative changes.
99-13-139		Prorate	Chapter 308-91 WAC, possible rule making after review.
99-09-083	99-13-127	Athletics	To allow the department to expand and clarify safety standards to be used for professional boxing world title and martial arts contests.

Walt Fahrer
Rules Coordinator

WSR 99-15-039
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Council of Washington)
[Memorandum—July 15, 1999]

The Library Council of Washington has scheduled the following meeting:

DATE: November 2, 1999
SUBJECT: Library Council of Washington meeting
TIME: 9:30 a.m. - 3:30 p.m.
LOCATION: Employment Security
Professional Development Center
106 Maple Park
Conference Room 1
Olympia, WA 98504

WSR 99-15-026
RULES COORDINATOR
HUMAN RIGHTS COMMISSION

[Filed July 12, 1999, 3:56 p.m.]

The Washington State Human Rights Commission has appointed Martin D. Casey, Legislative and Policy Coordinator, as the agency rules coordinator effective June 1, 1999. Mr. Casey can be reached in care of the commission at P.O. Box 42490, Olympia, WA 98504-2490, (360) 586-5765.

WSR 99-15-040**NOTICE OF PUBLIC MEETINGS
ENERGY FACILITY SITE
EVALUATION COUNCIL**

[Memorandum—July 14, 1999]

**NOTICE OF CHANGE OF PUBLIC MEETING DATES
ENERGY FACILITY SITE EVALUATION COUNCIL**

The August 9, 1999, regular monthly meeting of the Energy Facility Site Evaluation Council (the council) is canceled.

The following meetings will be held as published at WSR 98-24-020. This notice supercedes the notice published at WSR 99-09-029 in which these meetings were canceled.

September 6, 1999, meeting of council's Executive Committee.

September 13, 1999, regular monthly council meeting.

September 20, 1999, meeting of council's Executive Committee.

The council's 1999 meeting schedule, published at WSR 98-24-020 remains the same in all other respects.

WSR 99-15-041**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 15, 1999, 10:16 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 99-05 MAA - Numbered Memoranda.

Subject: Changes to the Interpreter Services Program.

Effective Date: April 1, 1999.

Document Description: Effective April 1, 1999, the Department of Social and Health Services (DSHS) will provide spoken language interpreter services for DSHS clients, including MAA clients, through new contracts awarded by the General Administration to successful bidders. This memorandum addresses only MAA's portion of the contract. A list of interpreters who were awarded contracts with MAA are included with this memo.

To receive a copy of interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2314, TDD 1-800-848-5429, fax (360) 753-7315, e-mail MYERSEA@dshs.wa.gov.

July 12, 1999

Leslie Saeger, Manager
Regulatory Improvement Project

WSR 99-15-049**DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

[Filed July 15, 1999, 3:47 p.m.]

The Washington State Department of Community, Trade and Economic Development plans to hold a public hearing on the proposed Washington state plan for the 2000 community services block grant (CSBG).

The hearing will be held Thursday, August 12, 1999, at the Department of Community, Trade and Economic Development, 906 Columbia Street S.W., 5th Floor Conference Room, Olympia, WA 98504-8300. The hearing will begin at 10:00 a.m. and close at noon unless taking testimony requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m., August 12, 1999. Written testimony should be sent to the attention of Ed Barton, CSBG Program Manager, Department of Community, Trade and Economic Development, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300.

The state plan is available in alternate format upon request. Meetings sponsored by CTED shall be accessible to persons with disabilities. Accommodations may be arranged by calling Ed Barton, CSBG Program Manager, (360) 586-1232.

If you have any questions or need additional information, please contact Ed Barton, CSBG Program Manager, by phone (360) 586-1232 or e-mail edb@cted.wa.gov.

WSR 99-15-059**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER**

[Memorandum—July 14, 1999]

The Washington State Convention and Trade Center (WSCTC) Design Committee will meet on Wednesday, July 21, 1999, at 11:00 a.m. in Room 303 of the Convention Center, 800 Convention Place, Seattle.

A regular meeting of the WSCTC board of directors will be held on Wednesday, July 21, 1999, at 1:30 p.m. in Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call (206) 694-5000.

WSR 99-15-060**RULES COORDINATOR
STATE INVESTMENT BOARD**

[Filed July 16, 1999, 2:20 p.m.]

This letter is to appoint Scott Huntley as rules coordinator for the State Investment Board, replacing me. Please direct any rules issues to Mr. Huntley until further notice.

Helen Small
Chief Operating Officer

WSR 99-15-063
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—July 19, 1999]

The 10:00 a.m. board of trustees meeting scheduled for Friday, July 23, 1999, will be held as a conference call at 9:00 a.m. Anyone wishing to participate in the conference call is invited to come to 214 Showalter Hall, on the EWU Cheney campus, where a conference telephone will be available.

EASTERN WASHINGTON UNIVERSITY
 BOARD OF TRUSTEES
 July 23, 1999, 9:00 a.m.
 Cheney Campus
 CONFERENCE CALL
 Showalter Hall
 Room 214

Eastern Washington University strives to satisfy all request for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-2371.

WSR 99-15-073
POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed July 20, 1999, 10:34 a.m.]

DESCRIPTION OF INTERPRETIVE POLICY STATEMENT

Document Title: Billing Instruction.
 Subject: Speech/audiology program.
 Effective Date: July 1999.

Document Description: These are billing instructions for speech-language pathologists and audiologists to use when billing Medicaid eligible clients. Included in this document are sections on: Billing, speech-language pathology, audiology, and a fee schedule.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, DSHS, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2314, TDD 1-800-848-5429, fax (360) 753-7315, e-mail MYERSEA@dshs.wa.gov.

July 16, 1999
 Leslie Saeger, Manager
 Regulatory Improvement Project

WSR 99-15-074
POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed July 20, 1999, 10:36 a.m.]

DESCRIPTION OF INTERPRETIVE POLICY STATEMENT

Document Title: Billing Instruction.
 Subject: Occupational therapy program.
 Effective Date: July 1999.

Document Description: These are billing instructions for occupational therapists to use when billing Medicaid eligible clients. Included in this document are sections on: Billing, occupational therapy, and a fee schedule.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, DSHS, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 586-2337, TDD 1-800-848-5429, fax (360) 753-7315, e-mail MYERSEA@dshs.wa.gov.

July 16, 1999
 Leslie Saeger, Manager
 Regulatory Improvement Project

WSR 99-15-075
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed July 20, 1999, 10:37 a.m.]

WSR 99-15-075
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed July 20, 1999, 10:37 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instructions.
 Subject: Physician's related services (RBRVS) fee schedule.
 Effective Date: July 1, 1999.

Document Description: This manual is intended to guide MAA providers through the billing process for physician-related services. Included within this document are such things as: Noncovered services, limitation extensions, by report, conversion factors, authorization, centers of excellence, sleep study centers, all physician services, fee schedules, HCPC codes, modifiers, how to complete the HCFA-1500 Claim Form, and billing for sterilizations and hysterectomies.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, DSHS, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2314, TDD 1-800-848-5429, fax (360) 753-7315, e-mail MYERSEA@dshs.wa.gov.

July 16, 1999
 Leslie Saeger, Manager
 Regulatory Improvement Project

**WSR 99-15-076
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 20, 1999, 10:39 a.m.]

In the effort to migrate all of DSHS rules into one WAC title, I am requesting that you renumber the rules as follows:

Old WAC Number	New WAC Number
388-15-170	388-165-110
388-15-171	388-165-120
388-15-175	388-165-140
388-15-176	388-165-235

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

**WSR 99-15-077
AGENDA
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 20, 1999, 10:41 a.m.]

DEPARTMENT OF SOCIAL AND HEALTH SERVICES
SEMI-ANNUAL RULE-MAKING AGENDA FOR JULY 1, 1999 THROUGH DECEMBER 31, 1999

AGING AND ADULT SERVICES ADMINISTRATION

WAC Chapter or Section Number	Purpose of rule being developed or amended.
WAC 388-15-120	To implement provisions of ESHB 1620, which consolidates statutes chapter 74.34 RCW, chapter 26.44 RCW, and chapter 70.124 RCW. To develop rules for a self-directed care provider registry, as required by ESHB 1880. To clarify and meet the standards for regulatory improvement, as cited in Executive Order 97-02. To move these sections into chapter 388-71 WAC.
WAC 388-15-202, 203 and 205	To amend methodologies and assessment tools for authorizing services. To clarify and meet the standards for regulatory improvement, as cited in Executive Order 97-02. If necessary, to add definitions about self-directed care, as provided in ESHB 1880. To move these sections into chapter 388-71 WAC.
WAC 388-15-196 through 198	To incorporate certain provisions of ESHB 1546 and ESHB 1880 - specifically, to amend provider training requirements and to add self-directed care components. To possibly develop additional requirements for individual providers and home care agency providers. To repeal and amend sections of WAC 388-15-198, using regulatory improvement standards. To move these sections into chapter 388-71 WAC.
WAC 388-15-145; 388-15-200; 388-15-204; 388-15-206; 388-15-207 through 222; 388-15-548 through 568; 388-15-600, 620, and 630; 388-15-650 through 659; 388-15-690 through 715; 388-15-810 through 895	To clarify and meet the standards for regulatory improvement, as cited in Executive Order 97-02; to move these sections into chapter 388-71 WAC; to amend service options under WAC 388-15-620.
WAC 388-15-610	To make the COPES program eligibility requirements identical to that of Medicaid nursing facility care, as required by federal regulations; to clarify and meet the standards for regulatory improvement, as cited in Executive Order 97-02. To move section into chapter 388-71 WAC.
WAC 388-17-010 through 510	To clarify and meet the standards for regulatory improvement, as cited in Executive Order 97-02; to move these sections into chapter 388-71 WAC.
WAC 388-71-800 through 845	To adopt rules on a new long-term care option, PACE.

MISC.

WAC 388-71-***	To develop rules on private-duty nursing so that it applies specifically to adult clients; to remove and expand on WAC 388-86-071, subsection (4).
Chapter 388-76 WAC	Possible amendments to clarify certain sections of the AFH chapter.
WAC 388-96-010	Delete "working capital definition." Nursing facilities (NF) no longer allowed working capital as a cost.
WAC 388-96-218	Add a new section that addresses how settlement will be done for calendar year 1998 in compliance with RCW 74.46.165.
WAC 388-96-559	Delete "return on investment (ROI)" from text. Under ESSHB 1484, ROI is no longer a component rate. Revise to implement the two new component rates: Financing allowance and variable return.
WAC 388-96-709	Same purpose as WAC 388-96-559.
WAC 388-96-710	Same purpose as WAC 388-96-559.
WAC 388-96-714	Add new section to implement ESSB 5967 allowing a second economic trends and conditions factor.
WAC 388-96-723	Revised to implement the identification of the rate components between capital and noncapital. Implement two state-wide weighted payment averages—one for capital and one for noncapital. Limit rates when these averages are exceeded.
WAC 388-96-724	Same purpose as WAC 388-96-723.
WAC 388-96-725	Same purpose as WAC 388-96-723.
WAC 388-96-726	Same purpose as WAC 388-96-723.
Chapter 388-97 WAC	Continue review of nursing home chapter as part of AASA/RCS regulatory review plan-mandated by the Executive Order 97-02.
Chapter 388-98 WAC	Review of nursing home licensing chapter as part of AASA/RCS regulatory review plan-mandated by Executive Order 97-02.
WAC 388-110-005 through 280	With the transfer for boarding homes to DSHS by E2SSB 6544, chapter 272, Laws of 1998, the contract rules for boarding homes, originally scheduled to be opened 10/97, have not been opened. They will be incorporated with the review of the boarding home regulations (chapter 388-78A WAC) in July of 2000.

CHILDREN'S ADMINISTRATION

WAC Chapter or Section Number	Purpose of rule being developed or amended.
WAC 388-15-130	Social services for families, children, and adults—Child protective services—Authority.
WAC 388-15-131	CPS Special requirements for Indian children.
WAC 388-15-132	CPS Acceptance of reports—Eligibility.
WAC 388-15-134	CPS Notification.
WAC 388-15-***	CPS - new section - rule to review and amend findings of abuse and neglect if appropriate; notification of findings and appeal process.
WAC 388-15-150	Child foster care.
WAC 388-15-160	Adoption services.
WAC 388-15-170	General and seasonal day care services.
WAC 388-15-171	Subsidized child care for teen parents.
WAC 388-15-174	Subsidized child care for seasonal workers.
WAC 388-15-175	Child care for child protective services and child welfare services.
WAC 388-15-176	In-home/relative child care.
WAC 388-15-220	Homemaker services.
WAC 388-15-570	Family reconciliation services.
Chapter 388-24 WAC	AFDC foster care rules.
Chapter 388-60 WAC	Domestic violence perpetrator program standards.

Chapter 388-70 WAC	Child welfare services (CWS)—Foster care—Adoption services—Services to unmarried parents.
Chapter 388-73 WAC	Child care agencies—Rules regarding minimum licensing and certification requirements for residential programs.
Chapter 388-74 WAC	Child welfare services—Rules regarding complaint resolution.
Chapter 388-150 WAC	Rules regarding minimum licensing requirements for child day care centers.
Chapter 388-151 WAC	Rules regarding school-age child care minimum licensing requirements.
Chapter 388-155 WAC	Rules regarding minimum licensing requirements for family child day care homes.
Chapter 388-160 WAC	Rules regarding minimum licensing requirements for overnight youth shelters.
Chapter 388-165 WAC	New chapter - rules regarding child care subsidy programs.
Chapter 388-330 WAC	Rules regarding background inquiries.
WAC 440-44-025 and 026	Rule relating to fees (i.e., day care centers and family day care home licensing fees).
Chapter 248-554 WAC	Shelters for victims of domestic violence.

ECONOMIC SERVICES ADMINISTRATION

WAC Chapter or Section Number	Purpose of rule being developed or amended.
WAC 388-434-005 and related	To change requirement for review of eligibility for cash programs from at least once every twelve months to at least once every six months.
WAC 388-448-001 and related	To simplify the incapacity decision process for individuals approved for expedited Medicaid and to assure eligibility is based on clear objective medical evidence.
WAC 388-478-0055	To revise supplemental security income payment standard to stay within funding allocation. A reduction of about \$3.00 per client is anticipated.
Chapter 388-400 WAC	To correct typos, omissions and unclear language and to reflect changes in food stamp program policy.
WAC 388-014-0420	To make permanent rule change on child support case closure per change in federal regulations and to review for compliance with Executive Order 97-02.
New rules in chapter 388-290 WAC	To respond to expected changes in the WCCC childcare program, including rules about income exemptions, twenty-four hour care and other new kinds of services for eligible clients and childcare providers.
WAC 388-444-0005, 0015, 0035, 0045 and 0060	To respond to expected policy changes in the food stamp education and training program and clarify language according to Executive Order 97-02.
WAC 388-478-0025	To repeal payment standards for recent arrivals to the state.
WAC 388-464-0001	To conform to the standards of Executive Order 97-02.
Rules in the following general areas are scheduled for review against Executive Order 97-02 criteria between July 1, 1999, and December 31, 1999:	
Chapter 388-011 WAC	Child support—Obligations.
Chapter 388-013 WAC	Recovery of support payments.
Chapter 388-014 WAC	Wage assignment and debt adjustment notice.
Chapter 388-046 WAC	Recipient fraud.
Chapter 388-200 WAC	Financial and medical assistance—General provisions.
Chapter 388-235 WAC	General assistance unemployable.
Chapter 388-240 WAC	ADATSA referral.
Chapter 388-275 WAC	SSI.
Chapter 388-255 WAC	Special payments.
Chapter 388-280 WAC	US repatriation.
Chapter 388-400 WAC	Program summary.
Chapter 388-404 WAC	Age requirements.
Chapter 388-406 WAC	Applications.
Chapter 388-412 WAC	Benefit issuances.

Chapter 388-422 WAC	Child support.
Chapter 388-424 WAC	Citizenship/alien status.
Chapter 388-430 WAC	Deprivation.
Chapter 388-434 WAC	Eligibility reviews and recertifications.
Chapter 388-436 WAC	Emergency cash assistance.
Chapter 388-437 WAC	Emergency assistance for food stamps.
Chapter 388-442 WAC	Felons.
Chapter 388-446 WAC	Fraud.
Chapter 388-448 WAC	Incapacity.
Chapter 388-450 WAC	Income.
Chapter 388-454 WAC	Living with a relative.
Chapter 388-456 WAC	Monthly reporting.
Chapter 388-466 WAC	Refugee program.
Chapter 388-474 WAC	Supplemental security income.
Chapter 388-478 WAC	Standards for payment.

HEALTH AND REHABILITATIVE SERVICES ADMINISTRATION

WAC Chapter or Section Number	Purpose of rule being developed or amended.
Chapter 275-25 WAC - new chapter 388-850 WAC	To meet requirements of Executive Order 97-02.
Chapter 275-26 WAC - new chapter 388-820 WAC	To meet requirements of Executive Order 97-02.
Chapter 275-27 WAC - new chapter 388-825 WAC	To meet requirements of Executive Order 97-02.
Chapter 275-31 WAC - new chapter 388-830 WAC	To meet requirements of Executive Order 97-02.
Chapter 275-38 WAC - new chapter 388-835 WAC	To meet requirements of Executive Order 97-02.
Chapter 275-41 WAC - new chapter 388-840 WAC	To meet requirements of Executive Order 97-02.
Chapter 275-59 WAC	Review and amend as necessary per Governor's Executive Order on Regulatory Improvement. Criminally insane person committed to the care of the Department of Social and Health Services—Evaluation, placement, care and discharge.
Chapter 388-240 WAC	Review and amend as necessary per Governor's Executive Order on Regulatory Improvement. Move to chapter 388-800 WAC per order of the DSHS secretary. Update rules for public assistance for how clients receive detoxification services and ADATSA services. Review outpatient limits.
Chapter 440-22 WAC	Review and amend as necessary per Governor's Executive Order on Regulatory Improvement. Move to chapter 388-805 WAC per order of the DSHS secretary. Implement legislation which moves chemical dependency counselor credentialing to the Department of Health.
Chapter 440-25 WAC	Review and amend as necessary per Governor's Executive Order on Regulatory Improvement. Move to chapter 388-810 WAC per order of the DSHS secretary. Update rules relating to planning, contracting, and provision of chemical dependency treatment and prevention services by and through counties.
Chapter 440-44 WAC	Repeal and add certification fee section to chapter 388-805 WAC.

MISC.

JUVENILE REHABILITATION ADMINISTRATION

WAC Chapter or Section Number	Purpose of rule being developed or amended.
Chapter 275-33 WAC, Transfer of juvenile offenders to the Department of Corrections	To review the chapter and make any necessary amendments based on requirements of the executive orders.
Chapter 275-35 WAC, Consolidated juvenile services programs	To review the chapter and make any necessary amendments based on requirements of the executive orders.
Chapter 275-37 WAC, Juvenile rehabilitation administration—Rules, practices, and procedures	Develop WAC as needed to meet requirements of SSB 5010, relating to sexual misconduct by employees of custodial agencies.
WAC 275-37-020 Rated bed capacity	To review the WAC and make necessary amendments or repeal based on requirements of the executive orders.
Chapter 275-47 WAC, Collection of costs of support, treatment, and confinement of juveniles under RCW 13.40.220	To review the chapter and make any necessary amendments based on requirements of the executive orders.
Chapter 275-110 WAC, Impact account—Criminal justice cost reimbursement	To review the chapter and make any necessary amendments based on requirements of the executive orders.

MEDICAL ASSISTANCE ADMINISTRATION

WAC Chapter or Section Number	Purpose of rule being developed or amended.
WAC 388-86-04001	Regulatory review of Hearing aids policy.
WAC 388-87-0060	Regulatory review of Payment for extended care patients.
WAC 388-511-1130	Regulatory review of SSI-related income availability.
WAC 388-505-0595	Regulatory review of Trusts for medicaid clients.
Chapter 388-513 and 515 WAC	Regulatory review of Long term care client eligibility rules.
WAC 388-501-0130	Regulatory and program review of Administrative controls.
WAC 388-501-0160	Regulatory and program review of Exception to rule process.
Chapter 388-539 WAC	Regulatory and program review of Acquired human immunodeficiency syndrome.
WAC 388-438-0110	Regulatory and program review of Alien emergency assistance.
WAC 388-41-020	Regulatory and program review of Audit dispute conference.
WAC 388-86-018, 388-87-048	Regulatory and program review of Community aids service alternatives.
WAC 388-501-0165	Regulatory and program review of Covered medical services.
WAC 388-87-010	Regulatory and program review of Conditions of payment—General.
WAC 388-87-0011	Regulatory and program review of Conditions of payment—Medicare deductible and coinsurance.
WAC 388-87-0008	Regulatory and program review of Disclosure by providers—Information on ownership and control.
WAC 388-87-0007	Regulatory and program review of Medical provider agreement.
WAC 388-517-0300	Regulatory and program review of Medicare cost-sharing.
WAC 388-529-0100	Regulatory and program review of Scope of coverage.
WAC 388-530-1150, 1250	Clarify noncovered drug services and prior authorization process.
New WAC	Medical nutrition.
WAC 388-86-024, 388-533	Regulatory and program review of Maternity care services.

There may be more rule-making activity, not on the agenda, as a result of the reviews being done in accordance with the Governor's Executive Order 97-02.

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 99-15-087
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Council of Washington)
[Memorandum—July 21, 1999]

The Library Council of Washington will be meeting in August 1999. The date and location are as follows:

DATE: August 31, 1999

TIME: 9:30 a.m. - 3:30 p.m.
 SUBJECT: Library Council of Washington meeting
 LOCATION: John A. Cherberg Building
 Conference Rooms B and C
 Olympia, Washington

For additional information, please contact Rebecca Jensen by phone (360) 704-5246 or by e-mail rjensen@statelib.wa.gov.

WSR 99-15-088
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
 [Memorandum—July 16, 1999]

South Puget Sound Community College's board chair and college president have determined there is no need for a summer board of trustees meeting, and by notice of this letter have decided to cancel the tentative meeting scheduled for Wednesday, August 11, 1999.

If you have any questions, please contact 754-7711 ext. 202.

WSR 99-15-089
NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY
 [Memorandum—July 19, 1999]

Regular meetings of the Central Washington University board of trustees will be held in Barge Hall, Room 412, on the Central Washington University Ellensburg campus, except where noted, at 1:00 p.m. on the following dates:

October 14, 1999	Board retreat
October 15, 1999	
November 12, 1999	
December 10, 1999	
February 11, 2000	
April 14, 2000	CWU Lynnwood Center 6600 196th Street S.W. Lynnwood, WA
May 12, 2000	
June 9, 2000	
August 3-4, 2000, 1999	Board retreat

WSR 99-15-094
POLICY STATEMENT
DEPARTMENT OF ECOLOGY
 [Filed July 21, 1999, 10:34 a.m.]

POLICY 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: Policies and Procedures of the Dam Safety Office (DSO), Water Resources Program, Department of Ecology.

Subject: The policies and procedures followed by the Dam Safety Office in the administration of the state's dam safety rules and regulations.

Document Description: This document includes revised existing and new policies and procedures that are specific to the operations of the Dam Safety Office. The Dam Safety Office policies and procedures provide the basis for administration of dam safety authorities of the Department of Ecology including those within chapters 43.21A, 90.03 RCW, and chapter 173-175 WAC.

The following policies and procedures are included within this document:

- POL 5101 Designation of the Dam Safety Office
- POL 5102 Applicability of Dam Safety Policies and Procedures
- POL 5103 Applicability of Policies to Dams which are Federally Owned
- POL 5104 Applicability of Policies to Nonfederal Dams which are Licensed or Exempted for Hydropower by the Federal Energy Regulatory Commission (FERC)
- POL 5105 Exemption of Dams which are 6 Feet or Less in Height
- POL 5106 Multiple Dams in Series
- POL 5201 Issuance of Construction Permit
- POL 5202 Engineering Approval of Construction Plans and Specifications
- POL 5203 Assessment and Collection of Fees for Engineering Review of Construction Plans and Specifications and for Construction Inspections
- POL 5204 Plan Review Requirements for Construction Change Orders
- POL 5205 Review of Construction Plans and Specifications Received After Project Construction
- POL 5206 SEPA Compliance as Related to Issuance of Construction Permit
- POL 5301 Inspection of Construction Work
- POL 5302 Construction Inspection Plans – by Dam Owners
- POL 5401 Periodic Inspection of Existing Dams – Federal Dams
- POL 5402 Periodic Inspection of Existing Dams – Hydropower Dams Licensed or Exempted by FERC
- POL 5403 Periodic Inspection of Existing Dams – Ecology Sole Regulatory Agency

MISC.

- POL 5404 Frequency of Periodic Dam Inspections
- POL 5405 Dams Constructed Without Prior DSO Approval of Plans and Specifications (recent construction)
- POL 5406 "Older" Dams which were Constructed Many Years Ago without DSO Approval of Plans and Specifications
- POL 5407 Periodic Inspections of Metals Mining Tailings Impoundments
- POL 5501 Enforcement Guidelines and Procedures
- POL 5502 Use of Enforcement Action when Voluntary Compliance is Not Forthcoming
- POL 5601 Operation and Maintenance Manuals and Emergency Action Plans for Existing Dams
- POL 5602 Emergency Spillway Requirements at OFF-Channel Storage Facilities
- POL 5701 Emergency Response Procedures by Dam Safety Office
- POL 5702 Discretionary Actions During Emergency or Exigency Situations

Effective Date: July 1, 1999.

To receive a copy of the policy statement contact:

Fred Rajala, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6634, fax (360) 407-6634, TDD (360) 407-6006, e-mail fraj461@ecy.wa.gov.

Responsible official:

Keith E. Phillips, Program Manager
Water Resources Program
June 22, 1999



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4-25-510	AMD-P	99-13-060	16-05-045	REP-P	99-05-022	16-20-070	REP-XR	99-12-122
4-25-530	PREP	99-05-025	16-05-045	REP	99-08-039	16-20-080	REP-XR	99-12-122
4-25-530	AMD-P	99-13-061	16-10	PREP	99-11-056	16-20-090	REP-XR	99-12-122
4-25-730	AMD-P	99-13-062	16-10-010	REP-XA	99-15-033	16-20-100	REP-XR	99-12-122
4-25-740	REP-P	99-13-075	16-10-020	REP-XA	99-15-033	16-20-110	REP-XR	99-12-122
4-25-745	NEW-P	99-13-063	16-10-030	REP-XA	99-15-033	16-20-120	REP-XR	99-12-122
4-25-746	NEW-P	99-13-064	16-19-010	NEW-P	99-07-116	16-20-130	REP-XR	99-12-122
4-25-750	PREP	99-05-026	16-19-010	NEW	99-12-021	16-20-140	REP-XR	99-12-122
4-25-750	AMD-P	99-13-065	16-19-015	NEW-P	99-07-116	16-21-001	REP-XR	99-12-122
4-25-760	REP-P	99-13-076	16-19-015	NEW	99-12-021	16-21-010	REP-XR	99-12-122
4-25-780	PREP	99-05-027	16-19-020	NEW-P	99-07-116	16-21-020	REP-XR	99-12-122
4-25-780	AMD-P	99-13-066	16-19-020	NEW	99-12-021	16-21-025	REP-XR	99-12-122
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4-25-832	NEW-P	99-13-073	16-19-140	NEW-P	99-07-116	16-21-080	REP-XR	99-12-122
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16-05-015	REP-P	99-05-022	16-19-310	NEW	99-12-021	16-21-125	REP-XR	99-12-122
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16-22-020	REP-XR	99-12-122	16-54-150	REP	99-09-023	16-89-050	NEW	99-09-026
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16-142-030	REP-P	99-09-095	16-200-705	AMD-P	99-04-093	16-228-1410	NEW-XA	99-15-033
16-142-030	REP	99-13-048	16-200-705	AMD	99-08-037	16-228-1420	NEW-XA	99-15-033
16-142-040	REP-P	99-09-095	16-200-7061	AMD-P	99-04-093	16-228-143	REP-XA	99-15-033
16-142-040	REP	99-13-048	16-200-7061	AMD	99-08-037	16-228-1430	NEW-XA	99-15-033
16-142-050	REP-P	99-09-095	16-200-742	REP-XA	99-15-033	16-228-1440	NEW-XA	99-15-033
16-142-050	REP	99-13-048	16-200-750	AMD-P	99-13-164	16-228-145	REP-XA	99-15-033
16-142-060	REP-P	99-09-095	16-200-755	AMD-P	99-13-164	16-228-1450	NEW-XA	99-15-033
16-142-060	REP	99-13-048	16-200-760	AMD-P	99-13-164	16-228-14501	REP-XA	99-15-033
16-142-100	NEW-P	99-09-095	16-200-790	AMD-P	99-13-164	16-228-1455	NEW-XA	99-15-033
16-142-100	NEW	99-13-048	16-200-795	AMD-P	99-13-164	16-228-1460	NEW-XA	99-15-033
16-142-110	NEW-P	99-09-095	16-200-815	AMD-P	99-13-164	16-228-1500	NEW-XA	99-15-033
16-142-110	NEW	99-13-048	16-200-830	AMD-P	99-13-164	16-228-1520	NEW-XA	99-15-033
16-142-120	NEW-P	99-09-095	16-202-1000	NEW-XA	99-15-033	16-228-1530	NEW-XA	99-15-033
16-142-120	NEW	99-13-048	16-202-2000	NEW-XA	99-15-033	16-228-1540	NEW-XA	99-15-033
16-142-130	NEW-P	99-09-095	16-212	PREP	99-07-132	16-228-155	REP-XA	99-15-033
16-142-130	NEW	99-13-048	16-212	AMD-P	99-11-095	16-228-1550	NEW-XA	99-15-033
16-142-140	NEW-P	99-09-095	16-212	AMD	99-15-082	16-228-1555	NEW-XA	99-15-033
16-142-140	NEW	99-13-048	16-212-010	AMD-P	99-11-095	16-228-157	REP-XA	99-15-033
16-142-150	NEW-P	99-09-095	16-212-010	AMD	99-15-082	16-228-1570	NEW-XA	99-15-033
16-142-150	NEW	99-13-048	16-212-030	AMD-P	99-11-095	16-228-1580	NEW-XA	99-15-033
16-142-160	NEW-P	99-09-095	16-212-030	AMD	99-15-082	16-228-1585	NEW-XA	99-15-033
16-142-160	NEW	99-13-048	16-212-060	AMD-P	99-11-095	16-228-1590	NEW-XA	99-15-033
16-142-170	NEW-P	99-09-095	16-212-060	AMD	99-15-082	16-228-160	REP-XA	99-15-033
16-142-170	NEW	99-13-048	16-212-070	AMD-P	99-11-095	16-228-161	REP-XA	99-15-033
16-144	PREP	99-12-123	16-212-070	AMD	99-15-082	16-228-162	REP-XA	99-15-033
16-145	PREP	99-13-179	16-212-080	AMD-P	99-11-095	16-228-164	REP-XA	99-15-033
16-146	PREP	99-13-182	16-212-080	AMD	99-15-082	16-228-166	REP-XA	99-15-033
16-147	PREP	99-12-124	16-212-082	AMD-P	99-11-095	16-228-168	REP-XA	99-15-033
16-160-010	AMD-P	99-13-195	16-212-082	AMD	99-15-082	16-228-170	REP-XA	99-15-033
16-160-020	AMD-P	99-13-195	16-219-010	PREP	99-07-088	16-228-172	REP-XA	99-15-033
16-160-025	NEW-P	99-13-195	16-219-016	PREP	99-07-086	16-228-180	REP-XA	99-15-033
16-160-030	AMD-P	99-13-195	16-219-100	PREP	99-07-111	16-228-185	REP-XA	99-15-033
16-160-035	NEW-P	99-13-195	16-219-105	PREP	99-07-111	16-228-190	REP-XA	99-15-033
16-160-040	AMD-P	99-13-195	16-228	AMD-XA	99-15-033	16-228-195	REP-XA	99-15-033
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16-165-100	NEW	99-13-001	16-228-1100	NEW-XA	99-15-033	16-228-214	REP-XA	99-15-033
16-165-110	NEW-P	99-08-088	16-228-1110	NEW-XA	99-15-033	16-228-215	REP-XA	99-15-033
16-165-110	NEW	99-13-001	16-228-1120	NEW-XA	99-15-033	16-228-220	REP-XA	99-15-033
16-165-120	NEW-P	99-08-088	16-228-1130	NEW-XA	99-15-033	16-228-223	REP-XA	99-15-033
16-165-120	NEW	99-13-001	16-228-1140	NEW-XA	99-15-033	16-228-225	REP-XA	99-15-033
16-165-130	NEW-P	99-08-088	16-228-115	REP-XA	99-15-033	16-228-227	REP-XA	99-15-033
16-165-130	NEW	99-13-001	16-228-1150	NEW-XA	99-15-033	16-228-230	REP-XA	99-15-033
16-165-140	NEW-P	99-08-088	16-228-116	REP-XA	99-15-033	16-228-232	REP-XA	99-15-033
16-165-140	NEW	99-13-001	16-228-117	REP-XA	99-15-033	16-228-233	REP-XA	99-15-033
16-165-150	NEW-P	99-08-088	16-228-120	REP-XA	99-15-033	16-228-320	REP-XR	99-04-006
16-165-150	NEW	99-13-001	16-228-1200	NEW-XA	99-15-033	16-228-320	REP	99-07-113
16-165-160	NEW-P	99-08-088	16-228-1220	NEW-XA	99-15-033	16-228-330	REP-XR	99-04-006
16-165-160	NEW	99-13-001	16-228-1230	NEW-XA	99-15-033	16-228-330	REP	99-07-113
16-167-010	AMD-P	99-07-117	16-228-1240	NEW-XA	99-15-033	16-228-340	REP-XR	99-04-007
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16-167-020	AMD-P	99-07-117	16-228-1250	NEW-XA	99-15-033	16-228-400	REP-XA	99-15-033
16-167-020	AMD	99-12-020	16-228-1260	NEW-XA	99-15-033	16-228-410	REP-XA	99-15-033
16-167-030	AMD-P	99-07-117	16-228-1270	NEW-XA	99-15-033	16-228-420	REP-XA	99-15-033
16-167-030	AMD	99-12-020	16-228-130	REP-XA	99-15-033	16-228-430	REP-XA	99-15-033
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16-167-050	AMD-P	99-07-117	16-228-1330	NEW-XA	99-15-033	16-228-655	REP-XA	99-15-033
16-167-050	AMD	99-12-020	16-228-1370	NEW-XA	99-15-033	16-228-660	REP-XA	99-15-033
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16-230-180	PREP	99-13-163	16-231-925	PREP	99-13-162	16-406-030	PREP	99-04-094
16-230-190	PREP	99-13-163	16-231-930	PREP	99-13-162	16-406-030	AMD-P	99-08-108
16-230-400	PREP	99-13-162	16-231-935	PREP	99-13-162	16-406-050	PREP	99-04-094
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16-230-470	PREP	99-13-162	16-232-027	PREP	99-13-162	16-412-060	REP-XR	99-08-112
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16-231-220	PREP	99-13-162	16-232-105	PREP	99-13-162	16-448	PREP	99-08-110
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16-231-325	PREP	99-13-162	16-232-225	PREP	99-13-162	16-458-004	REP-XA	99-08-113
16-231-330	PREP	99-13-162	16-232-300	PREP	99-13-162	16-458-075	AMD-XA	99-08-113
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16-545-041	NEW	99-02-064	25- 12-180	NEW-P	99-03-098	131- 16-450	AMD-P	99-08-013
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16-545-080	NEW	99-02-064	36- 12-364	NEW-P	99-13-127	131- 28	PREP	99-10-015
16-561-010	AMD-P	99-07-108	36- 14-100	NEW-P	99-13-127	131- 46	PREP	99-08-057
16-561-010	AMD-C	99-11-024	44- 10	PREP	99-15-079	131- 46-140	NEW-P	99-14-018
16-561-010	AMD-C	99-12-013	50- 16-020	REP-XR	99-04-073	131- 46-140	NEW-E	99-14-020
16-561-010	AMD-W	99-13-142	50- 16-020	REP	99-08-123	132A	PREP	99-07-060
16-561-130	NEW-P	99-07-108	50- 16-025	REP-XR	99-04-073	132A-104-011	NEW-P	99-10-100
16-561-130	NEW-C	99-11-024	50- 16-025	REP	99-08-123	132A-104-011	NEW	99-15-072
16-561-130	NEW-C	99-12-013	50- 16-030	REP-XR	99-04-073	132A-104-016	NEW-P	99-10-100
16-561-130	NEW-W	99-13-142	50- 16-030	REP	99-08-123	132A-104-016	NEW	99-15-072
16-575-015	NEW-P	99-06-070	50- 16-035	REP-XR	99-04-073	132A-104-021	NEW-P	99-10-100
16-575-015	NEW	99-12-104	50- 16-035	REP	99-08-123	132A-104-021	NEW	99-15-072
16-604-010	REP	99-04-069	50- 16-040	REP-XR	99-04-073	132A-108-010	NEW-P	99-10-100
16-645-005	NEW-P	99-02-066	50- 16-040	REP	99-08-123	132A-108-010	NEW	99-15-072
16-645-005	NEW	99-06-072	50- 16-045	REP-XR	99-04-073	132A-108-020	NEW-P	99-10-100
16-645-010	NEW-P	99-02-066	50- 16-045	REP	99-08-123	132A-108-020	NEW	99-15-072
16-645-010	NEW	99-06-072	50- 16-050	REP-XR	99-04-073	132A-108-030	NEW-P	99-10-100
16-662-105	AMD-P	99-04-111	50- 16-050	REP	99-08-123	132A-108-030	NEW	99-15-072
16-662-105	AMD	99-07-056	50- 16-055	REP-XR	99-04-073	132A-108-040	NEW-P	99-10-100
16-662-110	AMD-P	99-04-111	50- 16-055	REP	99-08-123	132A-108-040	NEW	99-15-072
16-662-110	AMD	99-07-056	50- 16-060	REP-XR	99-04-073	132A-108-050	NEW-P	99-10-100
16-720	PREP	99-13-178	50- 16-060	REP	99-08-123	132A-108-050	NEW	99-15-072
16-750	PREP	99-13-039	50- 16-065	REP-XR	99-04-073	132A-108-060	NEW-P	99-10-100
16-752	PREP	99-07-123	50- 16-065	REP	99-08-123	132A-108-060	NEW	99-15-072
16-752-115	REP-XR	99-07-124	50- 16-070	REP-XR	99-04-073	132A-108-070	NEW-P	99-10-100
16-752-115	REP	99-11-087	50- 16-070	REP	99-08-123	132A-108-070	NEW	99-15-072
16-752-120	REP-XR	99-07-124	50- 16-075	REP-XR	99-04-073	132A-108-080	NEW-P	99-10-100
16-752-120	REP	99-11-087	50- 16-075	REP	99-08-123	132A-108-080	NEW	99-15-072
16-752-125	REP-XR	99-07-124	50- 16-080	REP-XR	99-04-073	132A-108-090	NEW-P	99-10-100
16-752-125	REP	99-11-087	50- 16-080	REP	99-08-123	132A-108-090	NEW	99-15-072
16-752-130	REP-XR	99-07-124	50- 16-085	REP-XR	99-04-073	132A-116-001	NEW-P	99-10-100
16-752-130	REP	99-11-087	50- 16-085	REP	99-08-123	132A-116-001	NEW	99-15-072
16-752-135	REP-XR	99-07-124	50- 16-090	REP-XR	99-04-073	132A-116-006	NEW-P	99-10-100

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132A-116-006	NEW	99-15-072	132A-150-010	NEW-P	99-10-100	132A-350-015	NEW-P	99-10-100
132A-116-011	NEW-P	99-10-100	132A-150-010	NEW	99-15-072	132A-350-015	NEW	99-15-072
132A-116-011	NEW	99-15-072	132A-150-020	NEW-P	99-10-100	132A-350-020	NEW-P	99-10-100
132A-116-016	NEW-P	99-10-100	132A-150-020	NEW	99-15-072	132A-350-020	NEW	99-15-072
132A-116-016	NEW	99-15-072	132A-156-006	NEW-P	99-10-100	132A-350-030	NEW-P	99-10-100
132A-116-021	NEW-P	99-10-100	132A-156-006	NEW	99-15-072	132A-350-030	NEW	99-15-072
132A-116-021	NEW	99-15-072	132A-156-011	NEW-P	99-10-100	132A-350-040	NEW-P	99-10-100
132A-116-026	NEW-P	99-10-100	132A-156-011	NEW	99-15-072	132A-350-040	NEW	99-15-072
132A-116-026	NEW	99-15-072	132A-156-016	NEW-P	99-10-100	132A-350-045	NEW-P	99-10-100
132A-116-030	NEW-P	99-10-100	132A-156-016	NEW	99-15-072	132A-350-045	NEW	99-15-072
132A-116-030	NEW	99-15-072	132A-160-006	NEW-P	99-10-100	132A-350-050	NEW-P	99-10-100
132A-120	AMD	99-15-072	132A-168-006	NEW-P	99-10-100	132A-350-050	NEW	99-15-072
132A-120-006	NEW-P	99-10-100	132A-168-006	NEW	99-15-072	132H-168-010	REP-P	99-05-018
132A-120-006	NEW	99-15-072	132A-168-011	NEW-P	99-10-100	132H-168-010	REP	99-10-045
132A-120-011	NEW-P	99-10-100	132A-168-011	NEW	99-15-072	132H-168-020	REP-P	99-05-018
132A-120-011	NEW	99-15-072	132A-168-016	NEW-P	99-10-100	132H-168-020	REP	99-10-045
132A-120-016	NEW-P	99-10-100	132A-168-016	NEW	99-15-072	132H-168-030	REP-P	99-05-018
132A-120-016	NEW	99-15-072	132A-168-021	NEW-P	99-10-100	132H-168-030	REP	99-10-045
132A-120-021	NEW-P	99-10-100	132A-168-021	NEW	99-15-072	132H-168-040	REP-P	99-05-018
132A-120-021	NEW	99-15-072	132A-168-026	NEW-P	99-10-100	132H-168-040	REP	99-10-045
132A-120-026	NEW-P	99-10-100	132A-168-026	NEW	99-15-072	132H-168-050	REP-P	99-05-018
132A-120-026	NEW	99-15-072	132A-176-006	NEW-P	99-10-100	132H-168-050	REP	99-10-045
132A-120-031	NEW-P	99-10-100	132A-176-006	NEW	99-15-072	132H-168-060	REP-P	99-05-018
132A-120-031	NEW	99-15-072	132A-276-031	NEW-P	99-10-100	132H-168-060	REP	99-10-045
132A-120-036	NEW-P	99-10-100	132A-276-031	NEW	99-15-072	132H-168-070	REP-P	99-05-018
132A-120-036	NEW	99-15-072	132A-276-045	AMD-P	99-10-100	132H-168-070	REP	99-10-045
132A-120-041	NEW-P	99-10-100	132A-276-045	AMD	99-15-072	132H-168-080	REP-P	99-05-018
132A-120-041	NEW	99-15-072	132A-280-006	NEW-P	99-10-100	132H-168-080	REP	99-10-045
132A-120-046	NEW-P	99-10-100	132A-280-006	NEW	99-15-072	132H-168-090	REP-P	99-05-018
132A-120-046	NEW	99-15-072	132A-280-011	NEW-P	99-10-100	132H-168-090	REP	99-10-045
132A-120-051	NEW-P	99-10-100	132A-280-011	NEW	99-15-072	132H-168-990	REP-P	99-05-018
132A-120-051	NEW	99-15-072	132A-280-016	NEW-P	99-10-100	132H-168-990	REP	99-10-045
132A-120-056	NEW-P	99-10-100	132A-280-016	NEW	99-15-072	132H-168-9901	REP-P	99-05-018
132A-120-056	NEW	99-15-072	132A-280-021	NEW-P	99-10-100	132H-168-9901	REP	99-10-045
132A-120-061	NEW-P	99-10-100	132A-280-021	NEW	99-15-072	132H-168-9902	REP-P	99-05-018
132A-120-061	NEW	99-15-072	132A-280-026	NEW-P	99-10-100	132H-168-9902	REP	99-10-045
132A-122-011	NEW-P	99-10-100	132A-280-026	NEW	99-15-072	132H-168-9903	REP-P	99-05-018
132A-122-011	NEW	99-15-072	132A-280-031	NEW-P	99-10-100	132H-168-9903	REP	99-10-045
132A-122-021	NEW-P	99-10-100	132A-280-031	NEW	99-15-072	132H-169-010	NEW-P	99-05-018
132A-122-021	NEW	99-15-072	132A-280-035	NEW-P	99-10-100	132H-169-010	NEW	99-10-045
132A-130-010	NEW-P	99-10-100	132A-280-035	NEW	99-15-072	132H-169-020	NEW-P	99-05-018
132A-130-010	NEW	99-15-072	132A-280-040	NEW-P	99-10-100	132H-169-020	NEW	99-10-045
132A-130-020	NEW-P	99-10-100	132A-280-040	NEW	99-15-072	132H-169-030	NEW-P	99-05-018
132A-130-020	NEW	99-15-072	132A-280-045	NEW-P	99-10-100	132H-169-030	NEW	99-10-045
132A-130-030	NEW-P	99-10-100	132A-280-045	NEW	99-15-072	132H-169-040	NEW-P	99-05-018
132A-130-030	NEW	99-15-072	132A-280-050	NEW-P	99-10-100	132H-169-040	NEW	99-10-045
132A-131-010	NEW-P	99-10-100	132A-280-050	NEW	99-15-072	132H-169-050	NEW-P	99-05-018
132A-131-010	NEW	99-15-072	132A-280-055	NEW-P	99-10-100	132H-169-050	NEW	99-10-045
132A-131-020	NEW-P	99-10-100	132A-280-055	NEW	99-15-072	132H-169-060	NEW-P	99-05-018
132A-131-020	NEW	99-15-072	132A-280-060	NEW-P	99-10-100	132H-169-060	NEW	99-10-045
132A-133-020	NEW-P	99-10-100	132A-280-060	NEW	99-15-072	132H-169-070	NEW-P	99-05-018
132A-133-020	NEW	99-15-072	132A-280-065	NEW-P	99-10-100	132H-169-070	NEW	99-10-045
132A-140	AMD	99-15-072	132A-280-065	NEW	99-15-072	132H-169-080	NEW-P	99-05-018
132A-140-001	NEW-P	99-10-100	132A-280-070	NEW-P	99-10-100	132H-169-080	NEW	99-10-045
132A-140-001	NEW	99-15-072	132A-280-070	NEW	99-15-072	132H-169-090	NEW-P	99-05-018
132A-140-006	NEW-P	99-10-100	132A-280-075	NEW-P	99-10-100	132H-169-090	NEW	99-10-045
132A-140-006	NEW	99-15-072	132A-280-075	NEW	99-15-072	132H-169-100	NEW-P	99-05-018
132A-140-011	NEW-P	99-10-100	132A-280-080	NEW-P	99-10-100	132H-169-100	NEW	99-10-045
132A-140-011	NEW	99-15-072	132A-280-080	NEW	99-15-072	132H-169-110	NEW-P	99-05-018
132A-140-016	NEW-P	99-10-100	132A-280-085	NEW-P	99-10-100	132H-169-110	NEW	99-10-045
132A-140-016	NEW	99-15-072	132A-280-085	NEW	99-15-072	132H-169-120	NEW-P	99-05-018
132A-140-021	NEW-P	99-10-100	132A-320-010	NEW-P	99-10-100	132H-169-120	NEW	99-10-045
132A-140-021	NEW	99-15-072	132A-320-010	NEW	99-15-072	132H-169-130	NEW-P	99-05-018
132A-140-026	NEW-P	99-10-100	132A-320-020	NEW-P	99-10-100	132H-169-130	NEW	99-10-045
132A-140-026	NEW	99-15-072	132A-320-020	NEW	99-15-072	132K- 16	PREP	99-04-028
132A-140-030	NEW-P	99-10-100	132A-320-030	NEW-P	99-10-100	132K- 16-010	REP-P	99-07-109
132A-140-030	NEW	99-15-072	132A-320-030	NEW	99-15-072	132K- 16-010	REP	99-10-046

Table

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132P- 33-120	AMD-P	99-08-019	162- 16-090	REP-P	99-04-108	162- 22-090	AMD-P	99-04-108
132P- 33-120	AMD	99-13-140	162- 16-090	REP	99-15-025	162- 22-090	AMD	99-15-025
132P- 33-123	NEW-P	99-08-019	162- 16-100	REP-P	99-04-108	162- 22-100	AMD-P	99-04-108
132P- 33-123	NEW	99-13-140	162- 16-100	REP	99-15-025	162- 22-100	AMD	99-15-025
132P- 33-125	NEW-P	99-08-019	162- 16-110	REP-P	99-04-108	162- 26	PREP	99-12-100
132P- 33-125	NEW	99-13-140	162- 16-110	REP	99-15-025	162- 26	PREP	99-13-121
132P- 33-130	AMD-P	99-08-019	162- 16-120	REP-P	99-04-108	162- 26-010	AMD-P	99-04-108
132P- 33-130	AMD	99-13-140	162- 16-120	REP	99-15-025	162- 26-010	AMD	99-15-025
132P- 33-150	AMD-P	99-08-019	162- 16-130	REP-P	99-04-108	162- 26-020	REP-P	99-04-108
132P- 33-150	AMD	99-13-140	162- 16-130	REP	99-15-025	162- 26-020	REP	99-15-025
132P- 33-155	NEW-P	99-08-019	162- 16-140	REP-P	99-04-108	162- 26-030	REP-P	99-04-108
132P- 33-155	NEW	99-13-140	162- 16-140	REP	99-15-025	162- 26-030	REP	99-15-025
132P- 33-160	AMD-P	99-08-019	162- 16-150	REP-P	99-04-108	162- 26-035	REP-P	99-04-108
132P- 33-160	AMD	99-13-140	162- 16-150	REP	99-15-025	162- 26-035	REP	99-15-025
132P- 33-170	AMD-P	99-08-019	162- 16-160	REP-P	99-04-108	162- 26-040	AMD-P	99-04-108
132P- 33-170	AMD	99-13-140	162- 16-160	REP	99-15-025	162- 26-040	AMD	99-15-025
132P- 33-210	AMD-P	99-08-019	162- 16-170	REP-P	99-04-108	162- 26-050	REP-P	99-04-108
132P- 33-210	AMD	99-13-140	162- 16-170	REP	99-15-025	162- 26-050	REP	99-15-025
132P- 33-220	AMD-P	99-08-019	162- 16-200	NEW-P	99-04-108	162- 26-060	AMD-P	99-04-108
132P- 33-220	AMD	99-13-140	162- 16-200	NEW	99-15-025	162- 26-060	AMD	99-15-025
132P- 33-230	AMD-P	99-08-019	162- 16-210	NEW-P	99-04-108	162- 26-070	AMD-P	99-04-108
132P- 33-230	AMD	99-13-140	162- 16-210	NEW	99-15-025	162- 26-070	AMD	99-15-025
132P- 33-260	AMD-P	99-08-019	162- 16-220	NEW-P	99-04-108	162- 26-080	AMD-P	99-04-108
132P- 33-260	AMD	99-13-140	162- 16-220	NEW	99-15-025	162- 26-080	AMD	99-15-025
132P- 33-270	AMD-P	99-08-019	162- 16-230	NEW-P	99-04-108	162- 26-090	REP-P	99-04-108
132P- 33-270	AMD	99-13-140	162- 16-230	NEW	99-15-025	162- 26-090	REP	99-15-025
132P-276	PREP	99-05-041	162- 16-240	NEW-P	99-04-108	162- 26-100	AMD-P	99-04-108
132Q- 12-010	REP-C	99-05-040	162- 16-240	NEW	99-15-025	162- 26-100	AMD	99-15-025
132Q- 12-010	REP	99-10-012	162- 16-250	NEW-P	99-04-108	162- 26-110	AMD-P	99-04-108
132X- 10	PREP	99-06-032	162- 16-250	NEW	99-15-025	162- 26-110	AMD	99-15-025
132X- 20	PREP	99-06-032	162- 16-260	NEW-P	99-04-108	162- 26-120	AMD-P	99-04-108
132X- 30	PREP	99-06-032	162- 16-260	NEW	99-15-025	162- 26-120	AMD	99-15-025
132X- 40	PREP	99-06-032	162- 16-270	NEW-P	99-04-108	162- 26-135	NEW-P	99-04-108
132X- 50	PREP	99-06-032	162- 16-270	NEW	99-15-025	162- 26-135	NEW	99-15-025
132X- 60	PREP	99-06-032	162- 16-280	NEW-P	99-04-108	162- 26-140	AMD-P	99-04-108
136-130-050	AMD-P	99-09-084	162- 16-280	NEW	99-15-025	162- 26-140	AMD	99-15-025
137- 08-010	PREP	99-14-017	162- 16-290	NEW-P	99-04-108	162- 28	PREP	99-12-098
137- 08-020	PREP	99-14-017	162- 16-290	NEW	99-15-025	162- 30	PREP	99-12-099
137- 08-060	PREP	99-14-017	162- 18	PREP	99-12-098	162- 30-010	AMD-P	99-04-108
137- 08-070	PREP	99-14-017	162- 20	PREP	99-12-098	162- 30-010	AMD	99-15-025
137- 08-080	PREP	99-14-017	162- 22	PREP	99-12-100	162- 30-020	AMD-P	99-04-108
137- 08-090	PREP	99-14-017	162- 22-010	AMD-P	99-04-108	162- 30-020	AMD	99-15-025
137- 08-100	PREP	99-14-017	162- 22-010	AMD	99-15-025	162- 38	PREP	99-12-100
137- 08-105	PREP	99-14-017	162- 22-020	AMD-P	99-04-108	162- 38-040	AMD-P	99-04-108
137- 08-110	PREP	99-14-017	162- 22-020	AMD	99-15-025	162- 38-040	AMD	99-15-025
137- 08-120	PREP	99-14-017	162- 22-025	NEW-P	99-04-108	162- 38-100	AMD-P	99-04-108
137- 08-130	PREP	99-14-017	162- 22-025	NEW	99-15-025	162- 38-100	AMD	99-15-025
137- 08-140	PREP	99-14-017	162- 22-030	REP-P	99-04-108	162- 38-105	NEW-P	99-04-108
137- 08-150	PREP	99-14-017	162- 22-030	REP	99-15-025	162- 38-105	NEW	99-15-025
137- 08-160	PREP	99-14-017	162- 22-035	NEW-P	99-04-108	162- 38-110	AMD-P	99-04-108
137- 08-170	PREP	99-14-017	162- 22-035	NEW	99-15-025	162- 38-110	AMD	99-15-025
162- 04	PREP	99-12-100	162- 22-040	REP-P	99-04-108	162- 38-130	REP-P	99-04-108
162- 12	PREP	99-12-098	162- 22-040	REP	99-15-025	162- 38-130	REP	99-15-025
162- 16-020	REP-P	99-04-108	162- 22-045	NEW-P	99-04-108	162- 40	PREP	99-12-098
162- 16-020	REP	99-15-025	162- 22-045	NEW	99-15-025	173- 16-010	REP-P	99-08-124
162- 16-030	REP-P	99-04-108	162- 22-050	REP-P	99-04-108	173- 16-020	REP-P	99-08-124
162- 16-030	REP	99-15-025	162- 22-050	REP	99-15-025	173- 16-030	REP-P	99-08-124
162- 16-040	REP-P	99-04-108	162- 22-060	REP-P	99-04-108	173- 16-040	REP-P	99-08-124
162- 16-040	REP	99-15-025	162- 22-060	REP	99-15-025	173- 16-050	REP-P	99-08-124
162- 16-050	REP-P	99-04-108	162- 22-065	NEW-P	99-04-108	173- 16-060	REP-P	99-08-124
162- 16-050	REP	99-15-025	162- 22-065	NEW	99-15-025	173- 16-064	REP-P	99-08-124
162- 16-060	REP-P	99-04-108	162- 22-070	REP-P	99-04-108	173- 16-070	REP-P	99-08-124
162- 16-060	REP	99-15-025	162- 22-070	REP	99-15-025	173- 16-200	REP-P	99-08-124
162- 16-070	REP-P	99-04-108	162- 22-075	NEW-P	99-04-108	173- 26	AMD-C	99-12-094
162- 16-070	REP	99-15-025	162- 22-075	NEW	99-15-025	173- 26-020	AMD-P	99-08-124
162- 16-080	REP-P	99-04-108	162- 22-080	REP-P	99-04-108	173- 26-095	NEW-P	99-08-124
162- 16-080	REP	99-15-025	162- 22-080	REP	99-15-025	173- 26-100	AMD-P	99-08-124

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173- 26-110	AMD-P	99-08-124	173-400-104	AMD-XA	99-04-097	180- 16-220	AMD-P	99-04-080
173- 26-120	AMD-P	99-08-124	173-400-104	AMD-P	99-12-096	180- 16-220	AMD	99-10-091
173- 26-170	NEW-P	99-08-124	173-400-115	AMD-XA	99-04-097	180- 16-221	REP-XR	99-03-001
173- 26-180	NEW-P	99-08-124	173-400-115	AMD-P	99-12-096	180- 16-221	REP	99-07-054
173- 26-190	NEW-P	99-08-124	173-405	PREP	99-07-093	180- 16-222	REP-XR	99-03-001
173- 26-200	NEW-P	99-08-124	173-406	PREP	99-13-173	180- 16-222	REP	99-07-054
173- 26-210	NEW-P	99-08-124	173-409	PREP	99-12-093	180- 16-226	REP-XR	99-03-001
173- 26-220	NEW-P	99-08-124	173-410	PREP	99-07-093	180- 16-226	REP	99-07-054
173- 26-230	NEW-P	99-08-124	173-415	PREP	99-10-042	180- 16-231	REP-XR	99-03-001
173- 26-240	NEW-P	99-08-124	173-425	AMD-P	99-07-110	180- 16-231	REP	99-07-054
173- 26-250	NEW-P	99-08-124	173-425-010	AMD-P	99-07-110	180- 16-236	REP-XR	99-03-001
173- 26-260	NEW-P	99-08-124	173-425-020	AMD-P	99-07-110	180- 16-236	REP	99-07-054
173-153-010	NEW-P	99-12-109	173-425-030	AMD-P	99-07-110	180- 16-238	REP-XR	99-03-001
173-153-020	NEW-P	99-12-109	173-425-040	AMD-P	99-07-110	180- 16-238	REP	99-07-054
173-153-030	NEW-P	99-12-109	173-425-050	AMD-P	99-07-110	180- 16-240	REP-P	99-04-080
173-153-040	NEW-P	99-12-109	173-425-060	AMD-P	99-07-110	180- 16-240	REP	99-10-091
173-153-050	NEW-P	99-12-109	173-425-070	AMD-P	99-07-110	180- 18-055	NEW-P	99-04-082
173-153-060	NEW-P	99-12-109	173-425-080	AMD-P	99-07-110	180- 18-055	NEW-P	99-06-089
173-153-070	NEW-P	99-12-109	173-425-090	REP-P	99-07-110	180- 18-055	NEW	99-10-094
173-153-080	NEW-P	99-12-109	173-425-100	REP-P	99-07-110	180- 20-011	NEW	99-08-004
173-153-090	NEW-P	99-12-109	173-425-110	REP-P	99-07-110	180- 20-034	AMD	99-08-004
173-153-100	NEW-P	99-12-109	173-433	PREP	99-07-093	180- 20-035	REP	99-08-004
173-153-110	NEW-P	99-12-109	173-434	PREP	99-07-093	180- 20-040	REP	99-08-004
173-153-120	NEW-P	99-12-109	173-481	PREP	99-10-042	180- 20-055	REP	99-08-004
173-153-130	NEW-P	99-12-109	173-495-010	AMD-XA	99-13-174	180- 20-060	REP	99-08-004
173-153-140	NEW-P	99-12-109	173-495-020	AMD-XA	99-13-174	180- 20-070	REP	99-08-004
173-153-150	NEW-P	99-12-109	173-495-040	AMD-XA	99-13-174	180- 20-075	REP	99-08-004
173-153-160	NEW-P	99-12-109	173-495-045	AMD-XA	99-13-174	180- 20-080	REP	99-08-004
173-153-170	NEW-P	99-12-109	173-495-060	AMD-XA	99-13-174	180- 20-101	AMD	99-08-004
173-153-180	NEW-P	99-12-109	173-495-065	AMD-XA	99-13-174	180- 20-111	AMD	99-08-004
173-153-190	NEW-P	99-12-109	173-495-070	AMD-XA	99-13-174	180- 20-115	AMD	99-08-004
173-153-200	NEW-P	99-12-109	173-495-080	AMD-XA	99-13-174	180- 20-120	AMD	99-08-004
173-201A	PREP	99-05-060	173-495-100	AMD-XA	99-13-174	180- 20-150	REP	99-08-004
173-202-020	AMD-E	99-07-077	173-495-120	AMD-XA	99-13-174	180- 22-150	PREP	99-04-083
173-202-020	AMD-E	99-09-001	173-532-085	NEW-S	99-08-125	180- 22-150	AMD-P	99-07-065
173-202-020	AMD-C	99-09-094	173-532-085	NEW	99-13-093	180- 24	PREP	99-14-086
173-224	PREP	99-11-055	173-548	AMD-P	99-09-092	180- 25	PREP	99-06-074
173-230	AMD-C	99-13-101	173-548-001	NEW-P	99-09-092	180- 26	PREP	99-06-080
173-230-010	AMD-P	99-12-038	173-548-002	NEW-P	99-09-092	180- 26-040	AMD-P	99-14-089
173-230-020	AMD-P	99-12-038	173-548-005	NEW-P	99-09-092	180- 27	PREP	99-06-079
173-230-030	REP-P	99-12-038	173-548-010	AMD-P	99-09-092	180- 27-020	AMD-P	99-14-090
173-230-040	AMD-P	99-12-038	173-548-015	NEW-P	99-09-092	180- 27-030	AMD-P	99-14-090
173-230-050	REP-P	99-12-038	173-548-020	AMD-P	99-09-092	180- 27-056	AMD-P	99-14-090
173-230-061	AMD-P	99-12-038	173-548-030	AMD-P	99-09-092	180- 27-080	AMD-P	99-14-090
173-230-065	NEW-P	99-12-038	173-548-031	NEW-P	99-09-092	180- 27-082	NEW-W	99-03-026
173-230-070	AMD-P	99-12-038	173-548-032	NEW-P	99-09-092	180- 27-083	NEW-W	99-03-026
173-230-080	AMD-P	99-12-038	173-548-033	NEW-P	99-09-092	180- 27-102	NEW-P	99-14-090
173-230-090	AMD-P	99-12-038	173-548-034	NEW-P	99-09-092	180- 27-600	AMD-P	99-14-090
173-230-100	AMD-P	99-12-038	173-548-035	NEW-P	99-09-092	180- 27-605	AMD-P	99-14-090
173-230-110	AMD-P	99-12-038	173-548-036	NEW-P	99-09-092	180- 27-610	AMD-P	99-14-090
173-230-120	AMD-P	99-12-038	173-548-037	NEW-P	99-09-092	180- 27-615	AMD-P	99-14-090
173-230-130	AMD-P	99-12-038	173-548-040	AMD-P	99-09-092	180- 29	PREP	99-06-078
173-230-140	AMD-P	99-12-038	173-548-050	AMD-P	99-09-092	180- 29-040	AMD-P	99-10-001
173-303	PREP	99-10-041	173-548-060	AMD-P	99-09-092	180- 29-040	AMD-P	99-14-088
173-400	PREP	99-07-093	173-548-070	AMD-P	99-09-092	180- 29-066	NEW-P	99-14-088
173-400	PREP	99-09-093	173-548-075	NEW-P	99-09-092	180- 29-067	NEW-P	99-14-088
173-400	PREP	99-10-042	173-548-076	NEW-P	99-09-092	180- 29-075	AMD-P	99-14-088
173-400-030	AMD-XA	99-04-097	174-280-015	AMD-P	99-08-030	180- 29-085	AMD-P	99-14-088
173-400-030	AMD-P	99-12-096	174-280-015	AMD	99-12-024	180- 29-095	PREP	99-04-086
173-400-040	AMD-XA	99-04-097	174-280-030	AMD-P	99-08-030	180- 29-095	AMD-P	99-07-067
173-400-040	AMD-P	99-12-096	174-280-030	AMD	99-12-024	180- 29-160	AMD-P	99-14-088
173-400-060	AMD-XA	99-04-097	180- 08-015	NEW-P	99-04-079	180- 31	PREP	99-06-077
173-400-060	AMD-P	99-12-096	180- 08-015	NEW	99-10-092	180- 32	PREP	99-06-076
173-400-070	AMD-XA	99-04-097	180- 16-195	AMD-P	99-04-080	180- 33	PREP	99-06-075
173-400-070	AMD-P	99-12-096	180- 16-195	AMD	99-10-091	180- 40	PREP	99-12-015
173-400-075	AMD-XA	99-04-097	180- 16-215	PREP	99-04-088	180- 40-215	PREP	99-04-084
173-400-075	AMD-P	99-12-096	180- 16-215	AMD-P	99-07-069	180- 40-215	AMD-P	99-07-064

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180-40-305	PREP	99-12-016	180-82-319	NEW-P	99-04-110	192-12-060	REP-XA	99-13-112
180-41-035	PREP	99-04-090	180-82-319	NEW	99-07-102	192-12-066	REP-XA	99-13-114
180-41-035	AMD-P	99-07-073	180-82-320	NEW	99-04-008	192-12-070	REP-XA	99-13-115
180-51	PREP	99-10-089	180-82-321	NEW-P	99-04-110	192-12-072	REP-P	99-05-068
180-51-050	AMD-P	99-04-081	180-82-321	NEW	99-07-102	192-12-074	REP-XA	99-11-091
180-51-050	AMD	99-10-093	180-82-322	NEW	99-04-008	192-12-076	REP-XA	99-11-090
180-51-107	NEW-P	99-04-082	180-82-324	NEW	99-04-008	192-12-080	REP-XR	99-10-006
180-51-107	NEW-P	99-06-089	180-82-326	NEW	99-04-008	192-12-090	REP-XA	99-11-094
180-51-107	NEW	99-10-094	180-82-328	NEW	99-04-008	192-12-100	REP-XA	99-13-116
180-51-110	PREP	99-04-091	180-82-330	NEW	99-04-008	192-12-110	REP-XR	99-10-007
180-51-110	AMD-P	99-07-072	180-82-331	NEW	99-06-005	192-12-115	REP-XR	99-10-008
180-51-110	AMD-S	99-14-011	180-82-332	NEW	99-04-008	192-12-130	REP	99-15-069
180-52	PREP	99-10-090	180-82-334	NEW	99-04-008	192-12-141	REP	99-08-073
180-52-041	NEW-P	99-14-087	180-82-336	NEW	99-04-008	192-12-150	REP	99-08-073
180-55-085	PREP	99-04-089	180-82-338	NEW-W	99-08-081	192-12-182	REP	99-08-073
180-55-085	AMD-P	99-07-068	180-82-339	NEW	99-04-008	192-12-330	AMD	99-08-073
180-56-245	PREP	99-04-092	180-82-340	NEW-W	99-08-081	192-12-350	REP-XR	99-13-107
180-56-245	AMD-P	99-07-071	180-82-342	NEW	99-04-008	192-12-355	REP-XR	99-13-108
180-77A	PREP	99-04-046	180-82-343	NEW	99-04-008	192-12-360	REP-XA	99-13-111
180-77A-028	AMD-P	99-07-049	180-82-344	NEW	99-04-008	192-12-380	REP-XR	99-13-109
180-77A-028	AMD	99-12-014	180-82-346	NEW	99-04-008	192-15-150	AMD	99-08-073
180-77A-029	AMD-P	99-07-049	180-82-348	NEW	99-04-008	192-16-001	REP-XA	99-11-092
180-77A-029	AMD	99-12-014	180-82-349	NEW-P	99-04-110	192-16-002	REP-XR	99-12-108
180-77A-080	NEW-P	99-07-049	180-82-349	NEW	99-07-102	192-16-051	REP-E	99-05-003
180-77A-080	NEW	99-12-014	180-82-350	NEW	99-04-008	192-16-051	REP-E	99-13-003
180-78-155	PREP	99-04-087	180-82-352	NEW	99-04-008	192-16-051	REP-P	99-13-183
180-78-155	AMD-P	99-07-070	180-82-354	NEW	99-04-008	192-16-052	REP-E	99-05-003
180-78-207	PREP	99-04-087	180-82-355	NEW	99-04-008	192-16-052	REP-E	99-13-003
180-78-207	AMD-P	99-07-070	180-82-356	NEW	99-04-008	192-16-052	REP-P	99-13-183
180-78-210	PREP	99-04-087	180-82-360	NEW	99-04-008	192-16-057	REP-E	99-05-003
180-78-210	AMD-P	99-07-070	180-82-362	NEW-W	99-08-081	192-16-057	REP-E	99-13-003
180-79A-223	PREP	99-06-038	180-85-075	AMD-E	99-05-002	192-16-057	REP-P	99-13-183
180-79A-223	AMD-P	99-10-003	180-85-075	PREP	99-06-039	192-23-002	REP	99-08-073
180-79A-223	AMD	99-14-012	180-85-075	AMD-P	99-10-002	192-23-013	REP	99-08-073
180-79A-300	AMD	99-06-006	180-85-075	AMD	99-14-010	192-23-018	REP	99-08-073
180-79A-380	PREP	99-04-085	182-08-095	PREP	99-11-100	192-24-001	REP	99-08-073
180-79A-380	AMD-P	99-07-066	182-08-095	AMD-P	99-14-082	192-24-010	REP	99-08-073
180-82	PREP	99-04-109	182-12-111	PREP	99-11-099	192-24-020	REP	99-08-073
180-82	PREP	99-12-040	182-12-111	AMD-P	99-14-081	192-24-030	REP-P	99-09-097
180-82-002	NEW	99-04-008	182-12-119	PREP	99-11-099	192-24-030	REP	99-13-002
180-82-004	NEW	99-04-008	182-12-119	AMD-P	99-14-081	192-100-500	NEW-XA	99-13-110
180-82-105	NEW	99-04-008	182-25-010	PREP	99-15-098	192-100-510	NEW-XA	99-13-113
180-82-110	NEW	99-04-008	182-25-020	PREP	99-15-099	192-110-005	NEW	99-08-073
180-82-115	NEW	99-04-008	182-25-030	PREP	99-08-107	192-110-010	NEW	99-15-069
180-82-120	NEW	99-04-008	182-25-030	AMD-P	99-12-032	192-110-015	NEW	99-08-073
180-82-125	NEW	99-04-008	182-25-030	PREP	99-15-098	192-110-020	NEW	99-08-073
180-82-130	NEW	99-04-008	182-25-040	PREP	99-05-077	192-110-050	NEW	99-08-073
180-82-200	NEW	99-04-008	182-25-040	AMD-P	99-12-032	192-120-001	NEW	99-08-073
180-82-201	NEW	99-04-008	182-25-040	PREP	99-15-098	192-120-010	NEW	99-08-073
180-82-202	NEW	99-04-008	182-25-085	PREP	99-05-077	192-120-020	NEW	99-08-073
180-82-204	NEW	99-04-008	182-25-085	NEW-P	99-08-106	192-120-030	NEW	99-08-073
180-82-210	NEW	99-04-008	182-25-085	NEW	99-12-033	192-120-035	NEW	99-08-073
180-82-215	NEW	99-04-008	182-25-090	PREP	99-05-077	192-120-040	NEW	99-08-073
180-82-300	NEW	99-04-008	182-25-090	AMD-P	99-08-106	192-140-005	NEW	99-08-073
180-82-302	NEW-W	99-08-081	182-25-090	AMD	99-12-033	192-140-010	NEW	99-08-073
180-82-304	NEW	99-04-008	182-25-090	PREP	99-15-098	192-140-020	NEW	99-08-073
180-82-306	NEW-W	99-08-081	182-25-100	AMD	99-07-078	192-140-025	NEW	99-08-073
180-82-308	NEW	99-04-008	182-25-100	AMD	99-07-078	192-140-030	NEW	99-08-073
180-82-310	NEW	99-04-008	182-25-105	AMD	99-07-078	192-150-090	NEW	99-08-073
180-82-312	NEW	99-04-008	182-25-110	AMD	99-07-078	192-180-005	NEW-P	99-09-097
180-82-314	NEW	99-04-008	192-04-060	AMD	99-15-069	192-180-005	NEW	99-13-002
180-82-315	NEW-P	99-04-110	192-04-170	AMD	99-08-073	192-180-010	NEW-P	99-09-097
180-82-315	NEW	99-07-102	192-04-190	AMD	99-08-073	192-180-010	NEW	99-13-002
180-82-316	NEW	99-04-008	192-12-005	REP	99-08-073	192-180-015	NEW-P	99-09-097
180-82-317	NEW-P	99-04-110	192-12-010	REP-XA	99-13-110	192-180-015	NEW	99-13-002
180-82-317	NEW	99-07-102	192-12-015	REP-XA	99-13-113	192-180-020	NEW-P	99-09-097
180-82-318	NEW	99-04-008	192-12-035	REP-XR	99-10-005	192-180-020	NEW	99-13-002
			192-12-050	PREP	99-11-088			

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192-180-025	NEW-P	99-09-097	196- 25-050	NEW-P	99-10-082	220- 32-05500U	REP-E	99-12-045
192-180-025	NEW	99-13-002	196- 25-050	NEW	99-15-053	220- 32-05500V	NEW-E	99-12-045
192-180-030	NEW-P	99-09-097	196- 25-060	NEW-P	99-10-083	220- 32-05500V	REP-E	99-13-079
192-180-030	NEW	99-13-002	196- 25-060	NEW	99-15-054	220- 32-05500W	NEW-E	99-13-079
192-200-020	NEW	99-08-073	196- 25-100	NEW-P	99-10-081	220- 32-05500W	REP-E	99-13-146
192-210-005	NEW-E	99-05-003	196- 25-100	NEW	99-15-052	220- 32-05500X	NEW-E	99-13-146
192-210-005	NEW-E	99-13-003	196- 26-020	PREP	99-02-070	220- 32-05700A	NEW-E	99-08-048
192-210-005	NEW-P	99-13-183	196- 26-020	AMD-P	99-08-132	220- 32-05700A	REP-E	99-13-012
192-210-010	NEW-E	99-05-003	196- 26-020	AMD	99-12-036	220- 32-05700B	NEW-E	99-13-012
192-210-010	NEW-E	99-13-003	204- 10-020	PREP	99-09-049	220- 33-01000N	NEW-E	99-05-055
192-210-010	NEW-P	99-13-183	204- 10-020	AMD-P	99-13-135	220- 33-01000N	REP-E	99-05-055
192-210-015	NEW-E	99-05-003	204- 24-050	AMD	99-06-023	220- 33-01000P	NEW-E	99-06-031
192-210-015	NEW-E	99-13-003	204- 32-020	PREP	99-09-021	220- 33-01000P	REP-E	99-06-031
192-210-015	NEW-P	99-13-183	204- 32-020	AMD-P	99-13-133	220- 33-01000Q	NEW-E	99-10-022
192-300-050	NEW-P	99-05-068	204- 32-040	PREP	99-09-021	220- 33-01000Q	REP-E	99-10-022
192-300-100	NEW-XA	99-13-111	204- 32-040	AMD-P	99-13-133	220- 33-01000R	NEW-E	99-14-016
192-300-150	NEW-XA	99-11-094	204- 32-060	PREP	99-09-021	220- 33-01000R	REP-E	99-14-016
192-300-180	NEW-XA	99-13-112	204- 32-060	AMD-P	99-13-133	220- 33-03000M	NEW-E	99-11-002
192-310-035	NEW-XA	99-11-092	204- 80-020	AMD	99-02-045	220- 33-03000M	REP-E	99-11-002
192-310-040	NEW-XA	99-11-093	204- 90-140	PREP	99-09-049	220- 33-03000N	NEW-E	99-14-015
192-310-050	PREP	99-11-088	204- 90-140	AMD-P	99-13-135	220- 33-03000N	REP-E	99-14-015
192-310-055	PREP	99-11-089	204- 96-010	PREP	99-09-048	220- 44-05000U	REP-E	99-03-008
192-310-060	NEW-XA	99-13-114	204- 96-010	NEW-P	99-13-134	220- 44-05000V	NEW-E	99-08-045
192-310-070	NEW-XA	99-13-115	208-464-010	REP	99-03-009	220- 44-05000V	REP-E	99-10-038
192-310-100	NEW-XA	99-13-116	208-464-020	REP	99-03-009	220- 44-05000W	NEW-E	99-10-038
192-320-050	NEW-P	99-05-068	208-464-030	REP	99-03-009	220- 44-05000W	REP-E	99-14-050
192-320-055	NEW-XA	99-11-091	208-464-040	REP	99-03-009	220- 44-05000X	NEW-E	99-14-050
192-320-060	NEW-XA	99-11-090	208-464-050	REP	99-03-009	220- 44-08000A	NEW-E	99-03-008
194- 22	PREP	99-07-005	208-464-060	REP	99-03-009	220- 44-10000A	NEW-E	99-13-132
196- 23	PREP	99-07-135	208-464-070	REP	99-03-009	220- 47-302	AMD-XA	99-11-097
196- 23	PREP	99-07-136	208-464-080	REP	99-03-009	220- 47-302	AMD-W	99-12-086
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236-47-009	REP	99-06-001	236-48-099	AMD-XA	99-10-069	236-49-055	AMD-XA	99-10-069
236-47-010	REP	99-06-001	236-48-099	AMD	99-15-070	236-49-055	AMD	99-15-070
236-47-011	REP	99-06-001	236-48-101	REP-XR	99-10-068	236-49-060	AMD-XA	99-10-069
236-47-012	REP	99-06-001	236-48-101	REP	99-13-138	236-49-060	AMD	99-15-070
236-47-013	REP	99-06-001	236-48-111	AMD-XA	99-10-069	236-49-061	REP-XR	99-10-068
236-47-014	REP	99-06-001	236-48-111	AMD	99-15-070	236-49-061	REP	99-13-138
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236-47-016	REP	99-06-001	236-48-121	AMD	99-15-070	240-10-030	AMD	99-14-022
236-47-017	REP	99-06-001	236-48-122	AMD-XA	99-10-069	245-02-010	DECOD	99-04-049
236-48-003	AMD-XA	99-10-069	236-48-122	AMD	99-15-070	245-02-020	DECOD	99-04-049
236-48-003	AMD	99-15-070	236-48-123	AMD-XA	99-10-069	245-02-025	DECOD	99-04-049
236-48-005	REP-XR	99-10-068	236-48-123	AMD	99-15-070	245-02-030	DECOD	99-04-049
236-48-005	REP	99-13-138	236-48-124	AMD-XA	99-10-069	245-02-035	DECOD	99-04-049
236-48-009	REP-XR	99-10-068	236-48-124	AMD	99-15-070	245-02-040	DECOD	99-04-049
236-48-009	REP	99-13-138	236-48-132	AMD-XA	99-10-069	245-02-045	DECOD	99-04-049
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236-48-011	AMD	99-15-070	236-48-141	AMD-XA	99-10-069	245-02-100	DECOD	99-04-049
236-48-012	AMD-XA	99-10-069	236-48-141	AMD	99-15-070	245-02-110	DECOD	99-04-049
236-48-012	AMD	99-15-070	236-48-142	AMD-XA	99-10-069	245-02-115	DECOD	99-04-049
236-48-013	AMD-XA	99-10-069	236-48-142	AMD	99-15-070	245-02-120	DECOD	99-04-049
236-48-013	AMD	99-15-070	236-48-143	AMD-XA	99-10-069	245-02-125	DECOD	99-04-049
236-48-021	AMD-XA	99-10-069	236-48-143	AMD	99-15-070	245-02-130	DECOD	99-04-049
236-48-021	AMD	99-15-070	236-48-151	REP-XR	99-10-068	245-02-131	DECOD	99-04-049
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236-48-025	AMD-XA	99-10-069	236-48-155	REP-XR	99-10-068	245-02-155	DECOD	99-04-049
236-48-025	AMD	99-15-070	236-48-155	REP	99-13-138	245-02-160	DECOD	99-04-049
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236-48-026	REP	99-13-138	236-48-162	REP	99-13-138	245-02-170	DECOD	99-04-049
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236-48-035	AMD	99-15-070	236-48-163	REP	99-13-138	245-02-180	DECOD	99-04-049
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236-48-041	REP	99-13-138	236-48-165	AMD	99-15-070	246-05-030	REP	99-03-062
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236-48-079	AMD	99-15-070	236-48-250	AMD	99-15-070	246-25-045	RECOD	99-04-049
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246-290-694	AMD	99-07-021	246-318-700	REP	99-04-052	246-320-735	NEW	99-04-052
246-290-696	AMD	99-07-021	246-318-710	REP	99-04-052	246-320-745	NEW	99-04-052
246-290-990	AMD-P	99-07-120	246-318-720	REP	99-04-052	246-320-755	NEW	99-04-052
246-290-990	AMD	99-12-022	246-318-730	REP	99-04-052	246-320-765	NEW	99-04-052
246-292-160	AMD-P	99-07-120	246-318-740	REP	99-04-052	246-320-775	NEW	99-04-052
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246-310-990	PREP	99-05-011	246-318-760	REP	99-04-052	246-320-795	NEW	99-04-052
246-316-990	PREP-W	99-04-048	246-318-770	REP	99-04-052	246-320-805	NEW	99-04-052
246-318-010	REP	99-04-052	246-318-780	REP	99-04-052	246-320-815	NEW	99-04-052
246-318-013	REP	99-04-052	246-318-790	REP	99-04-052	246-320-990	NEW	99-04-052
246-318-015	REP	99-04-052	246-318-800	REP	99-04-052	246-320-99902	NEW	99-04-052
246-318-017	REP	99-04-052	246-318-810	REP	99-04-052	246-358	PREP	99-15-108
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246-318-030	REP	99-04-052	246-318-840	REP	99-04-052	246-358-600	NEW	99-12-006
246-318-033	REP	99-04-052	246-318-850	REP	99-04-052	246-358-610	NEW-P	99-08-098
246-318-035	REP	99-04-052	246-318-860	REP	99-04-052	246-358-610	NEW	99-12-006
246-318-040	REP	99-04-052	246-318-870	REP	99-04-052	246-358-620	NEW-P	99-08-098
246-318-042	REP	99-04-052	246-318-890	REP	99-04-052	246-358-620	NEW	99-12-006
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246-318-155	REP	99-04-052	246-318-99910	REP	99-04-052	246-358-630	NEW	99-12-006
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246-318-190	REP	99-04-052	246-320-045	NEW	99-04-052	246-358-650	NEW	99-12-006
246-318-200	REP	99-04-052	246-320-065	NEW	99-04-052	246-358-660	NEW-P	99-08-098
246-318-210	REP	99-04-052	246-320-085	NEW	99-04-052	246-358-660	NEW	99-12-006
246-318-220	REP	99-04-052	246-320-105	NEW	99-04-052	246-358-670	NEW-P	99-08-098
246-318-230	REP	99-04-052	246-320-125	NEW	99-04-052	246-358-670	NEW	99-12-006
246-318-240	REP	99-04-052	246-320-145	NEW	99-04-052	246-358-680	NEW-P	99-08-098
246-318-250	REP	99-04-052	246-320-165	NEW	99-04-052	246-358-680	NEW	99-12-006
246-318-260	REP	99-04-052	246-320-185	NEW	99-04-052	246-359-001	NEW	99-03-065
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246-318-290	REP	99-04-052	246-320-245	NEW	99-04-052	246-359-020	NEW	99-03-065
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246-318-310	REP	99-04-052	246-320-285	NEW	99-04-052	246-359-040	NEW	99-03-065
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246-318-450	REP	99-04-052	246-320-525	NEW	99-04-052	246-359-140	NEW	99-03-065
246-318-500	REP	99-04-052	246-320-535	NEW	99-04-052	246-359-150	NEW	99-03-065
246-318-510	REP	99-04-052	246-320-545	NEW	99-04-052	246-359-160	NEW	99-03-065
246-318-520	REP	99-04-052	246-320-555	NEW	99-04-052	246-359-170	NEW	99-03-065
246-318-530	REP	99-04-052	246-320-565	NEW	99-04-052	246-359-180	NEW	99-03-065
246-318-540	REP	99-04-052	246-320-575	NEW	99-04-052	246-359-200	NEW	99-03-065
246-318-550	REP	99-04-052	246-320-585	NEW	99-04-052	246-359-210	NEW	99-03-065
246-318-560	REP	99-04-052	246-320-595	NEW	99-04-052	246-359-220	NEW	99-03-065
246-318-570	REP	99-04-052	246-320-605	NEW	99-04-052	246-359-230	NEW	99-03-065
246-318-580	REP	99-04-052	246-320-615	NEW	99-04-052	246-359-240	NEW	99-03-065
246-318-590	REP	99-04-052	246-320-625	NEW	99-04-052	246-359-250	NEW	99-03-065
246-318-600	REP	99-04-052	246-320-635	NEW	99-04-052	246-359-300	NEW	99-03-065
246-318-610	REP	99-04-052	246-320-645	NEW	99-04-052	246-359-310	NEW	99-03-065
246-318-620	REP	99-04-052	246-320-655	NEW	99-04-052	246-359-320	NEW	99-03-065
246-318-630	REP	99-04-052	246-320-665	NEW	99-04-052	246-359-330	NEW	99-03-065
246-318-640	REP	99-04-052	246-320-675	NEW	99-04-052	246-359-340	NEW	99-03-065
246-318-650	REP	99-04-052	246-320-685	NEW	99-04-052	246-359-350	NEW	99-03-065

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246-359-410	NEW	99-03-065	246-811-045	NEW-P	99-09-100	246-840-850	PREP	99-14-002
246-359-420	NEW	99-03-065	246-811-045	NEW	99-13-084	246-840-860	PREP	99-14-002
246-359-430	NEW	99-03-065	246-811-046	NEW-P	99-09-100	246-840-870	PREP	99-14-002
246-359-440	NEW	99-03-065	246-811-046	NEW	99-13-084	246-840-880	PREP	99-14-002
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246-359-510	NEW	99-03-065	246-811-047	NEW	99-13-084	246-840-900	PREP	99-14-002
246-359-520	NEW	99-03-065	246-811-048	NEW-P	99-09-100	246-840-920	PREP	99-11-032
246-359-530	NEW	99-03-065	246-811-048	NEW	99-13-084	246-843-060	REP	99-03-069
246-359-540	NEW	99-03-065	246-811-049	NEW-P	99-09-100	246-843-200	REP	99-03-068
246-359-550	NEW	99-03-065	246-811-049	NEW	99-13-084	246-843-220	REP	99-03-067
246-359-560	NEW	99-03-065	246-811-070	NEW-P	99-09-100	246-843-225	REP	99-03-067
246-359-565	NEW	99-03-065	246-811-070	NEW	99-13-084	246-845-990	AMD-P	99-02-057
246-359-570	NEW	99-03-065	246-811-075	NEW-P	99-09-100	246-845-990	AMD	99-08-101
246-359-575	NEW	99-03-065	246-811-075	NEW	99-13-084	246-847-990	AMD-P	99-02-057
246-359-580	NEW	99-03-065	246-811-080	NEW-P	99-09-100	246-847-990	AMD	99-08-101
246-359-590	NEW	99-03-065	246-811-080	NEW	99-13-084	246-849-990	AMD-P	99-02-057
246-359-600	NEW	99-03-065	246-811-990	NEW-P	99-09-100	246-849-990	AMD	99-08-101
246-359-700	NEW	99-03-065	246-811-990	NEW	99-13-084	246-850-060	NEW-P	99-03-083
246-359-710	NEW	99-03-065	246-817-990	AMD-P	99-02-057	246-850-060	NEW	99-07-122
246-359-720	NEW	99-03-065	246-817-990	AMD	99-08-101	246-851-990	AMD-P	99-02-057
246-359-730	NEW	99-03-065	246-822-990	AMD-P	99-02-057	246-851-990	AMD	99-08-101
246-359-740	NEW	99-03-065	246-822-990	AMD	99-08-101	246-915-990	AMD-P	99-02-057
246-359-750	NEW	99-03-065	246-828-045	NEW	99-08-102	246-915-990	AMD	99-08-101
246-359-760	NEW	99-03-065	246-828-061	NEW-P	99-11-036	246-918-115	NEW-P	99-07-121
246-359-800	NEW	99-03-065	246-828-105	AMD-XA	99-08-096	246-918-116	NEW-P	99-07-121
246-359-990	NEW	99-03-065	246-828-110	REP	99-07-020	246-918-990	AMD-P	99-06-093
246-360-990	PREP	99-10-077	246-828-120	REP	99-07-020	246-918-990	AMD	99-13-087
246-560-001	AMD	99-03-043	246-828-130	REP	99-07-020	246-919-630	NEW-P	99-07-121
246-560-002	NEW	99-03-043	246-828-140	REP	99-07-020	246-919-640	NEW-P	99-07-121
246-560-010	AMD	99-03-043	246-828-150	REP	99-07-020	246-922-010	AMD-P	99-08-100
246-560-011	NEW	99-03-043	246-828-160	REP	99-07-020	246-922-010	AMD	99-14-074
246-560-025	NEW	99-03-043	246-828-170	REP	99-07-020	246-922-090	REP-P	99-08-100
246-560-035	NEW	99-03-043	246-828-180	REP	99-07-020	246-922-090	REP	99-14-074
246-560-040	AMD	99-03-043	246-828-190	REP	99-07-020	246-922-100	AMD-P	99-08-100
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246-560-050	AMD	99-03-043	246-828-210	REP	99-07-020	246-922-300	AMD-P	99-15-104
246-560-060	AMD	99-03-043	246-828-230	REP	99-07-020	246-922-310	AMD-P	99-15-104
246-560-065	NEW	99-03-043	246-828-240	REP	99-07-020	246-924-180	AMD-P	99-09-101
246-560-070	REP	99-03-043	246-828-250	REP	99-07-020	246-924-180	AMD	99-14-075
246-560-075	NEW	99-03-043	246-828-260	REP	99-07-020	246-924-230	AMD-P	99-09-101
246-560-077	NEW	99-03-043	246-828-290	AMD	99-08-103	246-924-230	AMD	99-14-075
246-560-085	NEW	99-03-043	246-828-310	REP	99-07-020	246-924-240	AMD-P	99-09-101
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246-762	PREP	99-11-031	246-830-990	AMD	99-08-101	246-924-250	AMD	99-14-075
246-790	PREP	99-13-082	246-834-050	NEW	99-03-064	246-924-300	AMD-P	99-09-101
246-802-990	AMD-P	99-02-057	246-834-060	AMD	99-03-064	246-924-300	AMD	99-14-075
246-802-990	AMD	99-08-101	246-834-070	AMD	99-03-064	246-924-330	AMD-P	99-09-101
246-808-101	REP-XR	99-03-061	246-834-080	AMD	99-03-064	246-924-330	AMD	99-14-075
246-808-301	REP-XR	99-03-061	246-834-990	PREP	99-06-090	246-924-340	REP-P	99-09-101
246-808-320	REP-XR	99-03-061	246-838-040	REP	99-08-104	246-924-340	REP	99-14-075
246-808-330	REP-XR	99-03-061	246-840	PREP	99-11-033	246-924-990	AMD-P	99-02-057
246-808-340	REP-XR	99-03-061	246-840-010	PREP	99-11-032	246-924-990	AMD	99-08-101
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246-808-370	REP-XR	99-03-061	246-840-020	PREP	99-11-032	246-928-990	AMD-P	99-02-057
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246-808-390	REP-XR	99-03-061	246-840-050	AMD	99-13-086	246-930-330	PREP	99-14-001
246-808-640	REP-XR	99-03-061	246-840-070	AMD-P	99-08-099	246-930-499	REP	99-07-018
246-808-990	AMD-P	99-02-057	246-840-070	AMD	99-13-086	246-930-990	AMD-P	99-02-057
246-808-990	AMD	99-08-101	246-840-090	AMD-P	99-08-099	246-930-990	AMD	99-08-101
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246-810-990	AMD	99-08-101	246-840-125	PREP	99-03-066	246-935-050	PREP	99-15-103
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250- 79-030	NEW-P	99-15-084	275- 27-195	NEW	99-04-071	292-100-150	AMD	99-06-073
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251- 01-040	AMD	99-05-042	275- 27-202	NEW	99-04-071	292-100-210	NEW	99-06-073
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251- 01-190	AMD	99-05-042	275- 27-211	NEW	99-04-071	296- 14-100	AMD-P	99-13-201
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251- 01-330	REP	99-05-042	275- 27-213	NEW	99-04-071	296- 14-410	AMD-P	99-13-201
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296-20-02700	NEW-P	99-13-202	296-24-67515	AMD	99-10-071	296-46-915	AMD	99-12-080
296-20-02701	NEW-P	99-13-202	296-24-67517	AMD	99-10-071	296-46-930	AMD	99-05-052
296-20-02702	NEW-P	99-13-202	296-24-71507	AMD	99-10-071	296-46-940	AMD	99-05-052
296-20-02703	NEW-P	99-13-202	296-24-71513	AMD	99-10-071	296-46-950	AMD	99-05-052
296-20-02704	NEW-P	99-13-202	296-24-71517	AMD	99-10-071	296-50	PREP	99-02-083
296-20-02705	NEW-P	99-13-202	296-24-71519	AMD	99-10-071	296-50	PREP	99-06-040
296-20-02850	NEW-P	99-13-202	296-27	PREP	99-02-083	296-50-010	REP-XR	99-12-090
296-20-135	AMD-P	99-05-079	296-27	PREP	99-08-069	296-50-020	REP-XR	99-12-090
296-20-135	AMD	99-10-043	296-28	PREP	99-02-083	296-50-030	REP-XR	99-12-090
296-23	PREP	99-12-114	296-30-020	AMD	99-07-004	296-50-040	REP-XR	99-12-090
296-23-220	AMD-P	99-05-079	296-30-025	REP	99-07-004	296-50-050	REP-XR	99-12-090
296-23-220	AMD	99-10-043	296-30-060	AMD	99-07-004	296-50-060	REP-XR	99-12-090
296-23-230	AMD-P	99-05-079	296-30-081	AMD	99-07-004	296-50-070	REP-XR	99-12-090
296-23-230	AMD	99-10-043	296-30-900	AMD	99-07-004	296-50-080	REP-XR	99-12-090
296-23A	PREP	99-12-114	296-31-010	PREP	99-10-101	296-50-090	REP-XR	99-12-090
296-24	PREP	99-02-083	296-31-010	AMD-P	99-15-100	296-50-100	REP-XR	99-12-090
296-24	PREP	99-04-057	296-31-012	PREP	99-10-101	296-50-110	REP-XR	99-12-090
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296-24-20507	AMD-XA	99-13-165	296-31-072	AMD	99-07-004	296-52	PREP	99-04-057
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296-24-20509	AMD-XA	99-13-165	296-31-075	AMD	99-07-004	296-52-425	AMD-XA	99-12-089
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296-24-20511	AMD-XA	99-13-165	296-31-085	NEW	99-07-004	296-52-433	AMD-XA	99-12-089
296-24-20513	AMD	99-12-091	296-31-100	REP	99-07-004	296-52-437	AMD-XA	99-12-089
296-24-20513	AMD-XA	99-13-165	296-32	PREP	99-02-083	296-52-449	AMD-XA	99-12-089
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296-24-20517	AMD	99-12-091	296-32-260	AMD-XA	99-12-089	296-52-493	AMD-XA	99-12-089
296-24-20517	AMD-XA	99-13-165	296-36	PREP	99-02-083	296-54	PREP	99-02-083
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296- 54-515	AMD-P	99-08-072	296- 54-58910	NEW-P	99-08-072	296- 62-07131	NEW	99-10-071
296- 54-51510	NEW-P	99-08-072	296- 54-58920	NEW-P	99-08-072	296- 62-07132	NEW	99-10-071
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296- 54-523	AMD-P	99-08-072	296- 54-591	AMD-P	99-08-072	296- 62-07154	NEW	99-10-071
296- 54-525	REP-P	99-08-072	296- 54-593	AMD-P	99-08-072	296- 62-07155	NEW	99-10-071
296- 54-527	AMD-P	99-08-072	296- 54-59310	NEW-P	99-08-072	296- 62-07156	NEW	99-10-071
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296- 54-535	AMD-P	99-08-072	296- 54-595	AMD-P	99-08-072	296- 62-07170	NEW	99-10-071
296- 54-537	AMD-P	99-08-072	296- 54-59510	NEW-P	99-08-072	296- 62-07171	NEW	99-10-071
296- 54-539	AMD-P	99-08-072	296- 54-59520	NEW-P	99-08-072	296- 62-07172	NEW	99-10-071
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296- 54-53920	NEW-P	99-08-072	296- 54-59710	NEW-P	99-08-072	296- 62-07176	NEW	99-10-071
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296- 54-541	AMD-P	99-08-072	296- 54-599	REP-P	99-08-072	296- 62-07179	NEW	99-10-071
296- 54-543	AMD-P	99-08-072	296- 54-601	AMD-P	99-08-072	296- 62-07182	NEW	99-10-071
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296- 54-54720	NEW-P	99-08-072	296- 54-607	AMD-P	99-08-072	296- 62-07190	NEW	99-10-071
296- 54-54730	NEW-P	99-08-072	296- 54-701	NEW-P	99-08-072	296- 62-07192	NEW	99-10-071
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296- 54-555	AMD-P	99-08-072	296- 54-99002	AMD-P	99-08-072	296- 62-07208	NEW	99-10-071
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296- 54-55710	NEW-P	99-08-072	296- 54-99004	AMD-P	99-08-072	296- 62-07210	NEW	99-10-071
296- 54-55720	NEW-P	99-08-072	296- 54-99007	REP-P	99-08-072	296- 62-07212	NEW	99-10-071
296- 54-55730	NEW-P	99-08-072	296- 54-99008	REP-P	99-08-072	296- 62-07213	NEW	99-10-071
296- 54-559	AMD-P	99-08-072	296- 54-99009	REP-P	99-08-072	296- 62-07214	NEW	99-10-071
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296- 54-563	AMD-P	99-08-072	296- 54-99013	NEW-P	99-08-072	296- 62-07218	NEW	99-10-071
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296- 54-571	AMD-P	99-08-072	296- 56-60053	AMD	99-10-071	296- 62-07224	NEW	99-10-071
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296- 54-57325	NEW-P	99-08-072	296- 59-040	REP-P	99-15-086	296- 62-07234	NEW	99-10-071
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296- 54-57335	NEW-P	99-08-072	296- 62	PREP	99-04-057	296- 62-07236	NEW	99-10-071
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296-62-07242	NEW	99-10-071	296-62-07703	AMD-P	99-08-071	296-62-30125	NEW	99-07-097
296-62-07243	NEW	99-10-071	296-62-07709	AMD-P	99-08-071	296-62-30130	NEW	99-07-097
296-62-07245	NEW	99-10-071	296-62-07712	AMD-P	99-08-071	296-62-30135	NEW	99-07-097
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296-62-07248	NEW	99-10-071	296-62-07721	AMD-P	99-08-071	296-62-3020	AMD	99-07-097
296-62-07251	NEW	99-10-071	296-62-07722	AMD-P	99-08-071	296-62-30205	NEW	99-07-097
296-62-07253	NEW	99-10-071	296-62-07722	AMD	99-10-071	296-62-30210	NEW	99-07-097
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296-62-07261	NEW	99-10-071	296-62-07737	AMD-P	99-08-071	296-62-30230	NEW	99-07-097
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296-62-07521	AMD	99-10-071	296-62-14529	REP-P	99-13-144	296-62-30915	NEW	99-07-097
296-62-07523	AMD	99-10-071	296-62-14533	AMD	99-10-071	296-62-30920	NEW	99-07-097
296-62-07533	REP	99-10-071	296-62-20011	AMD	99-10-071	296-62-30925	NEW	99-07-097
296-62-07540	AMD	99-10-071	296-62-20017	AMD-XA	99-12-089	296-62-30930	NEW	99-07-097
296-62-07542	AMD-XA	99-12-089	296-62-20019	AMD	99-10-071	296-62-30935	NEW	99-07-097
296-62-07550	REP	99-10-071	296-62-20027	AMD	99-10-071	296-62-30940	NEW	99-07-097
296-62-07615	AMD	99-10-071	296-62-20027	AMD-XA	99-12-089	296-62-3100	AMD	99-07-097
296-62-07635	REP	99-10-071	296-62-20029	AMD-XA	99-12-089	296-62-31005	NEW	99-07-097
296-62-07639	REP	99-10-071	296-62-300	AMD	99-07-097	296-62-31010	NEW	99-07-097
296-62-07662	REP	99-10-071	296-62-30001	NEW	99-07-097	296-62-31015	NEW	99-07-097
296-62-07664	REP	99-10-071	296-62-30003	NEW	99-07-097	296-62-31020	NEW	99-07-097
296-62-07666	REP	99-10-071	296-62-3010	AMD	99-07-097	296-62-3110	AMD	99-07-097
296-62-07668	REP	99-10-071	296-62-30105	NEW	99-07-097	296-62-31105	NEW	99-07-097
296-62-07670	REP	99-10-071	296-62-30110	NEW	99-07-097	296-62-31110	NEW	99-07-097

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296-62-3112	REP	99-07-097	296-65	PREP	99-02-083	296-79-29021	AMD-P	99-06-071
296-62-3120	AMD	99-07-097	296-65-003	AMD-P	99-08-071	296-79-29023	AMD-P	99-06-071
296-62-3130	AMD	99-07-097	296-65-010	AMD-P	99-08-071	296-79-29025	REP-P	99-06-071
296-62-31305	NEW	99-07-097	296-65-012	AMD-P	99-08-071	296-79-29027	AMD-P	99-06-071
296-62-31310	NEW	99-07-097	296-65-020	AMD-P	99-08-071	296-79-29029	AMD-P	99-06-071
296-62-31315	NEW	99-07-097	296-65-025	AMD-P	99-08-071	296-79-29031	AMD-P	99-06-071
296-62-31320	NEW	99-07-097	296-65-030	AMD-P	99-08-071	296-79-29033	AMD-P	99-06-071
296-62-31325	NEW	99-07-097	296-67	PREP	99-02-083	296-79-29035	AMD-P	99-06-071
296-62-31330	NEW	99-07-097	296-78	PREP	99-02-083	296-79-29037	AMD-P	99-06-071
296-62-31335	NEW	99-07-097	296-78	PREP	99-06-040	296-79-300	AMD-P	99-06-071
296-62-3138	AMD	99-07-097	296-78	PREP	99-12-037	296-79-310	AMD-P	99-06-071
296-62-3140	AMD	99-07-097	296-78-540	AMD-P	99-15-086	296-79-31001	AMD-P	99-06-071
296-62-31405	NEW	99-07-097	296-78-545	AMD-P	99-15-086	296-79-31003	AMD-P	99-06-071
296-62-31410	NEW	99-07-097	296-78-550	AMD-P	99-15-086	296-79-31005	REP-P	99-06-071
296-62-31415	NEW	99-07-097	296-78-555	REP-P	99-15-086	296-79-31007	REP-P	99-06-071
296-62-31420	NEW	99-07-097	296-78-665	AMD	99-10-071	296-79-31009	AMD-P	99-06-071
296-62-31425	NEW	99-07-097	296-78-71019	AMD	99-10-071	296-79-31011	REP-P	99-06-071
296-62-31430	NEW	99-07-097	296-79	PREP	99-02-083	296-79-31013	REP-P	99-06-071
296-62-31435	NEW	99-07-097	296-79-010	AMD-P	99-06-071	296-79-320	AMD-P	99-06-071
296-62-31440	NEW	99-07-097	296-79-011	NEW-P	99-06-071	296-86A-020	AMD-P	99-08-128
296-62-31445	NEW	99-07-097	296-79-020	AMD-P	99-06-071	296-86A-020	AMD	99-12-080
296-62-31450	NEW	99-07-097	296-79-030	AMD-P	99-06-071	296-86A-025	AMD-P	99-08-128
296-62-31455	NEW	99-07-097	296-79-040	AMD-P	99-06-071	296-86A-025	AMD	99-12-080
296-62-31460	NEW	99-07-097	296-79-050	AMD-P	99-06-071	296-86A-028	AMD-P	99-08-128
296-62-31465	NEW	99-07-097	296-79-060	REP-P	99-06-071	296-86A-028	AMD	99-12-080
296-62-31470	NEW	99-07-097	296-79-070	AMD-P	99-06-071	296-86A-030	AMD-P	99-08-128
296-62-3152	AMD	99-07-097	296-79-080	AMD-P	99-06-071	296-86A-030	AMD	99-12-080
296-62-3160	AMD	99-07-097	296-79-090	AMD-P	99-06-071	296-86A-040	AMD-P	99-08-128
296-62-3180	AMD	99-07-097	296-79-100	AMD-P	99-06-071	296-86A-040	AMD	99-12-080
296-62-3190	AMD	99-07-097	296-79-110	AMD-P	99-06-071	296-86A-060	AMD-P	99-08-128
296-62-3195	AMD	99-07-097	296-79-120	AMD-P	99-06-071	296-86A-060	AMD	99-12-080
296-62-410	NEW	99-07-097	296-79-130	AMD-P	99-06-071	296-86A-070	AMD-P	99-08-128
296-62-41001	NEW	99-07-097	296-79-140	AMD-P	99-06-071	296-86A-070	AMD	99-12-080
296-62-41003	NEW	99-07-097	296-79-150	AMD-P	99-06-071	296-86A-073	AMD-P	99-08-128
296-62-41010	NEW	99-07-097	296-79-160	AMD-P	99-06-071	296-86A-073	AMD	99-12-080
296-62-41011	NEW	99-07-097	296-79-170	AMD-P	99-06-071	296-86A-074	AMD-P	99-08-128
296-62-41013	NEW	99-07-097	296-79-180	AMD-P	99-06-071	296-86A-074	AMD	99-12-080
296-62-41015	NEW	99-07-097	296-79-190	AMD-P	99-06-071	296-86A-075	AMD-P	99-08-128
296-62-41017	NEW	99-07-097	296-79-200	AMD-P	99-06-071	296-86A-075	AMD	99-12-080
296-62-41019	NEW	99-07-097	296-79-210	AMD-P	99-06-071	296-86A-080	AMD-P	99-08-128
296-62-41020	NEW	99-07-097	296-79-220	AMD-P	99-06-071	296-86A-080	AMD	99-12-080
296-62-41021	NEW	99-07-097	296-79-230	AMD-P	99-06-071	296-99	PREP	99-02-083
296-62-41023	NEW	99-07-097	296-79-240	AMD-P	99-06-071	296-104-001	PREP	99-05-021
296-62-41025	NEW	99-07-097	296-79-250	AMD-P	99-06-071	296-104-002	PREP	99-05-021
296-62-41025	AMD-XA	99-12-089	296-79-255	REP-P	99-06-071	296-104-010	PREP	99-05-021
296-62-41030	NEW	99-07-097	296-79-260	AMD-P	99-06-071	296-104-015	PREP	99-05-021
296-62-41031	NEW	99-07-097	296-79-270	AMD-P	99-06-071	296-104-017	PREP	99-05-021
296-62-41033	NEW	99-07-097	296-79-27001	REP-P	99-06-071	296-104-018	PREP	99-05-021
296-62-41035	NEW	99-07-097	296-79-27003	AMD-P	99-06-071	296-104-020	PREP	99-05-021
296-62-41040	NEW	99-07-097	296-79-27005	AMD-P	99-06-071	296-104-025	PREP	99-05-021
296-62-41041	NEW	99-07-097	296-79-27007	AMD-P	99-06-071	296-104-030	PREP	99-05-021
296-62-41042	NEW	99-07-097	296-79-27009	AMD-P	99-06-071	296-104-035	PREP	99-05-021
296-62-41043	NEW	99-07-097	296-79-27011	AMD-P	99-06-071	296-104-040	PREP	99-05-021
296-62-41044	NEW	99-07-097	296-79-27013	AMD-P	99-06-071	296-104-045	PREP	99-05-021
296-62-41045	NEW	99-07-097	296-79-27015	AMD-P	99-06-071	296-104-050	PREP	99-05-021
296-62-41046	NEW	99-07-097	296-79-280	AMD-P	99-06-071	296-104-055	PREP	99-05-021
296-62-41047	NEW	99-07-097	296-79-290	AMD-P	99-06-071	296-104-060	PREP	99-05-021
296-62-41060	NEW	99-07-097	296-79-29001	AMD-P	99-06-071	296-104-065	PREP	99-05-021
296-62-41061	NEW	99-07-097	296-79-29003	AMD-P	99-06-071	296-104-100	PREP	99-05-021
296-62-41063	NEW	99-07-097	296-79-29005	AMD-P	99-06-071	296-104-102	PREP	99-05-021
296-62-41080	NEW	99-07-097	296-79-29007	AMD-P	99-06-071	296-104-105	PREP	99-05-021
296-62-41081	NEW	99-07-097	296-79-29009	AMD-P	99-06-071	296-104-107	PREP	99-05-021
296-62-41082	NEW	99-07-097	296-79-29011	AMD-P	99-06-071	296-104-110	PREP	99-05-021
296-62-41084	NEW	99-07-097	296-79-29013	AMD-P	99-06-071	296-104-115	PREP	99-05-021
296-62-41085	NEW	99-07-097	296-79-29015	AMD-P	99-06-071	296-104-125	PREP	99-05-021
296-62-41086	NEW	99-07-097	296-79-29017	AMD-P	99-06-071	296-104-130	PREP	99-05-021
296-63	PREP	99-02-083	296-79-29019	REP-P	99-06-071	296-104-135	PREP	99-05-021

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296-104-140	PREP	99-05-021	296-150M-0306	AMD	99-13-010	296-150T-0230	NEW-P	99-08-130
296-104-145	PREP	99-05-021	296-150M-0309	NEW-P	99-08-129	296-150T-0230	NEW	99-12-079
296-104-150	PREP	99-05-021	296-150M-0309	NEW	99-13-010	296-150T-0250	NEW-P	99-08-130
296-104-151	PREP	99-05-021	296-150M-0400	REP-P	99-08-129	296-150T-0250	NEW	99-12-079
296-104-155	PREP	99-05-021	296-150M-0400	REP	99-13-010	296-150T-0300	NEW-P	99-08-130
296-104-160	PREP	99-05-021	296-150M-0600	AMD-P	99-08-129	296-150T-0300	NEW	99-12-079
296-104-165	PREP	99-05-021	296-150M-0600	AMD	99-13-010	296-150T-0320	NEW-P	99-08-130
296-104-170	PREP	99-05-021	296-150M-0610	AMD-P	99-08-129	296-150T-0320	NEW	99-12-079
296-104-285	REP-P	99-04-036	296-150M-0610	AMD	99-13-010	296-150T-0340	NEW-P	99-08-130
296-104-285	REP	99-08-049	296-150M-0614	NEW-P	99-08-129	296-150T-0340	NEW	99-12-079
296-104-502	PREP	99-05-021	296-150M-0614	NEW	99-13-010	296-150T-0350	NEW-P	99-08-130
296-104-700	AMD-P	99-04-036	296-150M-0615	NEW-P	99-08-129	296-150T-0350	NEW	99-12-079
296-104-700	AMD	99-08-049	296-150M-0615	NEW	99-13-010	296-150T-0380	NEW-P	99-08-130
296-115	PREP	99-02-083	296-150M-0640	AMD-P	99-08-129	296-150T-0380	NEW	99-12-079
296-125-019	REP-XR	99-12-113	296-150M-0640	AMD	99-13-010	296-150T-0390	NEW-P	99-08-130
296-125-019	REP	99-15-071	296-150M-0655	NEW-P	99-08-129	296-150T-0390	NEW	99-12-079
296-125-0212	NEW-W	99-09-081	296-150M-0655	NEW	99-13-010	296-150T-0400	NEW-P	99-08-130
296-125-0630	NEW-W	99-09-081	296-150M-3000	AMD-P	99-08-128	296-150T-0400	NEW	99-12-079
296-125-0725	NEW-W	99-09-081	296-150M-3000	AMD	99-12-080	296-150T-0410	NEW-P	99-08-130
296-150C	PREP	99-05-078	296-150P	PREP	99-05-078	296-150T-0410	NEW	99-12-079
296-150C-0140	NEW-P	99-08-129	296-150P-0020	AMD-P	99-08-129	296-150T-0500	NEW-P	99-08-130
296-150C-0140	NEW	99-13-010	296-150P-0020	AMD	99-13-010	296-150T-0500	NEW	99-12-079
296-150C-0320	AMD-P	99-08-129	296-150P-0050	NEW-P	99-08-129	296-150T-0510	NEW-P	99-08-130
296-150C-0320	AMD	99-13-010	296-150P-0050	NEW	99-13-010	296-150T-0510	NEW	99-12-079
296-150C-0805	NEW-P	99-08-129	296-150P-0140	NEW-P	99-08-129	296-150T-0520	NEW-P	99-08-130
296-150C-0805	NEW	99-13-010	296-150P-0140	NEW	99-13-010	296-150T-0520	NEW	99-12-079
296-150C-0810	AMD-P	99-08-129	296-150P-3000	AMD-P	99-08-128	296-150T-0530	NEW-P	99-08-130
296-150C-0810	AMD	99-13-010	296-150P-3000	AMD	99-12-080	296-150T-0530	NEW	99-12-079
296-150C-0960	AMD-P	99-08-129	296-150R	PREP	99-05-078	296-150T-0540	NEW-P	99-08-130
296-150C-0960	AMD	99-13-010	296-150R-0020	AMD-P	99-08-129	296-150T-0540	NEW	99-12-079
296-150C-1080	AMD-P	99-08-129	296-150R-0020	AMD	99-13-010	296-150T-0550	NEW-P	99-08-130
296-150C-1080	AMD	99-13-010	296-150R-0050	NEW-P	99-08-129	296-150T-0550	NEW	99-12-079
296-150C-1345	NEW-P	99-08-129	296-150R-0050	NEW	99-13-010	296-150T-0580	NEW-P	99-08-130
296-150C-1345	NEW	99-13-010	296-150R-0140	NEW-P	99-08-129	296-150T-0580	NEW	99-12-079
296-150C-1545	NEW-P	99-08-129	296-150R-0140	NEW	99-13-010	296-150T-0590	NEW-P	99-08-130
296-150C-1545	NEW	99-13-010	296-150R-3000	AMD-P	99-08-128	296-150T-0590	NEW	99-12-079
296-150C-1580	AMD-P	99-08-129	296-150R-3000	AMD	99-12-080	296-150T-0600	NEW-P	99-08-130
296-150C-1580	AMD-W	99-13-011	296-150T-0010	NEW-P	99-08-130	296-150T-0600	NEW	99-12-079
296-150C-3000	AMD-P	99-08-128	296-150T-0010	NEW	99-12-079	296-150T-0700	NEW-P	99-08-130
296-150C-3000	AMD	99-12-080	296-150T-0020	NEW-P	99-08-130	296-150T-0700	NEW	99-12-079
296-150F	PREP	99-05-078	296-150T-0020	NEW	99-12-079	296-150T-0710	NEW-P	99-08-130
296-150F-0050	NEW-P	99-08-129	296-150T-0030	NEW-P	99-08-130	296-150T-0710	NEW	99-12-079
296-150F-0050	NEW	99-13-010	296-150T-0030	NEW	99-12-079	296-150T-0720	NEW-P	99-08-130
296-150F-0140	NEW-P	99-08-129	296-150T-0040	NEW-P	99-08-130	296-150T-0720	NEW	99-12-079
296-150F-0140	NEW	99-13-010	296-150T-0040	NEW	99-12-079	296-150T-3000	NEW-P	99-08-130
296-150F-0320	AMD-P	99-08-129	296-150T-0050	NEW-P	99-08-130	296-150T-3000	NEW	99-12-079
296-150F-0320	AMD	99-13-010	296-150T-0050	NEW	99-12-079	296-150V-0010	NEW-P	99-13-200
296-150F-0605	NEW-P	99-08-129	296-150T-0070	NEW-P	99-08-130	296-150V-0020	NEW-P	99-13-200
296-150F-0605	NEW	99-13-010	296-150T-0070	NEW	99-12-079	296-150V-0030	NEW-P	99-13-200
296-150F-0610	NEW-P	99-08-129	296-150T-0080	NEW-P	99-08-130	296-150V-0040	NEW-P	99-13-200
296-150F-0610	NEW	99-13-010	296-150T-0080	NEW	99-12-079	296-150V-0050	NEW-P	99-13-200
296-150F-0615	NEW-P	99-08-129	296-150T-0100	NEW-P	99-08-130	296-150V-0060	NEW-P	99-13-200
296-150F-0615	NEW	99-13-010	296-150T-0100	NEW	99-12-079	296-150V-0070	NEW-P	99-13-200
296-150F-0620	NEW-P	99-08-129	296-150T-0110	NEW-P	99-08-130	296-150V-0080	NEW-P	99-13-200
296-150F-0620	NEW	99-13-010	296-150T-0110	NEW	99-12-079	296-150V-0100	NEW-P	99-13-200
296-150F-0625	NEW-P	99-08-129	296-150T-0120	NEW-P	99-08-130	296-150V-0110	NEW-P	99-13-200
296-150F-0625	NEW	99-13-010	296-150T-0120	NEW	99-12-079	296-150V-0120	NEW-P	99-13-200
296-150F-3000	AMD-P	99-08-128	296-150T-0130	NEW-P	99-08-130	296-150V-0140	NEW-P	99-13-200
296-150F-3000	AMD	99-12-080	296-150T-0130	NEW	99-12-079	296-150V-0200	NEW-P	99-13-200
296-150M	PREP	99-05-078	296-150T-0140	NEW-P	99-08-130	296-150V-0210	NEW-P	99-13-200
296-150M-0020	AMD-P	99-08-129	296-150T-0140	NEW	99-12-079	296-150V-0220	NEW-P	99-13-200
296-150M-0020	AMD	99-13-010	296-150T-0200	NEW-P	99-08-130	296-150V-0230	NEW-P	99-13-200
296-150M-0120	NEW-P	99-08-129	296-150T-0200	NEW	99-12-079	296-150V-0240	NEW-P	99-13-200
296-150M-0120	NEW	99-13-010	296-150T-0210	NEW-P	99-08-130	296-150V-0250	NEW-P	99-13-200
296-150M-0140	NEW-P	99-08-129	296-150T-0210	NEW	99-12-079	296-150V-0300	NEW-P	99-13-200
296-150M-0140	NEW	99-13-010	296-150T-0220	NEW-P	99-08-130	296-150V-0310	NEW-P	99-13-200
296-150M-0306	AMD-P	99-08-129	296-150T-0220	NEW	99-12-079	296-150V-0320	NEW-P	99-13-200

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296-150V-0340	NEW-P	99-13-200	296-155-17337	AMD	99-10-071	308-10-010	AMD-P	99-12-026
296-150V-0350	NEW-P	99-13-200	296-155-17341	AMD	99-10-071	308-10-045	AMD-XA	99-05-004
296-150V-0380	NEW-P	99-13-200	296-155-17349	REP	99-10-071	308-10-045	AMD	99-09-045
296-150V-0390	NEW-P	99-13-200	296-155-17351	REP	99-10-071	308-12-320	AMD-P	99-05-050
296-150V-0400	NEW-P	99-13-200	296-155-17353	REP	99-10-071	308-12-320	AMD	99-08-062
296-150V-0410	NEW-P	99-13-200	296-155-17355	REP	99-10-071	308-12-326	AMD-P	99-05-050
296-150V-0415	NEW-P	99-13-200	296-155-17357	REP	99-10-071	308-12-326	AMD	99-08-062
296-150V-0500	NEW-P	99-13-200	296-155-17359	REP	99-10-071	308-13-045	PREP	99-14-083
296-150V-0510	NEW-P	99-13-200	296-155-174	AMD	99-10-071	308-13-150	PREP	99-14-083
296-150V-0520	NEW-P	99-13-200	296-155-17613	AMD	99-10-071	308-13-160	PREP	99-14-083
296-150V-0530	NEW-P	99-13-200	296-155-17625	AMD	99-10-071	308-19-010	AMD-P	99-08-087
296-150V-0540	NEW-P	99-13-200	296-155-17635	REP	99-10-071	308-19-020	AMD-P	99-08-087
296-150V-0550	NEW-P	99-13-200	296-155-17652	AMD	99-10-071	308-19-030	AMD-P	99-08-087
296-150V-0560	NEW-P	99-13-200	296-155-17656	REP	99-10-071	308-19-100	AMD-P	99-08-087
296-150V-0580	NEW-P	99-13-200	296-155-220	AMD	99-10-071	308-19-105	NEW-P	99-08-087
296-150V-0590	NEW-P	99-13-200	296-155-270	AMD-XA	99-12-089	308-19-110	AMD-P	99-08-087
296-150V-0700	NEW-P	99-13-200	296-155-367	AMD	99-10-071	308-19-140	AMD-P	99-08-087
296-150V-0710	NEW-P	99-13-200	296-155-655	AMD	99-10-071	308-19-150	AMD-P	99-08-087
296-150V-0720	NEW-P	99-13-200	296-155-655	AMD-XA	99-12-089	308-19-160	AMD-P	99-08-087
296-150V-0800	NEW-P	99-13-200	296-155-66403	AMD-XA	99-12-089	308-19-200	AMD-P	99-08-087
296-150V-0930	NEW-P	99-13-200	296-155-730	AMD	99-10-071	308-19-210	AMD-P	99-08-087
296-150V-0950	NEW-P	99-13-200	296-200A-900	AMD-P	99-08-128	308-19-220	AMD-P	99-08-087
296-150V-1040	NEW-P	99-13-200	296-200A-900	AMD	99-12-080	308-19-230	AMD-P	99-08-087
296-150V-1070	NEW-P	99-13-200	296-301	PREP	99-04-057	308-19-240	AMD-P	99-08-087
296-150V-1090	NEW-P	99-13-200	296-301	PREP	99-06-040	308-19-250	AMD-P	99-08-087
296-150V-1100	NEW-P	99-13-200	296-301-020	AMD-XA	99-12-089	308-19-300	AMD-P	99-08-087
296-150V-1110	NEW-P	99-13-200	296-301-020	AMD	99-12-091	308-19-400	AMD-P	99-08-087
296-150V-1120	NEW-P	99-13-200	296-301-170	AMD-XA	99-12-089	308-19-410	AMD-P	99-08-087
296-150V-1170	NEW-P	99-13-200	296-301-195	AMD-XA	99-12-089	308-19-420	AMD-P	99-08-087
296-150V-1180	NEW-P	99-13-200	296-301-215	AMD-P	99-15-086	308-19-430	NEW-P	99-08-087
296-150V-1185	NEW-P	99-13-200	296-301-220	AMD-XA	99-12-089	308-19-440	NEW-P	99-08-087
296-150V-1190	NEW-P	99-13-200	296-302	PREP	99-02-083	308-21-010	REP-XR	99-10-026
296-150V-1220	NEW-P	99-13-200	296-303	PREP	99-02-083	308-21-010	REP	99-14-035
296-150V-1303	NEW-P	99-13-200	296-304	PREP	99-02-083	308-21-100	REP-XR	99-10-026
296-150V-1330	NEW-P	99-13-200	296-304	PREP	99-12-037	308-21-100	REP	99-14-035
296-150V-1350	NEW-P	99-13-200	296-304-03005	AMD	99-10-071	308-21-200	REP-XR	99-10-026
296-150V-1360	NEW-P	99-13-200	296-305	PREP	99-02-083	308-21-200	REP	99-14-035
296-150V-1380	NEW-P	99-13-200	296-305-01003	AMD	99-05-080	308-21-300	REP-XR	99-10-026
296-150V-1390	NEW-P	99-13-200	296-305-01005	AMD	99-05-080	308-21-300	REP	99-14-035
296-150V-1400	NEW-P	99-13-200	296-305-01509	AMD	99-05-080	308-21-400	REP-XR	99-10-026
296-150V-1410	NEW-P	99-13-200	296-305-02001	AMD	99-05-080	308-21-400	REP	99-14-035
296-150V-1420	NEW-P	99-13-200	296-305-02003	AMD	99-05-080	308-21-500	REP-XR	99-10-026
296-150V-1430	NEW-P	99-13-200	296-305-02007	AMD	99-05-080	308-21-500	REP	99-14-035
296-150V-1440	NEW-P	99-13-200	296-305-02013	AMD	99-05-080	308-21-600	REP-XR	99-10-026
296-150V-1450	NEW-P	99-13-200	296-305-02015	AMD	99-05-080	308-21-600	REP	99-14-035
296-150V-1460	NEW-P	99-13-200	296-305-02501	AMD	99-10-071	308-32-015	REP-XR	99-09-056
296-150V-1470	NEW-P	99-13-200	296-305-04001	AMD	99-05-080	308-32-015	REP	99-14-062
296-150V-1530	NEW-P	99-13-200	296-305-04501	AMD	99-05-080	308-32-020	REP-XR	99-09-056
296-150V-1540	NEW-P	99-13-200	296-305-04503	AMD	99-05-080	308-32-020	REP	99-14-062
296-150V-1550	NEW-P	99-13-200	296-305-05001	AMD	99-05-080	308-32-030	REP-XR	99-09-056
296-150V-1560	NEW-P	99-13-200	296-305-05007	AMD	99-05-080	308-32-030	REP	99-14-062
296-150V-1570	NEW-P	99-13-200	296-305-05009	AMD	99-05-080	308-32-040	REP-XR	99-09-056
296-150V-1580	NEW-P	99-13-200	296-305-06005	AMD	99-05-080	308-32-040	REP	99-14-062
296-150V-1590	NEW-P	99-13-200	296-305-06007	AMD	99-05-080	308-32-050	REP-XR	99-09-056
296-150V-3000	NEW-P	99-13-200	296-307	PREP	99-02-083	308-32-050	REP	99-14-062
296-155	PREP	99-02-083	296-307	PREP	99-12-037	308-32-060	REP-XR	99-09-056
296-155	PREP	99-04-057	296-307	PREP	99-15-107	308-32-060	REP	99-14-062
296-155	PREP	99-06-040	296-350	PREP	99-02-083	308-32-070	REP-XR	99-09-056
296-155	PREP	99-07-015	296-350	PREP	99-08-069	308-32-070	REP	99-14-062
296-155	PREP	99-08-070	296-400A-045	AMD-XA	99-03-109	308-32-080	REP-XR	99-09-056
296-155	PREP	99-12-037	296-400A-045	AMD	99-07-101	308-32-080	REP	99-14-062
296-155-120	AMD-P	99-15-086	296-401A-100	AMD	99-05-052	308-32-090	REP-XR	99-09-056
296-155-125	AMD-P	99-15-086	296-401A-140	AMD	99-05-052	308-32-090	REP	99-14-062
296-155-130	AMD-P	99-15-086	296-401A-530	AMD	99-05-052	308-48-800	PREP	99-10-016
296-155-135	REP-P	99-15-086	296-401A-700	AMD-P	99-08-128	308-48-800	AMD-P	99-13-136
296-155-17317	AMD	99-10-071	296-401A-700	AMD	99-12-080	308-56A-060	AMD-P	99-04-037
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308- 56A-070	AMD-P	99-04-037	308- 78-030	AMD-P	99-15-096	308- 96A-050	PREP	99-10-056
308- 56A-070	AMD	99-08-064	308- 78-040	PREP	99-08-127	308- 96A-056	PREP	99-10-056
308- 56A-075	AMD-P	99-04-037	308- 78-040	AMD-P	99-15-096	308- 96A-057	PREP	99-10-056
308- 56A-075	AMD	99-08-064	308- 78-045	PREP	99-08-127	308- 96A-061	PREP	99-10-058
308- 56A-140	AMD-P	99-07-016	308- 78-045	AMD-P	99-15-096	308- 96A-062	PREP	99-10-058
308- 56A-140	AMD	99-12-031	308- 78-050	PREP	99-08-127	308- 96A-063	PREP	99-10-058
308- 56A-145	REP-P	99-07-016	308- 78-050	AMD-P	99-15-096	308- 96A-064	PREP	99-10-058
308- 56A-145	REP	99-12-031	308- 78-060	PREP	99-08-127	308- 96A-080	PREP	99-03-003
308- 56A-150	PREP	99-13-006	308- 78-060	AMD-P	99-15-096	308- 96A-080	AMD-P	99-12-111
308- 56A-160	AMD-P	99-07-016	308- 78-070	PREP	99-08-127	308- 96A-085	PREP	99-03-003
308- 56A-160	AMD	99-12-031	308- 78-070	AMD-P	99-15-096	308- 96A-085	AMD-P	99-12-111
308- 56A-200	AMD-P	99-07-016	308- 78-080	PREP	99-08-127	308- 96A-090	PREP	99-03-003
308- 56A-200	AMD	99-12-031	308- 78-080	AMD-P	99-15-096	308- 96A-090	AMD-P	99-12-111
308- 56A-205	REP-P	99-07-016	308- 78-090	PREP	99-08-127	308- 96A-095	AMD-P	99-12-111
308- 56A-205	REP	99-12-031	308- 78-090	AMD-P	99-15-096	308- 96A-097	PREP	99-03-003
308- 56A-215	AMD-P	99-07-016	308- 87	PREP	99-12-018	308- 96A-097	REP-P	99-12-111
308- 56A-215	AMD	99-12-031	308- 91-010	PREP	99-13-139	308- 96A-098	NEW-P	99-13-081
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308- 56A-250	AMD	99-08-065	308- 91-040	PREP	99-13-139	308- 96A-100	REP	99-06-029
308- 56A-255	REP-P	99-04-038	308- 91-050	PREP	99-13-139	308- 96A-101	NEW	99-06-029
308- 56A-255	REP	99-08-065	308- 91-060	PREP	99-13-139	308- 96A-105	REP	99-06-029
308- 56A-265	AMD-P	99-04-038	308- 91-080	PREP	99-13-139	308- 96A-106	REP	99-06-029
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308- 56A-270	AMD-P	99-04-038	308- 91-095	PREP	99-13-139	308- 96A-120	REP	99-06-029
308- 56A-270	AMD	99-08-065	308- 91-120	PREP	99-13-139	308- 96A-135	AMD	99-06-029
308- 56A-275	AMD-P	99-04-038	308- 91-130	PREP	99-13-139	308- 96A-136	AMD	99-06-029
308- 56A-275	AMD	99-08-065	308- 91-140	PREP	99-13-139	308- 96A-145	AMD	99-06-029
308- 56A-280	REP-P	99-04-038	308- 91-150	PREP	99-13-139	308- 96A-161	AMD-P	99-13-081
308- 56A-280	REP	99-08-065	308- 91-170	PREP	99-13-139	308- 96A-162	REP-P	99-13-081
308- 56A-285	REP-P	99-04-038	308- 93-079	AMD-P	99-15-097	308- 96A-275	AMD-P	99-13-081
308- 56A-285	REP	99-08-065	308- 93-090	AMD-P	99-15-097	308- 96A-306	PREP	99-11-016
308- 56A-300	AMD-P	99-09-043	308- 93-100	REP-P	99-15-097	308- 96A-311	PREP	99-11-016
308- 56A-300	AMD	99-13-150	308- 93-135	PREP	99-10-057	308- 96A-312	PREP	99-11-016
308- 56A-305	AMD-P	99-09-043	308- 93-140	PREP	99-10-057	308- 96A-313	PREP	99-11-016
308- 56A-305	AMD	99-13-150	308- 93-145	PREP	99-10-057	308- 96A-314	PREP	99-11-016
308- 56A-310	AMD-P	99-09-043	308- 93-155	PREP	99-10-057	308- 96A-316	PREP	99-11-016
308- 56A-310	AMD	99-13-150	308- 93-160	AMD-P	99-15-097	308- 96A-400	AMD-P	99-13-081
308- 56A-315	AMD-P	99-09-043	308- 93-250	AMD	99-03-002	308- 96A-410	AMD-P	99-13-081
308- 56A-315	AMD	99-13-150	308- 93-270	AMD	99-03-002	308- 96A-505	PREP	99-10-056
308- 56A-320	AMD-P	99-09-043	308- 93-280	AMD	99-03-002	308- 96A-510	PREP	99-10-056
308- 56A-320	AMD	99-13-150	308- 93-320	PREP	99-10-057	308- 96A-520	PREP	99-10-056
308- 56A-325	AMD-P	99-09-043	308- 93-340	REP-P	99-15-097	308- 96A-530	PREP	99-10-056
308- 56A-325	AMD	99-13-150	308- 93-410	REP	99-03-002	308- 96A-540	PREP	99-10-056
308- 56A-330	AMD-P	99-09-043	308- 93-520	AMD	99-07-041	308- 99-010	PREP	99-10-055
308- 56A-330	AMD	99-13-150	308- 93-530	AMD	99-07-041	308- 99-020	PREP	99-10-055
308- 56A-335	AMD	99-06-037	308- 93-540	AMD	99-07-041	308- 99-021	PREP	99-10-055
308- 56A-340	REP	99-06-037	308- 93-550	REP	99-07-041	308- 99-025	PREP	99-10-055
308- 56A-345	REP	99-06-037	308- 93-560	REP	99-07-041	308- 99-030	PREP	99-10-055
308- 56A-350	REP	99-06-037	308- 93-570	REP	99-07-041	308- 99-040	PREP	99-10-055
308- 56A-355	AMD	99-06-037	308- 93-580	REP	99-07-041	308- 99-050	PREP	99-10-055
308- 56A-360	REP	99-06-037	308- 93-590	REP	99-07-041	308-104-109	NEW-P	99-02-052
308- 56A-365	REP	99-06-037	308- 93-600	REP	99-07-041	308-104-109	NEW	99-05-032
308- 56A-420	AMD	99-02-049	308- 93-620	REP	99-03-002	308-124	AMD	99-03-042
308- 57	PREP	99-07-080	308- 94-170	PREP	99-13-149	308-124-001	REP	99-03-042
308- 57-500	NEW-P	99-09-044	308- 94-181	PREP	99-13-149	308-124-005	REP	99-03-042
308- 57-500	NEW	99-13-151	308- 94-191	PREP	99-13-149	308-124-007	AMD	99-03-042
308- 58-010	PREP	99-10-054	308- 94-200	PREP	99-13-149	308-124-021	AMD	99-03-042
308- 58-020	PREP	99-10-054	308- 94-210	PREP	99-13-149	308-124A-200	AMD	99-03-042
308- 58-030	PREP	99-10-054	308- 94-220	PREP	99-13-149	308-124A-460	AMD	99-03-042
308- 58-040	PREP	99-10-054	308- 94-240	PREP	99-13-149	308-124B-140	AMD	99-03-042
308- 58-050	PREP	99-10-054	308- 94-250	PREP	99-13-149	308-124B-145	NEW	99-03-042
308- 66-190	AMD	99-02-049	308- 94-261	PREP	99-13-149	308-124B-150	AMD	99-03-042
308- 66-190	AMD-W	99-05-059	308- 94-265	PREP	99-13-149	308-124C-010	AMD	99-03-042
308- 78	PREP	99-08-127	308- 94-270	PREP	99-13-149	308-124D-061	AMD	99-03-042
308- 78-020	PREP	99-08-127	308- 96A	PREP	99-07-040	308-124D-070	NEW	99-03-042

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308-124F-020	REP	99-03-042	314- 68-010	AMD	99-10-066	352- 32-070	PREP	99-06-042
308-124F-030	REP	99-03-042	314- 68-020	AMD-P	99-05-014	352- 32-070	AMD-P	99-10-065
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308-125-090	AMD	99-11-039	314- 68-030	AMD-P	99-05-014	352- 32-075	PREP	99-06-042
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308-330-300	AMD	99-04-070	314- 68-050	AMD-P	99-05-014	352- 32-25001	AMD	99-08-031
308-330-307	AMD	99-04-070	314- 68-050	AMD	99-10-066	352- 32-25002	REP-P	99-04-118
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308-400-050	REP	99-06-003	315- 06-075	NEW	99-04-077	352- 37-190	AMD-W	99-08-084
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308-400-054	REP	99-06-003	315- 06-120	AMD-P	99-13-148	356- 05-012	NEW	99-05-043
308-400-058	AMD	99-06-003	315- 11A-166	REP-XR	99-10-031	356- 05-013	AMD-P	99-02-053
308-400-059	AMD	99-06-003	315- 11A-167	REP-XR	99-10-031	356- 05-013	AMD	99-05-043
308-400-062	AMD	99-06-003	315- 11A-168	REP-XR	99-10-031	356- 05-207	AMD-P	99-02-053
308-400-070	REP	99-06-003	315- 11A-169	REP-XR	99-10-031	356- 05-207	AMD	99-05-043
308-400-095	AMD	99-06-003	315- 11A-170	REP-XR	99-10-031	356- 05-327	REP-P	99-02-053
308-400-120	AMD	99-06-003	315- 11A-171	REP-XR	99-10-031	356- 05-327	REP	99-05-043
308-410-050	REP	99-06-003	315- 11A-172	REP-XR	99-10-031	356- 05-447	AMD-P	99-02-053
308-410-070	AMD	99-06-003	315- 11A-173	REP-XR	99-10-031	356- 05-447	AMD	99-05-043
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314- 04-007	NEW-P	99-08-014	315- 11A-178	REP-XR	99-10-031	356- 09-040	AMD-P	99-02-053
314- 04-007	NEW	99-12-129	315- 11A-179	REP-XR	99-10-031	356- 09-040	AMD	99-05-043
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314- 04-010	REP	99-15-023	315- 11A-181	REP-XR	99-10-031	356- 09-050	AMD-P	99-02-053
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314- 12	PREP	99-09-039	315- 11A-185	REP-XR	99-10-031	356- 22-010	AMD	99-05-043
314- 12	PREP	99-12-128	315- 11A-186	REP-XR	99-10-031	356- 22-040	AMD-P	99-02-053
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314- 12-210	NEW	99-13-042	315- 33A-060	AMD-P	99-10-052	356- 22-090	AMD	99-05-043
314- 12-215	NEW-S	99-06-097	315- 34-055	PREP	99-10-051	356- 22-180	AMD-P	99-02-053
314- 12-215	NEW	99-13-042	315- 34-055	REP-P	99-13-148	356- 22-180	AMD	99-05-043
314- 12-220	NEW-S	99-06-097	315- 34-057	NEW-P	99-13-148	356- 22-180	AMD-P	99-13-104
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314- 12-225	NEW	99-13-042	317-100-010	REP	99-07-076	356- 26-060	AMD-P	99-02-053
314- 12-300	NEW	99-03-032	317-100-020	REP	99-07-076	356- 26-060	AMD	99-05-043
314- 12-310	NEW	99-03-032	317-100-030	REP	99-07-076	356- 26-070	AMD-P	99-02-053
314- 12-320	NEW	99-03-032	317-100-040	REP	99-07-076	356- 26-070	AMD	99-05-043
314- 12-330	NEW	99-03-032	317-100-050	REP	99-07-076	356- 26-110	AMD	99-03-044
314- 12-340	NEW	99-03-032	317-100-060	REP	99-07-076	356- 30-010	AMD-P	99-02-053
314- 14-160	AMD	99-03-033	317-100-070	REP	99-07-076	356- 30-010	AMD	99-05-043
314- 14-165	NEW	99-03-033	317-100-080	REP	99-07-076	363-116-082	AMD	99-08-003
314- 14-170	NEW	99-03-033	317-100-090	REP	99-07-076	363-116-185	AMD-P	99-12-028
314- 15	PREP	99-09-039	326- 02-034	PREP	99-05-083	363-116-300	AMD-P	99-08-075
314- 15	PREP	99-12-127	326- 30-041	PREP	99-05-082	363-116-300	AMD	99-12-027
314- 16	PREP	99-09-039	332- 24-221	AMD-P	99-08-117	365- 18-010	NEW-S	99-04-072
314- 16	PREP	99-12-128	332- 24-221	AMD	99-12-085	365- 18-020	NEW-S	99-04-072
314- 16-160	PREP	99-04-002	332- 26-010	NEW-E	99-15-001	365- 18-030	NEW-S	99-04-072
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314- 16-260	NEW-S	99-07-085	332- 52-065	PREP	99-08-116	365- 18-050	NEW-S	99-04-072
314- 16-265	NEW-S	99-07-085	332- 52-065	AMD-P	99-12-092	365- 18-060	NEW-S	99-04-072
314- 16-270	NEW-S	99-07-085	352- 12	AMD	99-04-117	365- 18-070	NEW-S	99-04-072
314- 16-275	NEW-S	99-07-085	352- 12-005	AMD	99-04-117	365- 18-080	NEW-S	99-04-072
314- 20	PREP	99-04-112	352- 12-010	AMD	99-04-117	365- 18-090	NEW-S	99-04-072
314- 20	PREP	99-12-125	352- 12-020	AMD	99-04-117	365- 18-100	NEW-S	99-04-072
314- 24	PREP	99-12-125	352- 12-030	AMD	99-04-117	365- 18-110	NEW-S	99-04-072
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365-140-010	AMD	99-15-062	388-04-070	RECOD	99-15-021	388-78A-050	AMD-XA	99-09-052
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388-01-120	NEW-P	99-11-085	388-15-653	NEW	99-12-072	388-87-079	PREP	99-06-043
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388-01-130	NEW	99-15-065	388-15-656	NEW	99-12-072	388-87-090	PREP	99-11-084
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388-290-020	REP	99-14-023	388-290-750	NEW-P	99-08-121	388-320-030	REP-P	99-11-085
388-290-025	REP-P	99-08-121	388-290-750	NEW	99-14-023	388-320-030	REP	99-15-065
388-290-025	REP	99-14-023	388-290-800	NEW-P	99-08-121	388-320-100	REP-P	99-11-085
388-290-030	REP-P	99-08-121	388-290-800	NEW	99-14-023	388-320-100	REP	99-15-065
388-290-030	REP	99-14-023	388-290-850	NEW-P	99-08-121	388-320-110	REP-P	99-11-085
388-290-035	REP-P	99-08-121	388-290-850	NEW	99-14-023	388-320-110	REP	99-15-065
388-290-035	REP	99-14-023	388-290-900	NEW-P	99-08-121	388-320-115	REP-P	99-11-085
388-290-050	REP-P	99-08-121	388-290-900	NEW	99-14-023	388-320-115	REP	99-15-065
388-290-050	REP	99-14-023	388-290-905	NEW	99-14-023	388-320-130	REP-P	99-11-085
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388-290-075	NEW	99-14-023	388-290-945	NEW	99-14-023	388-320-140	REP-P	99-11-085
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388-290-1375	NEW-P	99-08-121	388-310-0700	AMD-P	99-05-071	388-320-350	REP	99-06-044
388-290-1400	NEW-P	99-08-121	388-310-0700	AMD	99-10-027	388-320-360	REP-P	99-03-076
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388-418-0030	AMD-P	99-12-121	388-470-0020	PREP	99-03-040	388-527-2700	NEW-P	99-07-025
388-424-0005	AMD-P	99-13-126	388-470-0025	PREP	99-03-040	388-527-2700	NEW	99-11-076
388-424-0010	AMD-P	99-13-126	388-470-0025	REP-P	99-12-117	388-527-2730	AMD-P	99-07-025
388-426	PREP	99-08-120	388-470-0035	AMD-P	99-12-117	388-527-2730	AMD	99-11-076
388-426-0005	AMD-P	99-13-192	388-470-0045	AMD-P	99-12-117	388-527-2733	NEW-P	99-07-025
388-434-0005	PREP	99-04-054	388-470-0050	PREP	99-03-040	388-527-2733	NEW	99-11-076
388-436-0001	REP-P	99-11-073	388-470-0055	AMD-P	99-12-117	388-527-2735	REP-P	99-07-025
388-436-0001	REP	99-14-046	388-470-0070	PREP	99-03-040	388-527-2735	REP	99-11-076
388-436-0002	NEW-P	99-11-073	388-470-0075	AMD-P	99-12-117	388-527-2737	NEW-P	99-07-025
388-436-0002	NEW	99-14-046	388-472-0005	AMD-P	99-13-192	388-527-2737	NEW	99-11-076
388-436-0005	REP-P	99-11-073	388-476-0005	AMD-P	99-13-192	388-527-2740	AMD-P	99-07-025
388-436-0005	REP	99-14-046	388-478-0010	AMD-P	99-12-120	388-527-2740	AMD	99-11-076
388-436-0030	AMD-E	99-14-042	388-478-0015	AMD	99-04-056	388-527-2742	AMD-P	99-07-025
388-438-0110	PREP	99-10-047	388-478-0055	AMD	99-04-103	388-527-2742	AMD	99-11-076
388-440	PREP	99-08-120	388-478-0055	PREP	99-05-045	388-527-2750	AMD-P	99-07-025
388-442-0010	AMD-P	99-12-120	388-478-0055	AMD-P	99-15-078	388-527-2750	AMD	99-11-076
388-444-0020	AMD-W	99-14-078	388-478-0060	AMD	99-05-074	388-527-2752	REP-P	99-07-025
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388-444-0040	AMD	99-07-024	388-478-0070	AMD-P	99-08-118	388-527-2753	REP-P	99-07-025
388-444-0045	AMD	99-07-024	388-478-0070	AMD-E	99-08-119	388-527-2753	REP	99-11-076
388-444-0075	AMD	99-07-024	388-478-0070	AMD	99-11-054	388-527-2754	AMD-P	99-07-025
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388-450-0015	AMD-P	99-13-192	388-478-0075	AMD-P	99-15-044	388-527-2790	AMD	99-11-076
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388-450-0025	AMD-P	99-13-192	388-478-0080	AMD-P	99-08-118	388-527-2795	NEW	99-11-076
388-450-0030	AMD-P	99-13-192	388-478-0080	AMD-E	99-08-119	388-530-1800	PREP	99-05-044
388-450-0035	AMD-P	99-12-119	388-478-0080	AMD	99-11-054	388-530-2050	PREP	99-05-044
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388-450-0050	PREP	99-03-040	388-478-0085	AMD-E	99-08-001	388-535-1000	REP	99-07-023
388-450-0050	AMD-P	99-06-098	388-478-0085	AMD-P	99-15-044	388-535-1010	NEW	99-07-023
388-450-0050	AMD	99-09-054	388-478-0085	AMD-E	99-15-045	388-535-1050	AMD	99-07-023
388-450-0060	AMD-P	99-12-119	388-482-0005	AMD-P	99-12-117	388-535-1060	NEW	99-07-023
388-450-0065	AMD-P	99-12-119	388-484-0005	AMD-P	99-04-102	388-535-1080	NEW	99-07-023
388-450-0080	AMD-P	99-12-119	388-484-0005	AMD	99-08-050	388-535-1100	AMD	99-07-023
388-450-0085	AMD-P	99-12-119	388-501-0130	PREP	99-05-044	388-535-1150	AMD	99-07-023
388-450-0100	AMD-P	99-12-116	388-501-0160	PREP	99-08-040	388-535-1200	AMD	99-07-023
388-450-0106	PREP	99-03-040	388-501-0165	PREP	99-08-041	388-535-1220	NEW	99-07-023
388-450-0106	AMD-P	99-12-116	388-501-0175	PREP	99-05-044	388-535-1230	NEW	99-07-023
388-450-0116	PREP	99-03-040	388-502-0220	PREP	99-06-085	388-535-1240	NEW	99-07-023
388-450-0116	AMD-P	99-12-116	388-502-0220	AMD-P	99-11-052	388-535-1250	AMD	99-07-023
388-450-0140	AMD-P	99-12-116	388-502-0250	PREP	99-05-044	388-535-1260	NEW	99-07-023
388-450-0160	AMD-P	99-12-116	388-503-0310	REP-XR	99-15-042	388-535-1300	AMD	99-07-023
388-450-0185	AMD-P	99-12-116	388-505-0210	AMD-P	99-13-126	388-535-1350	AMD	99-07-023
388-450-0190	AMD-P	99-12-116	388-505-0540	PREP	99-05-044	388-535-1400	AMD	99-07-023
388-450-0195	AMD-E	99-05-046	388-505-0595	PREP	99-05-044	388-535-1450	AMD	99-07-023
388-450-0195	AMD-P	99-06-088	388-510-1005	REP-XR	99-15-042	388-535-1500	AMD	99-07-023
388-450-0195	AMD	99-09-055	388-511-1130	PREP	99-05-044	388-535-1550	AMD	99-07-023
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388-450-0215	AMD-P	99-12-118	388-513-1315	AMD	99-06-045	388-540-001	PREP	99-05-044
388-450-0220	AMD-P	99-12-118	388-513-1320	AMD	99-06-045	388-540-010	PREP	99-05-044
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388-543-1000	NEW-W	99-08-080	388-550-4500	AMD-P	99-09-091	388-551-1350	NEW-P	99-05-073
388-543-1100	NEW-W	99-08-080	388-550-4500	AMD-W	99-11-050	388-551-1350	NEW	99-09-007
388-543-1200	NEW-W	99-08-080	388-550-4500	AMD-P	99-13-050	388-551-1360	NEW-P	99-05-073
388-543-1300	NEW-W	99-08-080	388-550-4700	AMD	99-06-046	388-551-1360	NEW	99-09-007
388-543-1400	NEW-W	99-08-080	388-550-4800	AMD	99-06-046	388-551-1400	NEW-P	99-05-073
388-543-1500	NEW-W	99-08-080	388-550-4800	AMD-P	99-09-090	388-551-1400	NEW	99-09-007
388-543-1600	NEW-W	99-08-080	388-550-4800	AMD	99-14-026	388-551-1410	NEW-P	99-05-073
388-543-1700	NEW-W	99-08-080	388-550-4900	PREP	99-06-083	388-551-1410	NEW	99-09-007
388-543-1800	NEW-W	99-08-080	388-550-4900	AMD-P	99-09-087	388-551-1500	NEW-P	99-05-073
388-543-1900	NEW-W	99-08-080	388-550-4900	AMD	99-14-040	388-551-1500	NEW	99-09-007
388-543-2000	NEW-W	99-08-080	388-550-5000	PREP	99-06-083	388-551-1510	NEW-P	99-05-073
388-543-2100	NEW-W	99-08-080	388-550-5000	AMD-P	99-09-087	388-551-1510	NEW	99-09-007
388-543-2200	NEW-W	99-08-080	388-550-5000	AMD	99-14-040	388-551-1520	NEW-P	99-05-073
388-543-2300	NEW-W	99-08-080	388-550-5100	PREP	99-06-083	388-551-1520	NEW	99-09-007
388-543-2400	NEW-W	99-08-080	388-550-5100	AMD-P	99-09-087	388-551-1530	NEW-P	99-05-073
388-543-2500	NEW-W	99-08-080	388-550-5100	AMD	99-14-025	388-551-1530	NEW	99-09-007
388-543-2600	NEW-W	99-08-080	388-550-5110	PREP	99-06-083	388-551-2000	NEW-P	99-11-053
388-543-2700	NEW-W	99-08-080	388-550-5110	NEW-P	99-09-087	388-551-2010	NEW-P	99-11-053
388-543-2800	NEW-W	99-08-080	388-550-5110	NEW-W	99-13-125	388-551-2020	NEW-P	99-11-053
388-543-2900	NEW-W	99-08-080	388-550-5120	PREP	99-06-083	388-551-2100	NEW-P	99-11-053
388-543-3000	NEW-W	99-08-080	388-550-5120	NEW-P	99-09-087	388-551-2110	NEW-P	99-11-053
388-545-0500	PREP	99-11-084	388-550-5120	NEW-W	99-13-125	388-551-2120	NEW-P	99-11-053
388-545-300	NEW-P	99-11-071	388-550-5150	PREP	99-06-083	388-551-2130	NEW-P	99-11-053
388-545-700	NEW-P	99-11-074	388-550-5150	AMD-P	99-09-087	388-551-2200	NEW-P	99-11-053
388-546	PREP	99-13-191	388-550-5150	AMD	99-14-025	388-551-2210	NEW-P	99-11-053
388-550-1050	AMD	99-06-046	388-550-5200	PREP	99-06-083	388-551-2220	NEW-P	99-11-053
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388-550-1050	AMD-P	99-09-088	388-550-5200	AMD	99-14-025	388-552-001	NEW	99-13-049
388-550-1050	AMD	99-14-039	388-550-5250	PREP	99-06-083	388-552-005	NEW-P	99-08-122
388-550-1200	AMD	99-06-046	388-550-5250	AMD-P	99-09-087	388-552-005	NEW	99-13-049
388-550-2300	REP-P	99-14-038	388-550-5250	AMD	99-14-025	388-552-100	NEW-P	99-08-122
388-550-2431	NEW	99-06-046	388-550-5300	PREP	99-06-083	388-552-100	NEW	99-13-049
388-550-2501	NEW-P	99-14-038	388-550-5300	AMD-P	99-09-087	388-552-200	NEW-P	99-08-122
388-550-2511	NEW-P	99-14-038	388-550-5300	AMD	99-14-025	388-552-200	NEW	99-13-049
388-550-2521	NEW-P	99-14-038	388-550-5350	PREP	99-06-083	388-552-210	NEW-P	99-08-122
388-550-2531	NEW-P	99-14-038	388-550-5350	AMD-P	99-09-087	388-552-210	NEW	99-13-049
388-550-2541	NEW-P	99-14-038	388-550-5350	AMD	99-14-025	388-552-220	NEW-P	99-08-122
388-550-2551	NEW-P	99-14-038	388-550-5400	PREP	99-06-083	388-552-220	NEW	99-13-049
388-550-2561	NEW-P	99-14-038	388-550-5400	AMD-P	99-09-087	388-552-230	NEW-P	99-08-122
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388-550-2800	AMD-P	99-09-091	388-550-5600	AMD-P	99-11-052	388-552-240	NEW	99-13-049
388-550-2800	AMD	99-14-027	388-550-6000	AMD	99-06-046	388-552-300	NEW-P	99-08-122
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388-550-2900	PREP	99-06-084	388-550-6000	AMD-P	99-09-089	388-552-310	NEW-P	99-08-122
388-550-2900	AMD-P	99-09-091	388-550-6000	PREP	99-12-071	388-552-310	NEW	99-13-049
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388-550-3100	AMD	99-06-046	388-551-1000	NEW	99-09-007	388-552-330	NEW-P	99-08-122
388-550-3381	NEW-P	99-14-038	388-551-1010	NEW-P	99-05-073	388-552-330	NEW	99-13-049
388-550-3401	NEW-P	99-14-038	388-551-1010	NEW	99-09-007	388-552-340	NEW-P	99-08-122
388-550-3450	PREP	99-06-084	388-551-1200	NEW-P	99-05-073	388-552-340	NEW	99-13-049
388-550-3450	AMD-P	99-09-091	388-551-1200	NEW	99-09-007	388-552-350	NEW-P	99-08-122
388-550-3450	AMD	99-14-027	388-551-1210	NEW-P	99-05-073	388-552-350	NEW	99-13-049
388-550-3500	AMD	99-06-046	388-551-1210	NEW	99-09-007	388-552-360	NEW-P	99-08-122
388-550-3500	PREP	99-06-084	388-551-1300	NEW-P	99-05-073	388-552-360	NEW	99-13-049
388-550-3500	AMD-P	99-09-091	388-551-1300	NEW	99-09-007	388-552-370	NEW-P	99-08-122
388-550-3500	AMD	99-14-027	388-551-1310	NEW-P	99-05-073	388-552-370	NEW	99-13-049
388-550-3700	AMD	99-06-046	388-551-1310	NEW	99-09-007	388-552-380	NEW-P	99-08-122
388-550-3900	PREP	99-06-084	388-551-1315	NEW-P	99-05-073	388-552-380	NEW	99-13-049
388-550-3900	AMD-P	99-09-091	388-551-1315	NEW	99-09-007	388-552-390	NEW-P	99-08-122
388-550-3900	AMD	99-14-027	388-551-1320	NEW-P	99-05-073	388-552-390	NEW	99-13-049
388-550-4100	PREP	99-06-084	388-551-1320	NEW	99-09-007	388-552-400	NEW-P	99-08-122
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388-890-1065	NEW-P	99-12-030	390-14-040	PREP	99-06-056	391-55-090	AMD	99-14-060
388-890-1070	NEW-P	99-12-030	390-14-040	AMD-P	99-09-068	391-55-110	AMD-P	99-10-107
388-890-1075	NEW-P	99-12-030	390-14-040	AMD	99-12-062	391-55-110	AMD	99-14-060
388-890-1080	NEW-P	99-12-030	390-14-045	PREP	99-06-057	391-55-120	NEW-P	99-10-107
388-890-1085	NEW-P	99-12-030	390-14-045	AMD-P	99-09-069	391-55-120	NEW	99-14-060
388-890-1090	NEW-P	99-12-030	390-14-045	AMD	99-12-063	391-55-130	AMD-P	99-10-107
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388-890-1100	NEW-P	99-12-030	390-14-055	REP-P	99-09-057	391-55-150	AMD-P	99-10-107
388-890-1110	NEW-P	99-12-030	390-14-055	REP	99-12-051	391-55-150	AMD	99-14-060
388-890-1115	NEW-P	99-12-030	390-14-100	PREP	99-06-059	391-55-200	AMD-P	99-10-107
388-890-1120	NEW-P	99-12-030	390-14-100	AMD-P	99-09-070	391-55-200	AMD	99-14-060
388-890-1125	NEW-P	99-12-030	390-14-100	AMD	99-12-064	391-55-205	AMD-P	99-10-107
388-890-1130	NEW-P	99-12-030	390-14-105	PREP	99-06-060	391-55-205	AMD	99-14-060
388-890-1135	NEW-P	99-12-030	390-14-105	REP-P	99-09-058	391-55-210	AMD-P	99-10-107
388-890-1140	NEW-P	99-12-030	390-14-105	REP	99-12-052	391-55-210	AMD	99-14-060
388-890-1145	NEW-P	99-12-030	390-14-110	PREP	99-06-061	391-55-215	AMD-P	99-10-107
388-890-1150	NEW-P	99-12-030	390-14-110	AMD-P	99-09-071	391-55-215	AMD	99-14-060
388-890-1155	NEW-P	99-12-030	390-14-110	AMD	99-12-065	391-55-220	AMD-P	99-10-107
388-890-1160	NEW-P	99-12-030	390-17-030	PREP	99-06-062	391-55-220	AMD	99-14-060
388-890-1165	NEW-P	99-12-030	390-17-030	AMD-P	99-09-072	391-55-225	AMD-P	99-10-107
388-890-1170	NEW-P	99-12-030	390-17-030	AMD	99-12-066	391-55-225	AMD	99-14-060
388-890-1175	NEW-P	99-12-030	390-18-020	PREP	99-06-063	391-55-230	AMD-P	99-10-107
388-890-1180	NEW-P	99-12-030	390-18-020	AMD-P	99-09-073	391-55-230	AMD	99-14-060
388-890-1185	NEW-P	99-12-030	390-18-020	AMD	99-12-067	391-55-235	AMD-P	99-10-107
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388-890-1200	NEW-P	99-12-030	390-18-050	AMD	99-12-068	391-55-240	AMD	99-14-060
388-890-1205	NEW-P	99-12-030	390-20-014	PREP	99-06-065	391-55-245	AMD-P	99-10-107
388-890-1210	NEW-P	99-12-030	390-20-014	AMD-P	99-09-075	391-55-245	AMD	99-14-060
388-890-1215	NEW-P	99-12-030	390-20-014	AMD	99-12-069	391-55-255	AMD-P	99-10-107
388-890-1220	NEW-P	99-12-030	390-20-015	PREP	99-06-066	391-55-255	AMD	99-14-060
388-890-1225	NEW-P	99-12-030	390-20-015	AMD-P	99-09-076	391-55-265	NEW-P	99-10-107
388-890-1230	NEW-P	99-12-030	390-20-015	AMD	99-12-070	391-55-265	NEW	99-14-060
388-890-1235	NEW-P	99-12-030	390-20-023	PREP	99-06-067	391-55-310	AMD-P	99-10-107
388-890-1240	NEW-P	99-12-030	390-20-023	REP-P	99-09-059	391-55-310	AMD	99-14-060
388-890-1245	NEW-P	99-12-030	390-20-023	REP	99-12-053	391-55-315	AMD-P	99-10-107
388-890-1250	NEW-P	99-12-030	390-20-100	PREP	99-06-068	391-55-315	AMD	99-14-060
388-890-1255	NEW-P	99-12-030	390-20-100	REP-P	99-09-060	391-55-320	AMD-P	99-10-107
388-890-1260	NEW-P	99-12-030	390-20-100	REP	99-12-054	391-55-320	AMD	99-14-060
388-890-1265	NEW-P	99-12-030	390-20-115	PREP	99-06-069	391-55-330	AMD-P	99-10-107
388-890-1270	NEW-P	99-12-030	390-20-115	REP-P	99-09-061	391-55-330	AMD	99-14-060
388-890-1275	NEW-P	99-12-030	390-20-115	REP	99-12-055	391-55-335	AMD-P	99-10-107
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458-20-216	AMD-P	99-04-014	458-57-650	REP	99-15-095	468-300-010	AMD-P	99-05-035
458-20-216	AMD	99-08-034	458-57-660	REP-P	99-11-104	468-300-010	AMD	99-08-066
458-20-222	AMD-P	99-04-015	458-57-660	REP	99-15-095	468-300-020	AMD-P	99-05-035
458-20-222	AMD	99-08-033	458-61-090	AMD-P	99-10-033	468-300-020	AMD	99-08-066
458-20-225	REP-XR	99-04-019	458-61-090	AMD	99-14-053	468-300-040	AMD-P	99-05-035
458-20-225	REP	99-08-005	458-65-010	REP-XR	99-10-032	468-300-040	AMD	99-08-066
458-20-226	AMD-XA	99-04-021	458-65-010	REP	99-14-056	468-300-220	AMD-P	99-05-035
458-20-226	AMD	99-09-013	458-65-020	REP-XR	99-04-018	468-300-220	AMD	99-08-066
458-20-228	AMD-P	99-10-034	458-65-020	REP	99-08-007	468-300-700	AMD	99-07-059
458-20-231	AMD	99-02-055	458-65-030	REP-XR	99-04-018	468-310-010	AMD	99-03-025
458-20-238	AMD-XA	99-04-020	458-65-030	REP	99-08-007	468-310-020	AMD	99-03-025
458-20-246	PREP	99-11-041	458-65-040	REP-XR	99-04-018	468-310-050	AMD	99-03-025
458-20-261	NEW-P	99-04-022	458-65-040	REP	99-08-007	468-310-060	AMD	99-03-025
458-20-261	NEW	99-08-035	460-21B-060	AMD-XA	99-07-012	468-310-100	AMD	99-03-025
458-20-263	AMD-XA	99-06-028	460-21B-060	AMD	99-12-043	468-500-001	AMD-XA	99-06-004
458-20-263	AMD	99-11-106	460-21B-060	AMD-W	99-14-077	468-500-001	AMD	99-11-007
458-30-360	REP-XR	99-13-016	460-22B-090	AMD-XA	99-07-012	468-550	PREP	99-11-026
458-40-660	PREP	99-06-036	460-22B-090	AMD	99-12-043	468-550-030	AMD-P	99-15-011
458-40-660	AMD-P	99-10-039	460-22B-090	AMD-W	99-14-077	468-550-040	AMD-P	99-15-011
458-40-660	AMD	99-14-055	460-24A	PREP	99-13-196	468-550-060	AMD-P	99-15-011
458-50-010	REP-XR	99-04-031	460-24A-110	NEW	99-03-050	468-550-070	AMD-P	99-15-011
458-50-010	REP	99-08-006	460-24A-145	NEW	99-03-052	468-550-080	NEW-P	99-15-011
458-50-050	REP-XR	99-04-031	460-24A-220	AMD	99-03-051	474-10-010	NEW	99-03-004
458-50-050	REP	99-08-006	460-28A-015	AMD	99-03-053	474-10-020	NEW	99-03-004
458-57	PREP	99-07-133	468-06-040	AMD-XA	99-02-065	474-10-030	NEW	99-03-004
458-57-005	NEW-P	99-11-104	468-06-040	AMD	99-07-013	474-10-040	NEW	99-03-004
458-57-005	NEW	99-15-095	468-12	PREP	99-04-042	474-10-050	NEW	99-03-004
458-57-015	NEW-P	99-11-104	468-34-010	AMD-W	99-08-082	474-10-060	NEW	99-03-004
458-57-015	NEW	99-15-095	468-34-020	AMD-W	99-08-082	474-10-070	NEW	99-03-004
458-57-025	NEW-P	99-11-104	468-34-100	AMD-W	99-08-082	474-10-080	NEW	99-03-004
458-57-025	NEW	99-15-095	468-34-120	AMD-W	99-08-082	474-10-090	NEW	99-03-004
458-57-035	NEW-P	99-11-104	468-34-150	AMD-W	99-08-082	474-10-100	NEW	99-03-004
458-57-035	NEW	99-15-095	468-34-330	AMD-W	99-08-082	478-140	AMD-P	99-08-056
458-57-045	NEW-P	99-11-104	468-38-110	AMD-P	99-05-006	478-140	AMD	99-12-110
458-57-045	NEW	99-15-095	468-38-110	AMD	99-08-025	478-140-010	AMD-P	99-08-056
458-57-510	REP-P	99-11-104	468-38-150	REP-XR	99-04-058	478-140-010	AMD	99-12-110
458-57-510	REP	99-15-095	468-38-150	REP	99-07-098	478-140-015	AMD-P	99-08-056
458-57-520	REP-P	99-11-104	468-38-170	REP-XR	99-04-058	478-140-015	AMD	99-12-110
458-57-520	REP	99-15-095	468-38-170	REP	99-07-098	478-140-018	AMD-P	99-08-056
458-57-530	REP-P	99-11-104	468-38-210	REP-XR	99-04-058	478-140-018	AMD	99-12-110
458-57-530	REP	99-15-095	468-38-210	REP	99-07-098	478-140-019	NEW-P	99-08-056
458-57-540	REP-P	99-11-104	468-38-290	AMD-E	99-10-004	478-140-019	NEW	99-12-110
458-57-540	REP	99-15-095	468-38-290	PREP	99-10-020	478-140-021	AMD-P	99-08-056
458-57-550	REP-P	99-11-104	468-38-290	AMD-P	99-14-047	478-140-021	AMD	99-12-110
458-57-550	REP	99-15-095	468-51-010	AMD	99-06-034	478-140-024	AMD-P	99-08-056
458-57-560	REP-P	99-11-104	468-51-020	AMD	99-06-034	478-140-024	AMD	99-12-110
458-57-560	REP	99-15-095	468-51-030	AMD	99-06-034	478-140-050	AMD-P	99-08-056
458-57-570	REP-P	99-11-104	468-51-040	AMD	99-06-034	478-140-050	AMD	99-12-110
458-57-570	REP	99-15-095	468-51-060	AMD	99-06-034	478-140-060	REP-P	99-08-056
458-57-575	NEW	99-03-010	468-51-070	AMD	99-06-034	478-140-060	REP	99-12-110
458-57-575	REP-P	99-11-104	468-51-080	AMD	99-06-034	478-140-070	AMD-P	99-08-056
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478-210-010	REP	99-06-033	480-09-736	AMD	99-05-031	480-66-440	NEW-P	99-15-083
478-210-020	REP	99-06-033	480-09-740	AMD	99-05-031	480-66-450	NEW-P	99-15-083
479-16-020	AMD-P	99-03-089	480-09-745	AMD	99-05-031	480-66-460	NEW-P	99-15-083
479-16-020	AMD	99-08-021	480-09-750	AMD	99-05-031	480-66-470	NEW-P	99-15-083
479-16-040	AMD-P	99-03-089	480-09-751	AMD	99-05-031	480-66-480	NEW-P	99-15-083
479-16-040	AMD	99-08-021	480-09-760	AMD	99-05-031	480-66-490	NEW-P	99-15-083
479-16-098	AMD-P	99-03-089	480-09-770	AMD	99-05-031	480-66-500	NEW-P	99-15-083
479-16-098	AMD	99-08-021	480-09-780	AMD	99-05-031	480-66-510	NEW-P	99-15-083
479-20-007	AMD-P	99-03-089	480-09-800	AMD	99-05-031	480-66-520	NEW-P	99-15-083
479-20-007	AMD	99-08-021	480-09-810	AMD	99-05-031	480-66-600	NEW-P	99-15-083
479-20-020	AMD-P	99-03-089	480-09-815	AMD	99-05-031	480-66-620	NEW-P	99-15-083
479-20-020	AMD	99-08-021	480-09-820	AMD	99-05-031	480-70	PREP	99-08-012
479-20-025	AMD-P	99-03-089	480-09-830	REP	99-05-031	480-70-055	AMD-XA	99-14-079
479-20-025	AMD	99-08-021	480-12-100	REP-W	99-08-085	480-75-005	AMD-XA	99-14-079
479-20-037	AMD-P	99-03-089	480-12-370	RE-AD	99-08-026	480-90	PREP	99-08-052
479-20-037	AMD	99-08-021	480-12-375	REP	99-08-026	480-92-011	AMD	99-05-016
479-510-410	AMD-P	99-03-088	480-12-375	REP-W	99-08-085	480-92-016	NEW	99-05-016
479-510-410	AMD	99-08-020	480-14-060	AMD-XA	99-14-079	480-92-021	AMD	99-05-016
479-510-420	AMD-P	99-03-088	480-15-040	AMD-XA	99-14-079	480-92-031	AMD	99-05-016
479-510-420	AMD	99-08-020	480-30-015	AMD-XA	99-14-079	480-92-041	NEW	99-05-016
479-510-450	NEW-P	99-03-088	480-31-100	AMD-XA	99-14-079	480-92-050	AMD	99-05-016
479-510-450	NEW	99-08-020	480-31-120	AMD-XA	99-14-079	480-92-060	AMD	99-05-016
479-510-460	NEW-P	99-03-088	480-31-130	AMD-XA	99-14-079	480-92-070	AMD	99-05-016
479-510-460	NEW	99-08-020	480-31-140	AMD-XA	99-14-079	480-92-080	AMD	99-05-016
480-09-005	NEW	99-05-031	480-40-015	AMD-XA	99-14-079	480-92-090	AMD	99-05-016
480-09-010	AMD	99-05-031	480-60-010	AMD-P	99-15-083	480-92-100	AMD	99-05-016
480-09-012	AMD	99-05-031	480-60-012	NEW-P	99-15-083	480-92-110	AMD	99-05-016
480-09-100	AMD	99-05-031	480-60-014	NEW-P	99-15-083	480-93-010	AMD-XA	99-14-079
480-09-101	NEW	99-05-031	480-60-020	AMD-P	99-15-083	480-100	PREP	99-08-105
480-09-115	AMD	99-05-031	480-60-030	AMD-P	99-15-083	480-110-011	REP-W	99-07-053
480-09-120	AMD	99-05-031	480-60-035	NEW-P	99-15-083	480-110-011	REP-S	99-12-112
480-09-125	AMD	99-05-031	480-60-040	AMD-P	99-15-083	480-110-016	REP-W	99-07-053
480-09-130	AMD	99-05-031	480-60-050	AMD-P	99-15-083	480-110-016	REP-S	99-12-112
480-09-135	AMD	99-05-031	480-60-060	AMD-P	99-15-083	480-110-018	REP-W	99-07-053
480-09-140	AMD	99-05-031	480-60-070	REP-P	99-15-083	480-110-018	REP-S	99-12-112
480-09-150	AMD	99-05-031	480-60-080	AMD-P	99-15-083	480-110-021	REP-W	99-07-053
480-09-200	AMD	99-05-031	480-60-090	AMD-P	99-15-083	480-110-021	REP-S	99-12-112
480-09-210	AMD	99-05-031	480-60-99002	REP-P	99-15-083	480-110-023	REP-W	99-07-053
480-09-220	AMD	99-05-031	480-60-99003	REP-P	99-15-083	480-110-023	REP-S	99-12-112
480-09-230	AMD	99-05-031	480-62	PREP	99-08-053	480-110-026	REP-W	99-07-053
480-09-337	NEW-S	99-12-112	480-62-090	AMD-XA	99-14-079	480-110-026	REP-S	99-12-112
480-09-340	AMD	99-05-031	480-66-010	REP-P	99-15-083	480-110-028	REP-W	99-07-053
480-09-390	AMD	99-05-031	480-66-020	REP-P	99-15-083	480-110-028	REP-S	99-12-112
480-09-400	AMD	99-05-031	480-66-030	REP-P	99-15-083	480-110-031	REP-W	99-07-053
480-09-410	AMD	99-05-031	480-66-040	REP-P	99-15-083	480-110-031	REP-S	99-12-112
480-09-420	AMD	99-05-031	480-66-050	REP-P	99-15-083	480-110-032	REP-W	99-07-053
480-09-425	AMD	99-05-031	480-66-060	REP-P	99-15-083	480-110-032	REP-S	99-12-112
480-09-426	AMD	99-05-031	480-66-070	REP-P	99-15-083	480-110-036	REP-W	99-07-053
480-09-430	AMD	99-05-031	480-66-100	NEW-P	99-15-083	480-110-036	REP-S	99-12-112
480-09-440	AMD	99-05-031	480-66-110	NEW-P	99-15-083	480-110-041	REP-W	99-07-053
480-09-460	AMD	99-05-031	480-66-120	NEW-P	99-15-083	480-110-041	REP-S	99-12-112
480-09-465	AMD	99-05-031	480-66-140	NEW-P	99-15-083	480-110-046	REP-W	99-07-053
480-09-466	AMD	99-05-031	480-66-150	NEW-P	99-15-083	480-110-046	REP-S	99-12-112
480-09-467	AMD	99-05-031	480-66-160	NEW-P	99-15-083	480-110-051	REP-W	99-07-053
480-09-470	AMD	99-05-031	480-66-170	NEW-P	99-15-083	480-110-051	REP-S	99-12-112
480-09-475	AMD	99-05-031	480-66-200	NEW-P	99-15-083	480-110-056	REP-W	99-07-053
480-09-500	AMD	99-05-031	480-66-210	NEW-P	99-15-083	480-110-056	REP-S	99-12-112
480-09-510	AMD	99-05-031	480-66-220	NEW-P	99-15-083	480-110-061	REP-W	99-07-053
480-09-600	AMD	99-05-031	480-66-230	NEW-P	99-15-083	480-110-061	REP-S	99-12-112
480-09-610	AMD	99-05-031	480-66-300	NEW-P	99-15-083	480-110-066	REP-W	99-07-053
480-09-620	AMD	99-05-031	480-66-310	NEW-P	99-15-083	480-110-066	REP-S	99-12-112
480-09-700	AMD	99-05-031	480-66-320	NEW-P	99-15-083	480-110-071	REP-W	99-07-053
480-09-705	AMD	99-05-031	480-66-330	NEW-P	99-15-083	480-110-071	REP-S	99-12-112
480-09-710	AMD	99-05-031	480-66-400	NEW-P	99-15-083	480-110-076	REP-W	99-07-053
480-09-720	AMD	99-05-031	480-66-410	NEW-P	99-15-083	480-110-076	REP-S	99-12-112

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480-110-081	REP-S	99-12-112	480-110-500	NEW-W	99-07-053	480-123-060	NEW-W	99-13-095
480-110-086	REP-W	99-07-053	480-110-510	NEW-W	99-07-053	480-123-070	NEW-W	99-13-095
480-110-086	REP-S	99-12-112	480-110-520	NEW-W	99-07-053	480-123-080	NEW-W	99-13-095
480-110-091	REP-W	99-07-053	480-110-530	NEW-W	99-07-053	480-123-085	NEW-W	99-13-095
480-110-091	REP-S	99-12-112	480-110-540	NEW-W	99-07-053	480-123-090	NEW-W	99-13-095
480-110-096	REP-W	99-07-053	480-110-550	NEW-W	99-07-053	480-123-100	NEW-W	99-13-095
480-110-096	REP-S	99-12-112	480-110-560	NEW-W	99-07-053	480-123-110	NEW-W	99-13-095
480-110-101	REP-W	99-07-053	480-110-570	NEW-W	99-07-053	480-123-120	NEW-W	99-13-095
480-110-101	REP-S	99-12-112	480-110-580	NEW-W	99-07-053	480-123-130	NEW-W	99-13-095
480-110-111	REP-W	99-07-053	480-110-590	NEW-W	99-07-053	480-123-140	NEW-W	99-13-095
480-110-111	REP-S	99-12-112	480-110-600	NEW-W	99-07-053	480-123-150	NEW-W	99-13-095
480-110-116	REP-W	99-07-053	480-110-610	NEW-W	99-07-053	480-123-160	NEW-W	99-13-095
480-110-116	REP-S	99-12-112	480-110-620	NEW-W	99-07-053	480-123-170	NEW-W	99-13-095
480-110-121	REP-W	99-07-053	480-110-630	NEW-W	99-07-053	480-123-180	NEW-W	99-13-095
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480-110-141	REP-W	99-07-053	480-110-710	NEW-W	99-07-053	480-123-260	NEW-W	99-13-095
480-110-141	REP-S	99-12-112	480-110-720	NEW-W	99-07-053	480-123-270	NEW-W	99-13-095
480-110-146	REP-W	99-07-053	480-110-730	NEW-W	99-07-053	480-123-280	NEW-W	99-13-095
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480-110-151	REP-S	99-12-112	480-110-760	NEW-W	99-07-053	480-123-310	NEW-W	99-13-095
480-110-156	REP-W	99-07-053	480-110-770	NEW-W	99-07-053	480-123-320	NEW-W	99-13-095
480-110-156	REP-S	99-12-112	480-110-780	NEW-W	99-07-053	480-123-330	NEW-W	99-13-095
480-110-161	REP-W	99-07-053	480-110-790	NEW-W	99-07-053	480-123-340	NEW-W	99-13-095
480-110-161	REP-S	99-12-112	480-120	PREP	99-09-027	480-123-350	NEW-W	99-13-095
480-110-166	REP-W	99-07-053	480-120-052	NEW	99-10-013	480-123-360	NEW-W	99-13-095
480-110-166	REP-S	99-12-112	480-120-058	NEW	99-10-013	480-123-370	NEW-W	99-13-095
480-110-171	REP-W	99-07-053	480-120-139	AMD-P	99-07-107	480-123-380	NEW-W	99-13-095
480-110-171	REP-S	99-12-112	480-120-139	AMD	99-11-070	480-123-390	NEW-W	99-13-095
480-110-176	REP-W	99-07-053	480-120-144	NEW	99-05-015	480-123-400	NEW-W	99-13-095
480-110-176	REP-S	99-12-112	480-120-151	NEW	99-05-015	480-123-410	NEW-W	99-13-095
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480-110-235	NEW-S	99-12-112	480-121	AMD-P	99-07-106	480-123-450	NEW-W	99-13-095
480-110-245	NEW-S	99-12-112	480-121	AMD	99-13-097	480-123-460	NEW-W	99-13-095
480-110-255	NEW-S	99-12-112	480-121-010	AMD-P	99-07-106	480-123-470	NEW-W	99-13-095
480-110-265	NEW-S	99-12-112	480-121-010	AMD	99-13-097	480-123-480	NEW-W	99-13-095
480-110-275	NEW-S	99-12-112	480-121-015	NEW	99-13-097	480-123-490	NEW-W	99-13-095
480-110-285	NEW-S	99-12-112	480-121-020	AMD-P	99-07-106	480-123-500	NEW-W	99-13-095
480-110-295	NEW-S	99-12-112	480-121-020	AMD	99-13-097	480-123-510	NEW-W	99-13-095
480-110-305	NEW-S	99-12-112	480-121-023	NEW	99-13-097	480-123-520	NEW-W	99-13-095
480-110-315	NEW-S	99-12-112	480-121-026	NEW	99-13-097	480-123-530	NEW-W	99-13-095
480-110-325	NEW-S	99-12-112	480-121-030	AMD-P	99-07-106	480-123-540	NEW-W	99-13-095
480-110-335	NEW-S	99-12-112	480-121-030	AMD	99-13-097	480-123-550	NEW-W	99-13-095
480-110-345	NEW-S	99-12-112	480-121-040	AMD-P	99-07-106	480-123-560	NEW-W	99-13-095
480-110-355	NEW-S	99-12-112	480-121-040	AMD	99-13-097	480-123-570	NEW-W	99-13-095
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480-110-375	NEW-S	99-12-112	480-121-050	AMD	99-13-097	480-143-010	REP-P	99-03-074
480-110-385	NEW-S	99-12-112	480-121-060	NEW-P	99-07-106	480-143-010	REP	99-08-055
480-110-395	NEW-S	99-12-112	480-121-060	NEW	99-13-097	480-143-020	REP-P	99-03-074
480-110-405	NEW-S	99-12-112	480-121-070	NEW-P	99-07-106	480-143-020	REP	99-08-055
480-110-415	NEW-S	99-12-112	480-121-070	NEW	99-13-097	480-143-030	REP-P	99-03-074
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480-110-455	NEW-S	99-12-112	480-123-015	NEW-W	99-13-095	480-143-050	REP-P	99-03-074
480-110-465	NEW-S	99-12-112	480-123-020	NEW-W	99-13-095	480-143-050	REP	99-08-055
480-110-475	NEW-S	99-12-112	480-123-030	NEW-W	99-13-095	480-143-060	REP-P	99-03-074
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480-143-080	REP	99-08-055	480-146-290	NEW-P	99-03-073	490-500-350	REP-P	99-12-030
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480-146-080	REP	99-08-054	490-500-170	PREP	99-06-081	490-500-505	REP-P	99-12-030
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480-146-250	NEW	99-08-054	490-500-275	PREP	99-06-081	490-500-590	REP-P	99-12-030
480-146-260	NEW-P	99-03-073	490-500-275	REP-P	99-12-030	490-500-600	PREP	99-06-081
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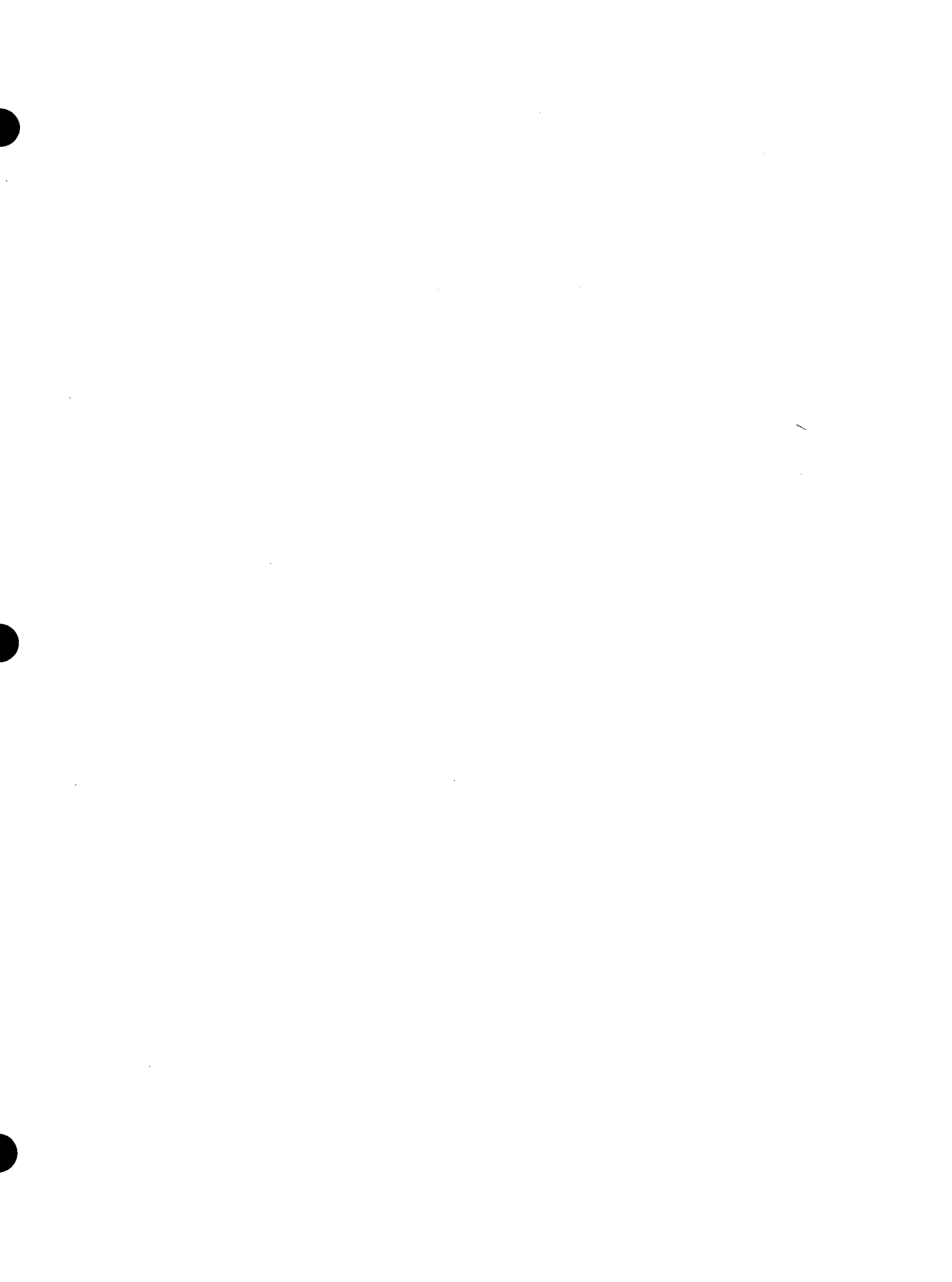
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