

Washington State Register

July 5, 2001

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filed not later than June 20, 2001

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 of July 2001 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.

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John G. Schultz
Chair, Statute Law Committee

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Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **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) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) ~~deleted material is ((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].

2001 - 2002

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Rule Making 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 -					
01 - 13	May 23, 01	Jun 6, 01	Jun 20, 01	Jul 4, 01	Jul 24, 01	N/A
01 - 14	Jun 7, 01	Jun 21, 01	Jul 5, 01	Jul 19, 01	Aug 8, 01	N/A
01 - 15	Jun 20, 01	Jul 4, 01	Jul 18, 01	Aug 1, 01	Aug 21, 01	N/A
01 - 16	Jul 4, 01	Jul 18, 01	Aug 1, 01	Aug 15, 01	Sep 4, 01	Oct 2, 01
01 - 17	Jul 25, 01	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 25, 01	Oct 23, 01
01 - 18	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 9, 01	Nov 6, 01
01 - 19	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 23, 01	Nov 20, 01
01 - 20	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 17, 01	Nov 6, 01	Dec 4, 01
01 - 21	Sep 26, 01	Oct 10, 01	Oct 24, 01	Nov 7, 01	Nov 27, 01	Dec 26, 01
01 - 22	Oct 10, 01	Oct 24, 01	Nov 7, 01	Nov 21, 01	Dec 11, 01	Jan 8, 02
01 - 23	Oct 24, 01	Nov 7, 01	Nov 21, 01	Dec 5, 01	Dec 25, 01	Jan 23, 02
01 - 24	Nov 7, 01	Nov 21, 01	Dec 5, 01	Dec 19, 01	Jan 8, 02	Feb 5, 02
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02 - 23	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 24, 02	Jan 21, 03
02 - 24	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 18, 02	Jan 7, 03	Feb 4, 03

¹ All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

² A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³ At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See chapter 25, Laws of 2001 and RCW 1.12.040.

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

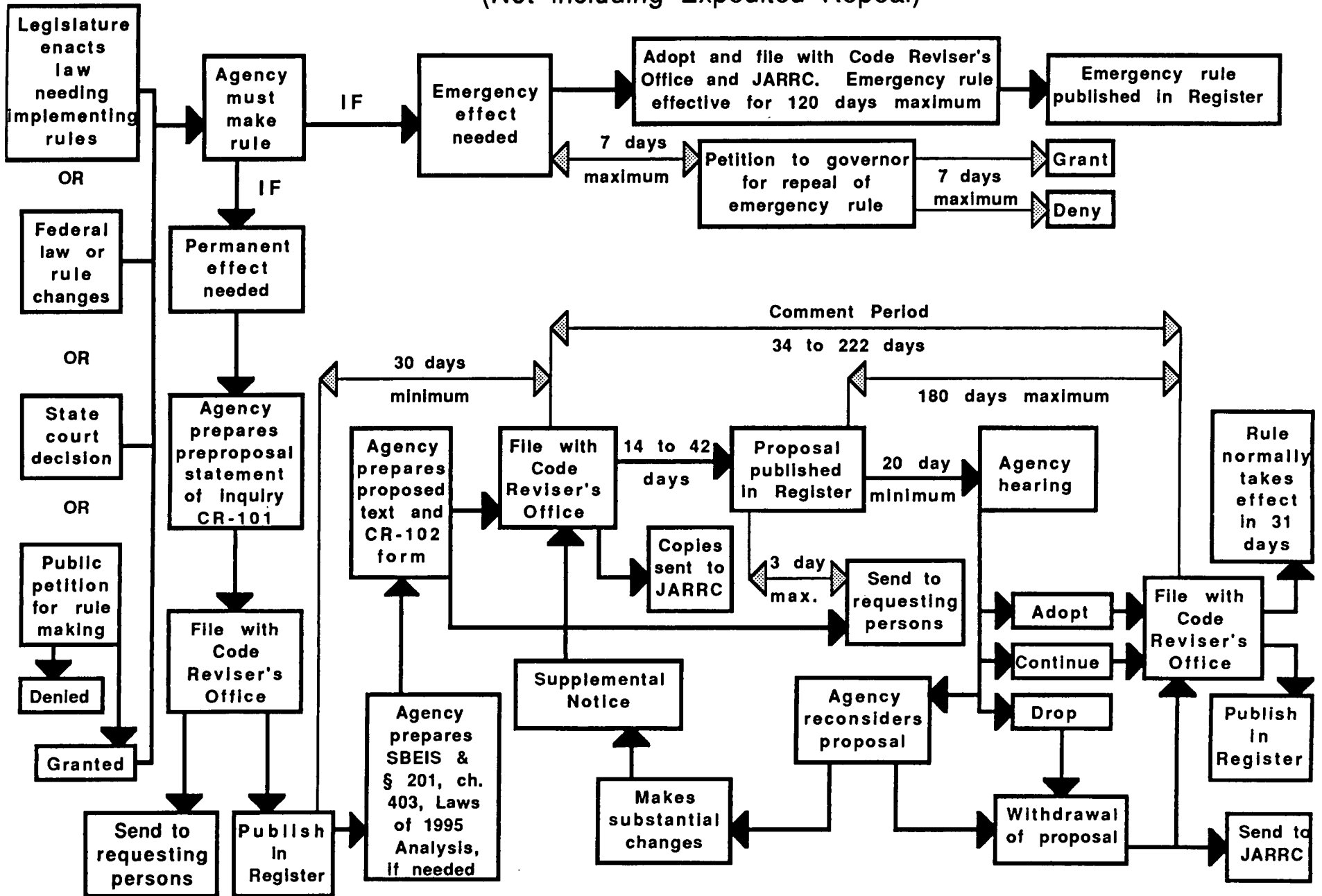
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 01-13-020

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 (Division of Child Support)
 [Filed June 11, 2001, 3:28 p.m.]

Subject of Possible Rule Making: WAC 388-14A-3900 through 388-14A-3925, concerning modification of a support order. The primary focus is WAC 388-14A-3903 How does DCS decide whether to petition for modification of a support order?, to allow Division of Child Support (DCS) to refer a court order for modification when the support will not change by at least 25% or \$100/mo, the current standard. Due to a change in RCW 26.19.065(2), the \$25 per month per child obligation is merely a presumption, and the court may enter a zero support order in appropriate circumstances. DCS seeks to make this modification opportunity available to noncustodial parents whose orders were entered prior to the 1998 change of statute.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 45 C.F.R. 302.70, 45 C.F.R. 303.7, 45 C.F.R. 303.8.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In *N. R. v. Soliz* No. C93-5338B (W.D. Wash. February 7, 1994), the court considered how to set the support obligation of someone with no income or resources. The Washington state child support schedule provided for a minimum support obligation of \$25 per month per child when combined monthly net income is less than \$600, or when the standard calculation would reduce the responsible parent's net income below the one person need standard. The court in *N. R. v. Soliz* required that this amount be treated as a presumptive minimum only, subject to downward deviation in appropriate circumstances. The *N. R. v. Soliz* ruling applied to administrative child support orders only. In 1998, the legislature amended RCW 26.19.065(2) to include this provision for court orders setting child support.

DCS has previously established criteria for referring cases for modification, namely that the change in the support obligation must be at least \$100 per month and at least 25%. A noncustodial parent whose order was set prior to the statute change may have an order for \$25 per month, but under today's standards would qualify for a zero order.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS Division of Child Support Headquarters as soon as possible. DCS will post information regarding this rule development project and others on its website, which can be found at www.wa.gov/dshs/dcs, or on the DSHS Economic Services Administration's Regulatory Improvement website, which can be found at <http://www-app2.wa.gov/dshs/esa/extpolicy/blue.asp>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting DCS Rules Coordinator, Nancy Koptur, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

June 8, 2001

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 01-13-025

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

(Division of Employment and Assistance Programs)
 [Filed June 12, 2001, 3:23 p.m.]

Subject of Possible Rule Making: WAC 388-422-0005 Do I have to assign my support rights to get assistance?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changing rule to correct when a support assignment is made and to clarify that clients can keep a support payment up to the date cash or medical assistance is approved.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carole McRae, DEAP, P.O. Box 45470, Olympia, WA 98504, e-mail mcraca@dshs.wa.gov, phone (360) 413-3074.

June 12, 2001

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 01-13-047

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

(Division of Child Support)
 [Filed June 14, 2001, 4:13 p.m.]

Subject of Possible Rule Making: WAC 388-14A-4605 Whose picture can go on the division of child support's most wanted Internet site?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.120(2), 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DCS is considering changing the criteria for qualifying for posting on the most wanted Internet site. Currently the noncustodial parent must owe at

least \$10,000 in support debt; DCS is considering lowering that amount to \$5,000 at the request of custodial parents.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS Division of Child Support (DCS) headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs, or on the DSHS Economic Services Administration's regulatory improvement web site, which can be found at <http://www-app2.wa.gov/dshs/esa/extpolicy/blue.asp>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, 1-800-457-6202, fax (360) 664-5209, TTY/TDD (360) 664-5011.

June 14, 2001

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 01-13-048

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Child Support)

[Filed June 14, 2001, 4:14 p.m.]

Subject of Possible Rule Making: Petition to vacate a default order. New section WAC 388-14A-6150 and amending WAC 388-14A-3131 and 388-14A-3132 to have proper cross-references.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the procedures for petitioning to vacate a default order. Clarifying that an unsuccessful petition to vacate may be treated as a petition to modify the support order.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DCS works with the Office of Administrative Hearings and DSHS Board of Appeals, as well as other external stakeholders, when developing rules that affect the hearing process.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to

contact Nancy Koptur at the DSHS Division of Child Support (DCS) headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs, or on the DSHS Economic Services Administration's regulatory improvement web site, which can be found at <http://www-app2.wa.gov/dshs/esa/extpolicy/blue.asp>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, 1-800-457-6202, fax (360) 664-5209, TTY/TDD (360) 664-5011.

June 14, 2001

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 01-13-049

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Child Support)

[Filed June 14, 2001, 4:15 p.m.]

Subject of Possible Rule Making: Amending WAC 388-14A-1025 What are the responsibilities of the division of child support?, to clarify that the Division of Child Support (DCS) does not provide funding under Title IV-D to a prosecutors office which pursues paternity against DCS wishes when the custodial parent claims good cause level A; and amending WAC 388-14A-2065 to provide that, if DCS has referred a case for paternity establishment, DCS calls it back from the prosecutor if good cause level A is granted.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.20A.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The provisions re good cause level A and paternity cases were inadvertently left out when DCS converted its rules to chapter 388-14A WAC.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the Department of Social and Health Services (DSHS) DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs, or on the DSHS Economic Services Administration's regulatory improvement web site, which can be found at <http://www-app2.wa.gov/dshs/esa/extpolicy/blue.asp>. DSHS/DCS encourages the public to take part

in developing the rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, 1-800-457-6202, fax (360) 664-5209, TTY/TDD (360) 664-5011.

June 14, 2001

Brian Lindgren, Manager
Rules and Policies Assistance Unit

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 Jim Shaw, Chief, University Police, Western Washington University, 516 High Street, Bellingham, WA 98225, phone (360) 650-3555, fax (360) 650-3367.

June 15, 2001

Gloria A. McDonald
Rules Coordinator

WSR 01-13-051

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed June 15, 2001, 9:50 a.m.]

Subject of Possible Rule Making: Amendment to WAC 204-82A-060 Vehicle suncreening devices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This will allow transit city buses to keep the suncreening devices that are being installed when buses are manufactured.

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 received verbal input from Olympia Transit City Bus and Seattle Transit City Bus.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Carol Morton, Washington State Patrol, P.O. Box 42614, Olympia, WA 98504, phone (360) 753-3697, fax (360) 586-8233.

May 30, 2001

R. M. Leichner
Chief

WSR 01-13-067

PREPROPOSAL STATEMENT OF INQUIRY WESTERN WASHINGTON UNIVERSITY

[Filed June 13, 2001, 2:40 p.m.]

Subject of Possible Rule Making: Chapter 516-15 WAC, Skateboards and in-line skate policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify policy, expand penalty explanations.

WSR 01-13-069

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed June 18, 2001, 3:23 p.m.]

Subject of Possible Rule Making: Breast and cervical cancer treatment and prevention.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.057, 74.04.050, and 74.09.530. Passage of EHB 1058 amending RCW 74.09.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment is necessary to implement a Medicaid option as allowed under Public Law 106-354 and EHB 1058 (2001 legislative session). This option allows uninsured women under age sixty-five to receive treatment for breast and cervical cancer who are identified through the CDC detection program.

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

Process for Developing New Rule: The department invites the interested public to review and provide input into the adopted language of this proposed WAC amendment. The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45534, Olympia, Washington 98504-5534, phone (360) 725-1330, fax (360) 664-0910, TDD 1-800-848-5429, e-mail SCOTSJK@DSHS.WA.GOV.

June 15, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 01-13-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed June 18, 2001, 3:25 p.m.]

Subject of Possible Rule Making: WAC 388-530-1050 Definitions, new section WAC 388-530-1260, and possible other related sections in the pharmacy services chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.04.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To incorporate into rule section 210(14), chapter 1, Laws of 2000 2nd sp. sess. (EHB 2487), which provides funds to develop a therapeutic consultation program. This program will provide for a therapeutic substitution drug program for certain clients who receive benefits under medical assistance administration programs. Also, to put in rule a review process to manage drug therapies for medical assistance clients whose utilization of brand name prescription drugs exceeds an established monthly limit.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this proposed WAC amendment. Draft material and information about how to participate are available by contacting the Department of Social and Health Services representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Program Manager, Regulatory Improvement, Medical Assistance Administration, Mailstop 45533, Olympia, Washington 98504-5533, phone (360) 725-1342, fax (360) 586-9727, e-mail sayrek@dshs.wa.gov, TDD 1-800-848-5429.

June 15, 2001

Brian Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 01-13-084
PREPROPOSAL STATEMENT OF INQUIRY
ENERGY FACILITY SITE
EVALUATION COUNCIL

[Filed June 19, 2001, 3:08 p.m.]

Subject of Possible Rule Making: It is the intent of this rule making to review all EFSEC rules. The effort may include deleting existing rules as well as formulating new ones. Others may be changed or left unchanged.

It is not the intent of this rule making to develop any broad new category of rules. However, certain existing processes or rules may be consolidated into new chapters for clarity.

All provisions currently codified in Title 463 WAC, Energy Facility Site Evaluation Council (Formerly: Thermal Power Plant Evaluation Council) will be subject to review, including: Chapter 463-06 WAC, General—Organization—Public records; chapter 463-10 WAC, Definitions; chapter 463-14 WAC, Policy and interpretation; chapter 463-18 WAC, Procedure—Regular and special council meetings; chapter 463-22 WAC, Procedure and guidelines—Potential site studies; chapter 463-26 WAC, Procedure—Initial public hearing and public information meeting; chapter 463-28 WAC, Procedure—State preemption; chapter 463-30 WAC, Procedure—Adjudicative proceedings; chapter 463-34 WAC, Procedure—Petitions for rule making and declaratory orders; chapter 463-36 WAC, Procedure—Amending or terminating a site certification agreement; chapter 463-38 WAC, Regulations for compliance with NPDES permit program; chapter 463-39 WAC, General and operating permit regulations for air pollution sources; chapter 463-40 WAC, Dangerous wastes; chapter 463-42 WAC, Procedure—Guidelines—Applications for site certification; chapter 463-43 WAC, Procedure—Applications for expedited processing; chapter 463-47 WAC, SEPA rules; chapter 463-50 WAC, Independent consultants—Guidelines; chapter 463-54 WAC, Certification compliance determination and enforcement; and chapter 463-58 WAC, Fees or charges for independent consultant study, regular and expedited application processing, determining compliance and potential site study.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.50.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is being conducted in response to EHB 2247 which made major changes to EFSEC's membership, leadership, staffing, siting, monitoring, and regulatory procedures in 2001. This rule making is to develop rules to make sure the agency is in compliance with the new law.

In addition, Executive Order 97-02 requires agencies to review significant rules with attention to content, readability, need, effectiveness, efficiency, clarity, intent, statutory authority, coordination, cost, and fairness. This includes reviewing whether current rules provide the results that they were originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: EFSEC is designated by statute as a one stop permitting agency. Whereas permits and compliance would normally be sought from other agencies, applicants subject to EFSEC jurisdiction can receive all necessary permits from EFSEC in a single site certificate. State agencies that regulate this subject may include, depending on the subject matter: Department of Ecology, Washington Utilities and Transportation Commission, Department of Natural Resources, and Department of Fish and Wildlife. These agencies have membership rights to the council and will automatically be notified of the rule making.

Federal agencies that regulate this subject include the Environmental Protection Agency, which has delegated authority to EFSEC to issue certain air and water permits, and the United States Department of Transportation, Office of

Pipeline Safety, and the United States Department of Energy. The state agencies or EFSEC have memoranda of understanding with these federal agencies and coordinate the rules as necessary. These federal agencies will be notified of the rule making.

Process for Developing New Rule: Agency study; and EFSEC will ask for initial written comments, and will provide the opportunity for additional comments if substantial disagreements are reflected in the comments. EFSEC will schedule workshops and/or appoint stakeholder advisory committees as necessary involving representatives of affected constituencies in a manner designed to develop consensus regarding any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. With this notice and filing of code reviser form CR-101, EFSEC is initiating an investigation into rule making. Interested parties should contact EFSEC and get on the interested parties list and/or provide comments as explained below.

INTERESTED PARTIES LIST: The council wants to ensure mailings and notices are sent 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 wish to remain on the mailing list for this rule making, please advise EFSEC in the manner described below.

Contact Mark Anderson, Rules Coordinator, P.O. Box 43172, Olympia, WA 98504-3172, phone (360) 956-2170, fax (360) 956-2158, TDD (360) 956-2218, e-mail marka@ep.cted.wa.gov.

Provide the following information:

- Always reference EFSEC Rules Review.
- Use the words "Please keep me on the EFSEC Rules Review mailing list."
- Provide your name, address, telephone numbers and e-mail address.

NOTE: Those parties who do not respond may not receive further mailing or information on this rule making.

EFSEC INTERNET WEB SITE: EFSEC maintains an Internet web site with information about all EFSEC activities. Key rule-making notices, documents and other information will be made available on the web site under www.efsec.wa.gov/rulerev.html.

WRITTEN COMMENTS: Initial written comments in response to this CR-101 filing may be filed with the rules coordinator not later than **5:00 p.m. on Tuesday, July 31, 2001**. All comments must be labeled as **Comments for EFSEC Rules Review** with the commenter's name, date, and if applicable, type of software used. All commenters are asked, but not required, to file an original and ten copies of their written comments. The council also requests, but does not require, that comments be provided on a 3.5 inch IBM formatted high-density disk, in Microsoft Word or WordPerfect, appropriately labeled. If comments are of a limited nature, i.e. no more than two pages, they may be provided as an attachment to e-mail appropriately labeled. The council will offer additional opportunities to provide written com-

ments. Interested persons may file additional written comments in response to any such invitation.

WORKSHOPS: The council may conduct workshops or provide other opportunities to provide verbal comments. The council will provide written notice of workshops to all commenters and to any other persons who specifically ask to receive notice in this rule-making proceeding.

QUESTIONS: If you have any questions about the filing, this notice or the rule making in general, please contact the rules coordinator, Mark Anderson, through one of the means provided above.

June 19, 2001
Allen J. Fiksdal
Manager

WSR 01-13-096
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed June 20, 2001, 8:17 a.m.]

Subject of Possible Rule Making: The department originally filed a preproposal statement of inquiry on March 28, 2001 (WSR 01-06-037). We are now filing a new preproposal statement of inquiry because the scope of the rule making was expanded in the preliminary development process.

Definitions, calculations of actuarial adjustments, pension tables for calculating various annuities and reserves for injured workers, dependents, beneficiaries and crime victims and Social Security offset.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.010, 51.04.020(1), 51.32.067, 51.32.220(6), 51.32.225, and 51.44.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: For many years, the Department of Labor and Industries has established pension reserves and benefit reduction amounts required in RCW 51.44.070(1), and the annual expensing required in RCW 51.44.080, by using actuarial assumptions originally established by the Office of the Insurance Commissioner. These assumptions have not changed since responsibility for these decisions was moved from the Office of the Insurance Commissioner to labor and industries. Labor and industries believes the impact of proposed changes in these assumptions requires rule adoption as defined in the Administrative Procedure Act.

The subject of possible rule making includes the pension tables used to calculate various pension annuities and reserves. If changes in these pension tables are adopted, they would be in the form of rules and would be codified in chapter 296-600 WAC, Industrial insurance. The rules would apply to new pension reserve calculations for totally permanently disabled workers and on-the-job fatality survivors of Washington state fund employers and self-insured employers and to similarly entitled individuals under the crime victims compensation program. These rules would also include calculations and definitions concerning benefit adjustments for injured workers who also receive Social Security disability or

retirement benefits (commonly referred to as Social Security offset).

By establishing these changes as rules, the public will have an opportunity to comment on their potential impact. The changes are necessary to maintain appropriate reserve levels for pension recipients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Social Security Administration (SSA). The proposed rules covering simultaneous Social Security and worker's compensation entitlements will be shared with SSA.

Process for Developing New Rule: Labor and industries will begin the rule development process by drafting proposed changes in the assumptions relative to pension reserves and ensuring these changes conform to accepted actuarial principles. Labor and industries will share the draft proposal with the stakeholders and other interested parties including the Workers' Compensation Advisory Committee. A public hearing to be held in Tumwater after the rule filing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Department of Labor and Industries, Valerie Grimm, Administrative Regulations Analyst, P.O. Box 44208, Olympia, WA 98504-4208, (360) 902-5005, fax (360) 902-4960. Interested parties should contact Valerie Grimm and ask to receive copies of the proposed rules and to be notified of the public hearing date. At that time, they will also receive information on how to submit written comments.

June 20, 2001

Gary Moore

Director

WSR 01-13-097

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 20, 2001, 8:18 a.m.]

Subject of Possible Rule Making: Contractor certificate of registration renewals—Security—Insurance, chapter 296-200A WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.27 RCW and chapter 159, Laws of 2001 (SSB 5101).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to make changes resulting from legislation enacted in 2001; review the rules for possible substantive changes; and make clarifying and housekeeping changes.

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

Process for Developing New Rule: The department intends to establish a committee of interested parties to assist in the development of these rules. Other interested parties and the public may also participate 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 Josh Swanson, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail swaj235@lni.wa.gov.

June 20, 2001

Gary Moore

Director

WSR 01-13-098

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 20, 2001, 8:18 a.m.]

Subject of Possible Rule Making: Manufactured homes, chapter 296-150M WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.22 RCW and chapter 335, Laws of 2001 (ESSB 5703).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to adopt the emergency rules that are in effect (see WSR 01-08-010); make changes resulting from legislation enacted in 2001; and make other clarifying and housekeeping changes.

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

Process for Developing New Rule: The Factory Assembled Structures Advisory Board established in RCW 43.22.-420 will be utilized in the development of these rules. Other interested parties and the public may also participate 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 Josh Swanson, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail swaj235@lni.wa.gov.

June 20, 2001

Gary Moore

Director

WSR 01-13-099

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 20, 2001, 8:19 a.m.]

Subject of Possible Rule Making: Certification of competency for journeyman plumbers, chapter 296-400A WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.106 RCW and chapter 281, Laws of 2001 (ESHB 2172).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to make changes resulting from legislation enacted in 2001; review the rules for possible substantive changes; and make clarifying and housekeeping changes.

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

Process for Developing New Rule: The state Advisory Board of Plumbers as established in RCW 18.106.110 will be utilized in the development of these rules. Other interested parties and the public may also participate 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 Josh Swanson, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail swaj235@lni.wa.gov.

June 20, 2001

Gary Moore

Director

WSR 01-13-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed June 20, 2001, 9:43 a.m.]

Subject of Possible Rule Making: Legislation changes to the Professional Boxing, Wrestling, and Martial Arts Act, chapter 67.08 RCW during the 2001 legislation requires annual proof of certification for officials as having adequate experience, skill and training from an organization approved by the department for the sports of boxing, kickboxing and martial arts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.08.017.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarifies the types of certifications organizations may provide to the department demonstrating adequate experience, skill and training.

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

Process for Developing New Rule: Industry request.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael W. Schneider, P.O. Box 9649, Olympia, WA 98507-9649, phone (360) 586-0396, fax (360) 664-2550.

June 20, 2001

Michael W. Schneider
Deputy Administrator

WSR 01-13-115
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 20, 2001, 10:47 a.m.]

Subject of Possible Rule Making: Chapter 246-790 WAC, Special supplemental nutrition program for women, infants and children (WIC), the United States Department of Agriculture (USDA) has released more new federal regulations affecting the entire food delivery component of the WIC program. The regulations address length of a contract period with a retailer, the way the WIC program trains the retailers and how often required, the criteria used for choosing stores to monitor, the way stores are selected, the business integrity of a retailer, the minimum stock required of a retailer, and how the program reimburses retailers for the checks they accept.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The WIC program has a rule because it has federal authority to impose sanctions, including monetary penalties. The Administrative Procedure Act requires a state rule be in place if a program has the authority to impose monetary penalties. In addition, the program believes that having a well written rule in place and accessible to the public gives our contracted retailers the information they need to be able to participate successfully in the WIC program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture establishes the federal regulations governing the WIC program.

Process for Developing New Rule: The WIC program plans to hold several meetings with groups such as the Washington Food Industry and the Retail Advisory Committee, as well as mass mailings to all contracted retailers, their owners, and the WIC clinics who issue the checks to WIC clients to solicit input. All proposed revisions will also have to be reviewed and approved by the USDA.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Evans, WIC Program, P.O. Box 47886, Olympia, WA 98504-7886, voice (360) 236-3636, fax (360) 586-3890, e-mail susan.evans@doh.wa.gov.

June 17, 2001

M. C. Selecky

Secretary

WSR 01-13-116
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed June 20, 2001, 10:48 a.m.]

Subject of Possible Rule Making: Restricting the sale of ephedrine, pseudoephedrine, or phenylpropanolamine. Ephedrine, pseudoephedrine, and phenylpropanolamine are

used to manufacture methamphetamines. The 2001 legislature passed legislation to restrict the sale of these drugs to curb the illicit manufacture of methamphetamine. The legislation directs the Board of Pharmacy to adopt rules to implement the legislation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 69.43 RCW and RCW 18.64.005(7), chapter 96, Laws of 2001 enacted by 2001 legislature.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Communities all over the state of Washington have experienced an increase in the illegal manufacture of methamphetamine. Illegal methamphetamine labs create a significant threat to the health and safety of the people of the state. The drugs ephedrine, pseudoephedrine and/or phenylpropanolamine are used in the illegal manufacture of methamphetamines. Restricting the sale of these products should decrease the number of methamphetamine labs and reduce the threat to public health and safety.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Drug Enforcement Administration (DEA) also regulates the sale and transfer or precursor substances. The DEA will be invited to participate in the stakeholder process.

Process for Developing New Rule: Public meetings and mailings to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Salmi, Department of Health, P.O. Box 47863, Olympia, WA 98504-7863, Lisa.Salmi@doh.wa.gov, phone (360) 236-4828, fax (360) 586-4359. Interested persons can participate through meetings and by submitting written comments.

June 4, 2001
D. H. Williams
Executive Director

WSR 01-13-125
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed June 20, 2001, 11:41 a.m.]

Subject of Possible Rule Making: Update transportation and pipeline safety related chapters in Title 480 WAC adoption by reference rules and other minor administrative changes such as: Correct telephone numbers; repeal obsolete sections; add cross references to adopted material; and create new sections in each chapter that would move the adoption by reference material to the same location in each chapter. Affected chapters include chapters 480-14, 480-15, 480-30, 480-31, 480-40, 480-70, 480-75, and 480-93 WAC. Docket No. A-010827. This rule making will also review adoption by reference dates in chapters 480-75 and 480-93 WAC adopted in emergency rules in Docket UG-010816.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040 General, 80.04.160 Utility, 81.04.160 Transportation, 34.05.310 Prenotice inquiry.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1. The commission has one hundred twenty days after an emergency rule making to codify rules permanently. This rule making will review the updated adoption by reference in emergency rules adopted in Docket UG-010816.

2. The commission adopts by reference several rules in Title 40 and Title 49 of the Code of Federal Regulations and the Commercial Vehicle Safety Alliance's *North American Out-Of-Service Criteria*. Commission rules need to be updated to reflect the most current versions of those published documents.

Process for Developing New Rule: Agency study; and pursuant to the exception granted in RCW 34.05.310(4) for this type of rule making, the commission proposes to forego stakeholder workshops unless requested to do so by interested persons. The commission requests written comments not later than July 19, 2001.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, Docket No. A-010827, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1160, fax (360) 586-1150, or e-mail records@wutc.wa.gov.

NOTICE OF WORKSHOP: Pursuant to the exception granted in RCW 34.05.310(4) for this type of rule making, the commission proposes to forego stakeholder workshops unless requested to do so by interested persons. The commission has posted draft rules and a chart identifying substantive federal rule changes to its website at www.wutc.wa.gov/010827. Questions may be addressed to Kim Dobyans at (360) 664-1242 or via e-mail at kdobyans@wutc.wa.gov.

WRITTEN COMMENTS: Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. A-010827, not later than July 19, 2001. All commenters are asked, but not required, to file their comments electronically. The commission prefers to receive comments either via e-mail attachments addressed to records@wutc.wa.gov or on a 3 1/2 inch IBM formatted high-density disk, in .pdf format and either MSWord97 or later, or WordPerfect version 5.1 or later, labeled with the docket number of this proceeding and the commenter's name and type of software used. If you are unable to file your comments electronically, please file the original and sixteen copies of your comments with the commission secretary at the address indicated above. The commission may offer additional opportunities to provide written comments.

The commission has posted draft rules, by chapter, and a chart identifying substantive federal rule changes to its website at www.wutc.wa.gov/010827. If you are unable to access the commission's web page and would like a copy of the draft rules, please contact the records center at (360) 664-1234 and identify the specific chapter of draft rules you want mailed to you.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING—The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **Any person who submits comments will automatically continue to receive notices and information. If you do not submit comments but wish 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. A-010827, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. A-010827, and the words "Please keep me on the mailing list" to records@wtuc.wa.gov. Please note that all information in the mailings will be accessible through the commission's Internet website at <<http://www.wtuc.wa.gov/010827>>.

THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.

June 20, 2001
C. Robert Wallace
for Carole J. Washburn
Secretary

1950-1951

NO EXPEDITED REPEALS FILED IN THIS ISSUE

EXPEDITED REPEAL



WSR 01-13-004
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed June 7, 2001, 8:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-08-060.

Title of Rule: WAC 458-20-240 Manufacturers, tax credits.

Purpose: This rule explains the business and occupation (B&O) tax credit program for manufacturers and research and development facilities located in distressed areas as provided by chapter 82.62 RCW.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Chapter 82.62 RCW.

Summary: This rule explains the eligible area criteria, hiring requirements, and reporting and monitoring procedures for the B&O tax credit program provided by chapter 82.62 RCW. It also explains the program's application procedure and review process, how and when to claim approved credits, and the record-keeping requirements of the tax credit program.

Reasons Supporting Proposal: To incorporate the statutory changes reflected in chapter 320, Laws of 2001 (effective July 1, 2001); chapter 9, Laws of 1999 1st sp. sess.; chapter 311, Laws of 1999; chapter 164, Laws of 1999; chapter 366, Laws of 1997; chapter 290, Laws of 1996; chapter 1, Laws of 1996; chapter 7, Laws of 1994 1st sp. sess.; and chapter 25, Laws of 1993 1st sp. sess.

Name of Agency Personnel Responsible for Drafting: Cindy Evans, 1025 East Union Avenue, Suite #400, Olympia, WA, (360) 570-6134; Implementation: Claire Hesselholt, 1025 East Union Avenue, Suite #400, Olympia, WA, (360) 570-6124; and Enforcement: Russell Brubaker, 1025 East Union Avenue, Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains the B&O tax credit program provided by chapter 82.62 RCW for manufacturers and research and development facilities located in distressed areas. This program was enacted in 1986 and the legislature revised the program criteria in 1993, 1994, 1996, 1997, and 1999, specifically to the definition of "eligible area" and the amount of tax credit for qualified employment positions. The department is proposing a revision to this rule to incorporate these legislative changes.

The rule draft being proposed reflects an entire strikeout of the existing language, and an underlining of all language proposed for this rule. This approach has been used to make it easier for the reader to identify and understand the language that is actually being proposed. In addition, the proposed WAC 458-20-240 has been reorganized in a question and answer format. The department anticipates that this new format will reduce confusion regarding this B&O tax program.

Proposal Changes the Following Existing Rules: The department is proposing to revise WAC 458-20-240, as explained above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the rule and the proposed amendments do not impose any requirements or burdens upon small businesses that are not already specifically required by statute.

RCW 34.05.328 does not apply to this rule adoption. This is an interpretive rule as defined in RCW 34.05.328.

Hearing Location: Capitol Plaza Building, 4th Floor, Large Conference Room, 1025 East Union Avenue, Olympia, WA, on July 26, 2001, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Barb Vane no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 570-6182.

Submit Written Comments to: Cindy Evans, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail cindyev@dor.wa.gov, by July 26, 2001.

Date of Intended Adoption: August 2, 2001.

June 7, 2001

Claire Hesselholt

Rules Manager

Legislation and Policy Division

AMENDATORY SECTION (Amending Order 88-5, filed 8/16/88)

WAC 458-20-240 Manufacturer's(~~§~~) new employee tax credits. (1) Introduction. Chapter 82.62 RCW (~~establishes a business and occupation tax credits program. Its purpose is to stimulate the economy and create employment opportunities in specific distressed areas of this state. In addition to the tax credit benefits of this program, specific financial incentives to employers who locate or expand business facilities in this state are administered by the Washington state employment security department. The provisions of this section, however, apply only for manufacturing or research and development activities conducted at specific business facilities in announced eligible areas of this state.~~

~~(2) Effective April 1, 1986, persons engaged in manufacturing or research and development activities, who otherwise qualify, will receive credits against their business and occupation tax due under chapter 82.04 RCW. Those credits amount to one thousand dollars for each qualified employment position directly created in an eligible business project, as those terms are defined in this section.~~

~~(3) Definitions. For purposes of the tax credits program the following definitions will apply:~~

~~(a) "Applicant" means a person applying for tax credit under this program.~~

~~(b) "Department" means the department of revenue.~~

~~(c) "Eligible area" means:~~

~~(i) A county in which the average level of unemployment for the three years before the year in which an application is filed exceeds the average state unemployment for those years by twenty percent. The department will publish a list of such~~

eligible areas by May 1 of each year during the life of this program.

(ii) A metropolitan statistical area, as defined by the Office of Federal Statistical Policy and Standards, United States Department of Commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application for credit is filed exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection shall be filed by April 30, 1989.

(d) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility. Provided, That in order to qualify as an eligible business project, the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which credit is being sought than they were at the same facility in the immediately preceding year.

(e) The term "eligible business project" defined earlier, does not include any of the following:

(i) Any business project undertaken by a light and power business;

(ii) Any portion of a business project creating employment positions outside an eligible area;

(iii) Any business projects of persons who are receiving sales tax deferrals under chapter 82.61 RCW (see WAC 458-20-24002).

(f) "Manufacturing" has the meaning given in RCW 82.04.110 and WAC 458-20-136. For purposes of this section the term also includes computer programming, the production of computer software, and other computer-related services, and the activities of research and development and commercial testing laboratories.

(g) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, services, or process before commercial sales have begun.

(h) "Qualified employment position" means a permanent full-time employee, employed in an eligible business project during the entire tax year. Provided, That,

(i) Once a full-time position is established and filled it will continue to qualify for tax credit purposes so long as it is filled by any person or, during any period of vacancy, the employer is training or actively recruiting a replacement employee;

(ii) A position will not be deemed to be filled in order to qualify for tax credit if it is vacant for any period in excess of thirty consecutive days;

(iii) The requirement for employment during the "entire" tax year will be satisfied if the full-time position is filled for a period of twelve consecutive months.

(i) "Permanent full-time employee" means a person who works for the recipient on a paid basis, at least thirty-five hours per week. It does not include independent contractors, independent representatives, persons compensated exclusively on a commissioned basis, or seasonal and similar employment personnel who work for the recipient for only a part of the year.

(j) "Tax year" means the calendar year in which taxes are due.

(k) "Recipient" means a person receiving tax credits under this program.

(l) "Credit computation year" means the tax year for which credits are being sought. The first credit computation year for which any person can seek and qualify for credit approval under this program is tax year 1987.

(m) "Base year" means the entire calendar year immediately preceding the credit computation year. The first base year under this program is 1986.

(4) Application procedures. Application for tax credits under this program must be made using the prescribed application for B&O tax credit on new employees. These forms are available from the department on request. The completed application must be submitted to the department before the actual hiring of qualified employment positions for which credit is sought.

(5) The department will determine if the information contained on the application qualifies the applicant for tax credits and will either approve or disapprove the application within sixty days. If approved, the department will issue a credit approval notice which will notify the recipient in writing of the dollar amount of tax credits available for use and the credit taking procedures. If disapproved, the department will notify the applicant in writing of the specific reasons for disapproval. The applicant may seek administrative review of any credit disapproval pursuant to the provisions of WAC 458-20-100.

(6) Under the law, tax credits may be received only for the creation of qualified employment positions at specific facilities within "eligible areas" as defined earlier. For purposes of making application for tax credits the state-wide and county unemployment statistics last published by the department will be used to determine eligible areas. The department will publish such statistics and a list of eligible areas by county, on May 1 of each year.

(7) A separate application must be submitted for each credit computation year.

(8) Qualifying for credit. There are three qualifying tests, all of which must be met, in order to receive approval for tax credits under this program.

(a) The applicant must be a "manufacturing" business as defined earlier; and

(b) The specific facility at which the manufacturing activities are being conducted must be within an eligible area as defined earlier; and

(c) The average full-time qualified employment positions at the specific facility during the credit computation year must be at least fifteen percent greater than such employment average for the preceding year.

(9) Because chapter 116, Laws of 1986 includes an emergency effective date of April 1, 1986, and because the stated intent is to stimulate the economy and create employment opportunities, this tax credits program is effective immediately. Full-time employees expected to be hired after any application for credits is submitted but before January 1, 1987, will be deemed to be employed as of January 1, 1987. They will be includable within the qualified employment position computation for that year. Thus, credits may be available for all positions hired after the effective date of the

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law if they otherwise qualify and within the dollar limits explained later.

(10) The threshold, fifteen percent employment increase test (qualifying test number three) is met by:

(a) Stating in the application the actual average number of full-time employment positions which existed at the facility during the base year;

(b) Stating the projected number of new positions to be filled during the credit computation year;

(c) Stating the average number of full-time employment positions for the credit computation year including the new projected positions;

(d) Achieving an increase of at least fifteen percent of (c) over (a) above.

(i) Examples. Applicant has no employees at the facility for base year 1986 and intends to hire ten persons, some in 1986 and some in 1987. Because for first year implementation of the program the 1986 hires will be deemed to be hired January 1, 1987, the applicant's base year average remains zero. Thus, its credit computation year average will always meet the fifteen percent increase test, even if only one new position is hired.

(ii) Applicant has an average employment of ten positions in base year 1986 and intends to hire two more persons, one yet in 1986 and one in 1987. This applicant must achieve a 1.5 position increase in 1987 to meet the fifteen percent threshold test. Since its new 1986 hiree will be attributed to January 1, 1987, it must project to hire the other new position by July 1, 1987, in order to meet the fifteen percent increase average of 1.5 for that credit computation year.

(iii) Applicant has an average employment of fifty positions in base year 1986 and intends to hire five more persons by January 1, 1987. This applicant will not qualify for 1987 tax credits because its 1987 average (fifty five positions) is not at least fifteen percent greater than its base year 1986. In order to qualify for any credits this applicant would have to project hiring of at least eight new positions (a 1987 average of at least 57.5 employment positions) to meet the needed percentage increase.

(iv) The applicant in the previous example intends to hire ten new positions, five yet in 1986 and the other five sometime in 1987. Since the 1986 hires will be attributed to January 1, 1987 hiring, this applicant must hire the other five new positions early enough in 1987 to be able to compute a 1987 average of at least 57.5 for that year. Thus, the additional five 1987 hirings would have to be projected to be hired by at least July 1, 1987 in order to qualify for credits.

(11) Note. The department will be able to advise applicants of their minimum number of hiring needs and the latest time within the credit computation year that the positions must be filled to qualify for credits, based upon the information provided in the application.

(12) The carry-over of positions hired in 1986 into 1987 is a first year carry-over only. After 1986, all hiring increases must occur during the computation year for purposes of meeting the fifteen percent threshold test. Thus, applications for the 1988 credits computation year will be tested only by the average increase of 1988 employment positions over the 1987 base year average.

(13) In simplest terms, qualification for tax credits depends upon whether enough new positions are expected to be hired early enough to meet the fifteen percent average increase test.

(14) The fifteen percent threshold test to qualify for tax credits is a "lookahead" test which has no relationship to the dollar amount of credits which may be available. Also, the test for qualifying for approval of tax credits is unrelated to the end of year reporting and verification of credits, the "look-back" test explained later in this section. Rather, the fifteen percent test is a credits qualification test only.

(15) Applications for tax credits under this program must include the applicant's expected hirings for the full credit computation year for which credits are sought. After an application is approved and tax credits are granted, no adjustment or amendment of the credits approval will be possible for that credit computation year.

(16) Credits approval and use. Tax credits approved by the department may be used to offset current business and occupation tax liability if the recipient has incurred any such liability during the credit computation year. The credits may be used as soon as actual hiring of the projected qualified employment positions begin. For example, if a recipient has been approved for \$10,000.00 of tax credits based upon projections to hire ten new positions, that recipient may use each \$1,000.00 of tax credit at the time it hires each new employee.

(17) The law provides that the tax credits available under this program must be used to offset business and occupation tax which has been paid during the same tax year. However, rather than paying the tax and then seeking a refund in the amount of credits available, the recipient will take the available credits against current tax liability as it accrues.

(18) The tax credits approved under this program will be taken by the recipients on their regular combined excise tax return for their regular assigned tax reporting period. The amount of credit taken should be filled in on the front of the return form, with a copy of the credit approval notice issued to the recipient attached to that return.

(19) Credits may be used as hiring is done or may accrue until they are most beneficial for the recipient's use. This is true even for first year credits available for hiring new positions in 1986. As soon as credits are approved and hiring begins, credits may be used, even during the remainder of 1986. No tax refunds will be made for any tax credits which exceed actual tax liability during the life of this program. Under no circumstances may tax credits exceed tax liability.

(20) If tax credits derived from qualified hiring exceed the recipients' business and occupation tax liability in any one calendar year under this program, they may be carried forward to the next calendar year, on an on-going basis, until used.

(21) The tax credits approved for a recipient under this program may be used to offset business and occupation tax liability which the recipient owes because of business activity anywhere in this state. The liability for which the credit is used does not have to be incurred or flow from business engaged in at the specific facility in the eligible area.

(22) Tax credits available in any credit computation year may be used to offset business and occupation tax due on the

fourth quarterly return or last monthly return of the tax year, even though that return is not actually filed with the department until January 25 of the following year.

(23) Credit and program limitations. Except as noted below, the credit application and approval provisions of this program will expire on July 1, 1994. However, credits which become available under approved applications may be used after July 1, 1994, as actual hiring is done. No applications submitted by metropolitan statistical areas as defined in subsection (3)(e)(ii) of this section will be accepted after April 30, 1989.

(24) No recipient is eligible for tax credits in excess of three hundred thousand dollars during the entire life of this program.

(25) The total of credits approved for all applicants under this program will not exceed fifteen million dollars per biennium. Any application for credits which is otherwise qualified but which is denied in whole or in part for a biennium because of this total program credit limit, will carry over for approval in the next biennium. However, once the total program credit limit has been met for the next biennium as well, no further tax credits will be approved.

(26) The law provides that no recipient may use tax credits approved under this program to decertify a union or to displace existing jobs in any community of the state. Thus, the average expected increase of qualified employment positions at the specific facility for which application is made must reflect a gross increase in the applicant's employment of persons at all locations in this state. Transfers of personnel from existing positions outside of an eligible area to new positions at the specific facility within an eligible area will not be allowed for purposes of approving tax credits. Also, layoffs or terminations of employment by the recipient at locations outside an eligible area for the purpose of hiring new positions within an eligible area will result in the withdrawal of any credits taken or approved.

(27) Perfecting approved credits. In order to perfect its entitlement to any credits approved and legally use such credits against business and occupation tax due, a recipient must actually hire the required number of qualified employment positions to comply with the application upon which tax credits were approved. Such created positions must be maintained for a continuous period of twelve consecutive months. (See the definition of "qualified employment position" at subsection (3)(h) of this section.) The law establishes a "look-back" test at the end of the credit computation year to determine that the tax recipient has complied.

For purposes of administering this program the department will consider a period of twelve consecutive months of employment to satisfy the definition of "qualified employment position," to perfect the entitlement to tax credits used.

(28) Reporting and monitoring. All recipients of tax credits under this program must file an annual report with the department reporting their employment activities through December 31 of each credit computation year. This report must be submitted by January 31 of the following year. Based upon this report the department will verify that the recipient is perfecting its entitlement to any tax credits approved by actually employing the required number of new qualified

employment positions as represented in the recipient's credit application.

(29) Because this program is being fully implemented in mid-year 1986, the annual report due on December 31, 1986, will be an informational report only. No tax credits approved, whether actually used in 1986 or not, will be withdrawn or denied based upon this 1986 report. The annual report due on December 31, 1987, will be the first report which may result in tax credits being withdrawn.

(30) The law provides that if any recipient fails to submit a report or submits an inadequate report, the department may declare the amount of taxes for which credit has been used to be immediately assessed and payable. An inadequate report is one which fails to provide any information in the possession of a recipient which is necessary to confirm that the requisite number of employment positions have been created and maintained for twelve consecutive months. As credits are approved, the department will advise all recipients of the nature of information to be included on their annual reports.

(31) The department will monitor credit applications and annual reports on an ongoing basis over the life of this credit program. The department will maintain a running tabulation of credits approved for individual recipients as well as program credit totals and will advise applicants and recipients in writing of the program credit limitations which may affect their entitlement.

(32) Noncompliance—Withdrawal of credits. The law provides that if the department finds that a recipient is not eligible for tax credits for any reason other than failure to create the required number of qualified employment positions, the amount of taxes for which any credit has been used shall be immediately due. No interest or penalty will be assessed in such cases.

(33) However, if the department finds that a recipient has failed to create the specified number of qualified employment positions, the department shall assess interest, but not penalties, on the taxes against which the credit has been used. This interest assessment is mandatory and will be assessed at the statutory rate under RCW 82.32.050, retroactively to the date the tax credit was used. Such interest will accrue until the taxes for which the credit was used are fully repaid.

(34) The administrative review and appeal provisions of chapter 82.32 RCW are available for any actions of the department, under this program, by which any applicant or recipient is adversely affected.

(35) Disclosure of information. The law provides that information contained in applications, reports, or any other information received by the department in connection with this tax credits program shall not be confidential and shall be subject to disclosure.)) provides business and occupation (B&O) tax credits to certain persons engaged in manufacturing and research and development activities. These credits are intended to stimulate the economy and by creating employment opportunities in specific distressed areas of this state. The credits are as much as \$4,000 per qualified employment position. This rule explains the eligibility requirements and application procedures for this program. It is important to note that an application for the tax credits must be submitted to the department of revenue before the actual hiring of qualified employment positions. See subsec-

tion (6) of this rule for additional information regarding this application requirement. This tax credit program is a companion to the tax deferral program under chapter 82.60 RCW; however, the eligible geographic areas in the two programs are not identical.

The department of employment security and the department of community, trade, and economic development administer programs for distressed areas and job training. These agencies should be contacted directly for information concerning those programs.

(2) Who is eligible for these tax credits? Subject to certain qualifications, an applicant (person applying for a tax credit under chapter 82.62 RCW) who is engaged in an eligible business project is entitled to the tax credits provided by chapter 82.62 RCW.

(a) What is an eligible business project? An "eligible business project" means manufacturing, commercial testing, or research and development activities conducted by an applicant in an eligible area at a specific facility, subject to the restriction noted in the following paragraph. An "eligible business project" does not include any portion of a business project undertaken by a light and power business or any portion of a business project creating employment positions outside an eligible area.

To be considered an "eligible business project," the applicant's number of average full-time qualified employment positions at the specific facility must be at least fifteen percent greater in the calendar year for which credit is being sought than the number of comparable positions at the same facility in the immediately preceding calendar year. Subsection (4) of this rule explains how to determine whether this threshold is satisfied.

(b) What is an eligible area? As noted above, the facility must be located in an eligible area to be considered an eligible business project. An "eligible area" is:

(i) A rural county, which is a county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period of July 1st through June 30th (see RCW 82.62.010(3)); or

(ii) A community empowerment zone (CEZ). CEZ means an area meeting the requirements of RCW 43.31C.020 and officially designated by the director of the department of community, trade, and economic development.

(iii) **How to determine whether an area is an eligible area.** Rural county designation information can be obtained from the office of financial management internet website at www.ofm.wa.gov/popden/rural.htm. The department has instituted a geographic information system (GIS) to assist taxpayers in determining taxing jurisdiction boundaries, local tax rates, and a mapping and address lookup system to determine whether a specific address is within a CEZ. The system is available on the department's internet website at www.dor.wa.gov.

(c) What are manufacturing and research and development activities? Manufacturing or research and development activities must be conducted at the facility to be considered an eligible business project.

(i) Manufacturing. "Manufacturing" has the meaning given in RCW 82.04.120. In addition, for the purposes of chapter 82.62 RCW "manufacturing" also includes computer programming, the production of computer software, other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(ii) Research and development. "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. "Commercial sales" does not include sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(iii) Computer-related services. "Computer-related services," for the purposes of chapter 82.62 RCW's definition of "manufacturing," are services that are connected with or interact directly in the manufacture of computer hardware or software or the programming of the manufactured hardware. "Computer-related services" includes the manufacture of hardware such as chips, keyboards, monitors, and any other hardware, and the components of these items. "Computer-related services" also includes creating operating systems and software that will be copied and sold as canned software. "Computer-related services" does not include services such as information services. The activities performed by the manufacturer to test, correct, revise, or upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services.

(3) What are the hiring requirements? The average full-time qualified employment positions at the specific facility during the calendar year for which credits are claimed must be at least fifteen percent greater than the average full-time qualified employment positions at the same facility for the preceding calendar year.

(a) What is a qualified employment position? A "qualified employment position" means a position filled by a permanent full-time employee employed at an eligible business project for twelve consecutive months. Once a full-time position is established and filled it will continue to qualify for twelve consecutive periods so long as any person fills the position. The position is considered "filled" even during periods of vacancy, provided these periods do not exceed thirty consecutive days and the employer is training or actively recruiting a replacement employee.

(b) What is a "permanent full-time employee"? A "permanent full-time employee" is a position that is filled by an employee who satisfies any one of the following minimum thresholds:

(i) Works thirty-five hours per week for fifty-two consecutive weeks;

(ii) Works four hundred fifty-five hours, excluding overtime, each quarter for four consecutive quarters; or

(iii) Works one thousand eight hundred twenty hours, excluding overtime, during a period of twelve consecutive months.

(c) "Permanent full-time employee" - Seasonal operations. For applicants that regularly operate on a seasonal basis only and that employ more than fifty percent of their

employees for less than a full twelve month continuous period, a "permanent full-time employee" is a permanent full-time employee as described above or an equivalent in full time equivalent (FTE) work hours.

(4) How to determine if the fifteen-percent employment increase requirement is met. Qualification for tax credits depends upon whether the applicant hires enough new positions to meet the fifteen-percent average increase requirement.

(a) Determining the fifteen-percent increase. To determine the projected number of permanent full-time qualified employment positions necessary to satisfy the fifteen-percent employment increase requirement:

(i) Determine the average number of permanent full-time qualified employment positions that existed at the facility during the calendar year prior to the year in which tax credit is being claimed.

(ii) Multiply the average number of full-time positions from subsection (i) by .15 or fifteen percent. The resulting number equals the number of positions that must be filled to meet the fifteen-percent increase. Numbers are rounded up to the nearest whole number at point five (.5).

(b) When does hiring have to occur? All hiring increases must occur during the calendar year for which credits are being sought for purposes of meeting the fifteen-percent threshold test. Positions hired in a calendar year prior to making an application are not eligible for a credit but the positions are used to calculate whether the fifteen-percent threshold has been met.

(c) The department will assist applicants to determine their hiring requirements. Accompanying the tax credit application is a worksheet to assist the applicant in determining if the fifteen-percent qualified employment threshold is satisfied. Based upon the information provided in the application, the department will advise applicants of their minimum number of hiring needs for which credits are being sought.

(d) Examples.

(i) ABC Company anticipates increasing employment during the 2001 calendar year at a manufacturing facility by an average of 15 full-time qualified employment positions for a total of 113 positions. The average number of full-time qualified employment positions during the 2000 calendar year was 98. To qualify for the tax credit program the minimum average number of full-time qualified employment positions required for the 2001 calendar year is $98 \times .15 = 14.7$ (rounding up to 15 positions). Therefore, ABC Company's plan to hire 15 full-time qualified employment positions for 2001 meets the 15% employment increase requirement.

(ii) ABC anticipates increasing employment at this same manufacturing facility by an average of 15 additional full-time qualified employment positions during the 2002 calendar year to a total of 128 positions. To qualify for the tax credit program the minimum average number of full-time qualified employment positions required for the 2002 calendar year is $113 \times .15 = 16.95$, rounding up to 17). Therefore, ABC Company's plan to hire 15 full-time qualified

employment positions for 2002 does not meet the 15% employment increase requirement.

(5) Restriction against displacing existing jobs within Washington. The law provides that no recipient may use tax credits approved under this program to decertify a union or to displace existing jobs in any community of the state. Thus, the average expected increase of employment positions at the specific facility for which application is made must reflect a gross increase in the applicant's employment of persons at all locations in this state. Transfers of personnel from existing positions outside of an eligible area to new positions at the specific facility within an eligible area will not be allowed for purposes of approving tax credits. Also, layoffs or terminations of employment by the recipient at other locations in Washington but outside an eligible area for the purpose of hiring new positions within an eligible area will result in the withdrawal of any credits taken or approved.

(6) Application procedures. A taxpayer must file an application with and obtain approval from the department of revenue to receive tax credits under this program. A separate application must be submitted for each calendar year for which credits are claimed. RCW 82.62.020 requires that application for the tax credits be made prior to the actual hiring of qualified employment positions. Applications failing to satisfy this statutory requirement will be disapproved.

(a) How to obtain and file applications. Application forms will be provided by the department upon request either by calling (360) 902-7175 or via the department's internet website at www.dor.wa.gov under forms. The completed application may be sent by FAX to (360) 902-7167 or mailed to the following address: State of Washington

Department of Revenue
Taxpayer Account Administration
P.O. Box 47476
Olympia, WA 98504-7476

The U.S. Post Office postmark or FAX date will be used as the date of application.

(b) Confidentiality. Information contained in applications, reports, or any other information received by the department in connection with this tax credit program is not confidential and is subject to disclosure. All other taxpayer information is subject to the confidentiality provisions in RCW 82.32.330.

(c) Department to act upon application within sixty days. The department will determine if the applicant qualifies for tax credits on the basis of the information provided in the application and will approve or disapprove the application within sixty days. If approved, the department will issue a credit approval notice containing the dollar amount of tax credits available for use and the procedures for taking the credit. If disapproved, the department will notify the applicant in writing of the specific reasons for disapproval. The applicant may seek administrative review of the department's disapproval of an application by filing a petition for review with the department. The petition must be filed within thirty days from the date of notice of the disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements.

(d) No adjustment of credit after approval. After an application is approved and tax credits are granted, no upward adjustment or amendments of the application will be made for that calendar year.

(7) How much is the tax credit? The amount of tax credit is based on the number of and the wages and benefits paid to qualified employment positions created.

(a) How much tax credit may I claim for each qualified employment position? The amount of tax credit that may be claimed for each position created is as follows:

(i) Two thousand dollars for each qualified employment position that pays forty thousand dollars or less in wages and benefits annually and is employed in an eligible business project; and

(ii) Four thousand dollars for each qualified employment position that pays more than forty thousand dollars in wages and benefits annually and is employed in an eligible business project.

(b) What qualifies as wages and benefits? For the purposes of chapter 82.62 RCW, "wages" means compensation paid to an individual for personal services, whether denominated as wages, salary, commission, bonus, or otherwise. "Benefits" means compensation not paid as wages and includes Social Security, retirement, health care, life insurance, industrial insurance, unemployment compensation, vacation, holiday, sick leave, military leave, and jury duty. "Benefits" does not include any amount reported as wages.

(8) How to claim approved credits. The recipients must take the tax credits approved under this program on their regular combined excise tax return for their regular assigned tax reporting period. These tax credits may not exceed the B&O tax liability. The amount of credit taken should be entered into the "credit" section of the return form, with a copy of the credit approval notice issued to the recipient attached to the return.

(a) When can credits be used? The credits may be used as soon as hiring of the projected qualified employment positions begins or may accrue until they are most beneficial for the recipient's use. For example, if a recipient has been approved for \$12,000 of tax credits based upon projections to hire five new positions, that recipient may use \$2,000 or \$4,000 of tax credit at the time it hires each new employee, depending on the wage/benefit level of the position filled.

(b) No refunds for unused credits. No tax refunds will be made for any tax credits which exceed tax liability during the life of this program. If tax credits derived from qualified hiring exceed the recipients' business and occupation tax liability in any one calendar year under this program, they may be carried forward to the next calendar year(s), until used.

(9) Annual report to be filed by recipient. A recipient of tax credits under this program must complete and submit an annual report of employment activities to substantiate that he or she has complied with the hiring and retention requirements for approved credits. RCW 82.62.050. This report must be filed with the department by January 31st of the year following the calendar year for which credit was approved by the department. Based upon this report the department will verify that the recipient is entitled to the tax credits approved by the department when the application was reviewed.

(a) Verification of annual report. The department will use the same report the recipient provides to the department of employment security, which is known as the quarterly employment security report, to verify the recipient's eligibility for tax credits. The recipient must maintain copies of the quarterly employment report for the year prior to the year for which credits are claimed, the year credits are claimed, and for the four quarters following the hiring of persons to fill the qualified employment positions. (The recipient does not have to forward copies of the quarterly employment report to the department each quarter.) The department may use other wage information provided to the department by the department of employment security. The taxpayer must provide additional information to the department, as the department finds necessary to calculate and verify wage eligibility.

(b) Failure to file report. The law provides that if any recipient fails to submit a report or submits an inadequate report, the department may declare the amount of taxes for which credit has been used to be immediately due and payable. An inadequate report is one which fails to provide information necessary to confirm that the requisite number of employment positions has been created and maintained for twelve consecutive months.

(10) What if the required number of positions is not created? The law provides that if the department finds that a recipient is not eligible for tax credits for any reason, other than failure to create the required number of qualified employment positions, the amount of taxes for which any credit has been used will be immediately due. No interest or penalty will be assessed in such cases. However, if the department finds that a recipient has failed to create the specified number of qualified employment positions, the department will assess interest, but not penalties, on the taxes against which the credit has been used. This interest on the assessment is mandatory and will be assessed at the statutory rate under RCW 82.32.050, retroactively to the date the tax credit was used. The interest will accrue until the taxes for which the credit was used are fully repaid. RCW 82.62.050.

(11) Program thresholds. The department cannot approve any credits that will cause the total credits approved to exceed seven million five hundred thousand dollars in any fiscal year. RCW 82.62.030. A "fiscal year" is the twelve-month period of July 1st through June 30th. If all or part of an application for credit is disallowed due to cap limitations, the disallowed portion will be carried over for approval the next fiscal year. However, the applicant's carryover into the next fiscal year is only permitted if the total credits approved for the next fiscal year does not exceed the cap for that fiscal year as of the date on which the department has disallowed the application.

WSR 01-13-005
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed June 7, 2001, 8:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-15-004.

Title of Rule: WAC 458-20-260 Oil spill response and administration tax.

Purpose: To provide guidance to taxpayers necessary to meet the requirements set forth in chapter 82.23B RCW, Oil spill response tax.

Statutory Authority for Adoption: RCW 82.23B.050 and 82.32.300.

Statute Being Implemented: Chapter 82.23B RCW.

Summary: This rule explains the provisions of chapter 82.23B RCW, Oil spill response tax. The rule explains the imposition of the tax, when a taxable event occurs, and how to take exemptions and credits applied against the tax.

Reasons Supporting Proposal: To amend the current rule to reflect legislative changes (chapter 449, Laws of 1997) and to recognize current business practices to assist taxpayers in complying with the law.

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Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 82.23B RCW imposes the oil spill response and oil spill administration tax on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of Washington. This rule provides pertinent definitions; explains the imposition and base of the tax; advises of the reporting requirements; explains that the tax is collected and paid by the marine terminal operator or, in the alternative, paid by a holder of a direct pay permit; explains the exemptions and credits allowed by law against the tax; and explains and provides examples on computing the credit amount. The purpose of the rule is to provide guidance to those required to pay the oil spill response and administration tax. The effect of the rule is that those required to pay the oil spill response and administration tax will have a reference to assist them in complying with the law.

Proposal Changes the Following Existing Rules: This proposal is to amend an existing rule. The proposal adds definitions, changes the presumption regarding previously taxed product, explains the imposition of the tax with respect to increase in volume of previously taxed product, and clarifies and provides examples on computing and documenting previously taxed product. Additionally, the proposal strikes outdated and/or unnecessary information.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule and the amendments do not impose any performance requirement or duty upon any business that is not already imposed by statute.

RCW 34.05.328 applies to this rule adoption. This is an interpretive rule as defined in RCW 34.05.328.

Hearing Location: Capitol Plaza Building, 4th Floor, Conference Room #423, 1025 East Union, Olympia, WA, on July 30, 2001, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Barb Vane no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 570-6182.

Submit Written Comments to: Anne Solwick, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail annes@dor.wa.gov, by July 30, 2001.

Date of Intended Adoption: August 10, 2001.

June 7, 2001

Claire Hesselholt

Rules Manager

Legislative and Policy Division

AMENDATORY SECTION (Amending WSR 92-24-049, filed 11/30/92, effective 12/31/92)

WAC 458-20-260 Oil spill response and administration tax. (1) **Introduction.** This ~~((section))~~ rule explains ~~((and implements))~~ the provisions of chapter 82.23B RCW which imposes an oil spill response tax and an oil spill administration tax ~~((, effective October 1, 1991, and as amended by chapter 73, Laws of 1992, effective October 1, 1992)).~~ The taxes are imposed upon the privilege of receiving crude oil or petroleum products at a marine terminal in this state from a waterborne vessel or barge operating ~~((through or upon))~~ on the navigable waters of this state. ~~((This section provides applicable definitions, the rate and measure of the tax, the tax payment and reporting procedure, and describes an exemption and a credit against tax.))~~

(2) **Definitions.** For purposes of this ~~((section))~~ rule, the following terms will apply.

(a) "Tax" means the oil spill response and oil spill administration taxes imposed by chapter 82.23B RCW.

(b) "Additive" means any substance added to a petroleum product:

(i) To identify the petroleum product to be that of a particular seller; and

(ii) That is no more than 1.5% of the volume of the product to which it is added.

(c) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of crude oil or petroleum product.

~~((e))~~ (d) "Blendstock" means any substance other than an additive added to crude oil or petroleum product.

(e) "Crude oil" means any naturally occurring liquid hydrocarbon at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline.

~~((d))~~ (f) "Department" means the department of revenue.

~~((e))~~ (g) "Marine terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products to or from a waterborne vessel or barge.

~~((f))~~ (h) "Navigable waters" means those waters of the state and their adjoining shorelines, that are subject to the ebb

and flow of the tide, including the Columbia and Snake rivers.

~~((g))~~ (i) "Person" has the meaning provided in RCW 82.04.030.

~~((h))~~ (j) "Petroleum product" means any liquid hydrocarbons at atmospheric temperature and pressure that are the product of the fractionation, distillation, or other refining or processing of crude oil, and that are used as, useable as, or may be refined as fuel or fuel blendstock, including but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and fuels containing a blend of alcohol and petroleum.

~~((i))~~ (k) "Taxpayer" means the person owning crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal in this state from a waterborne vessel or barge and who is liable for the tax.

~~((j))~~ (l) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of travelling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

~~((k))~~ (m) "Previously taxed product" means any crude oil or petroleum product which has been received in this state in a manner subject to the tax and upon which the tax has been paid.

~~((l)) "Offloading" means the physical act of moving crude oil or petroleum product from a waterborne vessel or barge to a marine terminal.)~~

(3) ~~((Tax rate and measure.))~~ **Imposition, base, and reporting of tax.** The tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating ~~((through or across))~~ on the navigable waters of this state. The tax is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge.

~~(a) ((The oil spill response tax is imposed at the rate of two cents per barrel of crude oil or petroleum product received.))~~ The tax is due for payment together with the timely filing of the return upon which it is reported, on or before the twenty-fifth day of the month following the month in which the taxable receipt occurs. In case any receipt commences on the last day of any month and extends past midnight, the receipt at the election of the marine terminal may be deemed to have occurred during the following month or may be deemed to have been completed at midnight and commenced at the instant after midnight. However, once a marine terminal has elected a timing option such election remains in effect until permission is obtained from the department to elect otherwise.

~~(b) ((The oil spill administration tax is imposed at the rate of three cents per barrel of crude oil or petroleum product received.~~

~~(e))~~ The number of barrels received ~~((shall))~~ must be computed as the net barrels received by the marine terminal operator. Net barrels ~~((shall))~~ must be computed by using an industry standard adjustment to gross barrels ~~((offloaded))~~

receiving to account for variations in temperature and content of water ((or other nonpetroleum substances)).

(4) **Tax collection by the marine terminal operator.** Unless the taxpayer has been issued a direct payment certificate as provided in subsection (5) of this ~~((section))~~ rule, the operator of any marine terminal located in this state where crude oil or petroleum products are received and placed into storage tanks is responsible for the collection of the tax from the taxpayer.

(a) Failure to collect the tax from the taxpayer and remit it to the department will cause the marine terminal operator to become personally liable for the tax, unless the marine terminal operator has billed the taxpayer for the tax or notified the taxpayer in writing of the imposition of the tax.

(i) The tax has been billed to a taxpayer when an invoice, statement of account, or notice of imposition of the tax is mailed or delivered to the taxpayer by the terminal operator within the operator's normal billing cycle and separately states the dates of receipt, rate of tax, number of barrels received and placed into storage tanks, and the amount of the tax required to be collected.

(ii) A taxpayer has been notified of the imposition of the tax when, within twenty days from the date of receipt, a notice is mailed or delivered to the taxpayer, or to an agent of the taxpayer authorized to accept notices of this type other than the marine terminal operator ~~((, which)).~~ This notice must separately state ~~((s))~~ the dates of receipt, rate of tax, number of barrels received into storage tanks, and the amount of the tax required to be collected.

(iii) Marine terminal operators ~~((shall))~~ must maintain a record of the names and addresses of taxpayers billed for the tax, or in cases where taxpayers are sent written notification of the imposition of the tax, the names and addresses of the persons to whom notice is sent. Such records ~~((shall))~~ must indicate those persons billed or notified from whom the tax has been collected. Upon request, the records shall be made available for inspection by the department.

(b) The tax collected ~~((shall))~~ must be held in trust by the terminal operator until paid to the department. ~~((e))~~ The tax ~~((collected shall be))~~ is due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the tax is collected.

~~((d))~~ (c) A terminal operator who relies in good faith upon a direct payment certificate (see subsection (5) of this rule) issued to a taxpayer ~~((shall be))~~ is relieved from any liability for the collection of the tax from the taxpayer. A marine terminal operator ~~((shall))~~ is likewise ~~((be))~~ relieved from liability for collection of the tax from a taxpayer if the marine terminal operator relies in good faith upon a current roster of certificate holders published by the department which bears the name of a taxpayer.

(5) **Direct payment to the department.** Any taxpayer may apply to the department in writing for permission to pay the tax directly to the department. Upon approval of the department, any taxpayer making application for direct payment ~~((shall))~~ will be issued a direct payment certificate entitling the taxpayer to pay the tax directly to the department.

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(a) In order to qualify for direct payment, the taxpayer must meet the following requirements:

(i) The taxpayer must be registered with the department.

(ii) The taxpayer must file a bond with the department in an amount equal to two months estimated liability for the tax, but in no event less than ten thousand dollars. The bond ~~((shall))~~ must be executed by the taxpayer as principal, and by a corporation approved by the department and authorized to engage in business as a surety company in this state, as surety. Two months estimated tax liability shall be the total number of barrels received and placed into the storage tanks of a marine terminal in this state by the taxpayer during the two months in the immediately preceding twelve-month period with the highest number of barrels received multiplied by the total tax rate. If the department determines that the result of the foregoing calculation does not represent a fair estimate of the actual tax liability which the taxpayer is expected to incur, it may set the bond requirement at such higher amount as the department determines in its judgment will secure the payment of the tax. The bond requirement may be waived upon proof satisfactory to the department that the taxpayer has sufficient assets located in this state to insure payment of the tax.

(iii) The taxpayer must be current in all of its tax obligations to the state having filed all returns as required by Title 82 RCW.

(b) The department may, from time to time, review the amount of any bond filed by a taxpayer possessing a direct payment certificate and may, upon twenty days written notice to the taxpayer, require such higher bond as the department determines to be necessary to secure the payment of the tax. The filing of a substitute bond in such higher amount ~~((shall be))~~ is a condition to the continuation of the right to make direct payment under this section.

(c) A direct payment certificate issued under this section may be revoked by the department if the taxpayer fails to maintain a current registration, fails to file a substitute bond within twenty days from a written request, or becomes delinquent in the payment of the tax.

(d) The department ~~((shall))~~ maintains a current roster of all taxpayers who have a direct payment certificate. Copies of the roster ~~((shall be))~~ are made available on a monthly basis to any interested person requesting to be placed on the roster subscription list. Requests to be placed on the subscription list should be mailed to the ~~((Miscellaneous Tax Division;))~~ Department of Revenue, Taxpayer Services, attn: Public Records, P.O. Box ((47470)) 47478, Olympia, WA 98504-((7470)) 7478.

(e) Applications for a direct payment certificate shall be in writing and shall include the name and address of the applicant, the applicant's registration number if currently registered, and the name and phone number of a contact person. The application shall also contain a statement that if the application is approved, the taxpayer consents to the public disclosure that the taxpayer has been granted a direct payment certificate, or if the certificate is later revoked, the taxpayer consents to the public disclosure of the fact of revocation. Applications should be mailed to the ~~((Miscellaneous Tax Division;))~~ Department of Revenue, Taxpayer Account

Administration, P.O. Box ((47470)) 47476, Olympia, WA 98504-((7470)) 7476.

(6) **Exemption - previously taxed crude oil or petroleum products.** The tax applies only to the first receipt of crude oil or petroleum products ~~((into the storage tanks of))~~ at a marine terminal in this state. RCW 82.23B.030 provides an exemption ((is available)) for the subsequent receipt ((into storage tanks)) at a marine terminal in this state of previously taxed crude oil or petroleum products. This exemption applies even though the previously taxed ~~((product is))~~ crude oil or petroleum products are refined or processed prior to subsequent transportation and receipt ((into storage tanks)).

~~((Crude oil or petroleum products received and placed into storage tanks for the first time at a marine terminal in this state which have been commingled with previously taxed product present a special problem in determining the amount of tax properly due. In such cases the amount of tax due is equal to the difference between the total number of barrels received and placed into storage tanks and the number of barrels of previously taxed product multiplied by the total tax rates. Due to the difficulty of determining the amount of tax due under such circumstances the following rebuttable presumptions shall apply:~~

~~((i) All crude oil or petroleum products loaded on a vessel and shipped from a point within this state will be presumed, subject to rebuttal, to be previously taxed product. The subsequent receipt at a point within this state of such product will be treated as exempt from the tax.~~

~~((ii) All crude oil or petroleum products loaded on a vessel and shipped from a point outside this state will be presumed to be crude oil or petroleum products received for the first time in this state. The subsequent receipt at a point within this state of such crude oil or petroleum products will be treated as subject to the tax.~~

~~((b) The presumptions in this subsection may be rebutted upon proof of the number of barrels of previously taxed product received into storage tanks in this state.~~

~~((c) **Example.** The presumptions in this subsection (6) can be illustrated by the following example:~~

~~A previously taxed petroleum product is loaded on an ocean-going barge at a marine terminal located on Puget Sound in Washington. The barge is towed to Portland, Oregon where the petroleum product is offloaded and commingled with a similar product which has not been subjected to the tax. Later, commingled product is loaded onto a barge which is towed up the Columbia River to a marine terminal located in Pasco, Washington and, where it is offloaded and placed into storage tanks. The petroleum products loaded onto the barge in Portland would be presumed, subject to rebuttal, to be subject to the tax when received in Pasco.~~

~~((7)) This exemption applies to any increase in volume of crude oil or petroleum products by reason of the addition of additives as that term is defined in subsection (2) of this rule.~~

~~((b) This exemption does not apply to any increase in volume of crude oil or petroleum products by reason of the addition of blendstocks as that term is defined in subsection (2) of this rule when crude oil or petroleum products to which blendstocks have been added are later received at a marine~~

terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state unless such blendstocks were previously subject to the tax.

(c) Example. Petroleum product is received at a marine terminal in this state and the tax is remitted. Blendstocks that were not previously subject to the tax are added to the petroleum product and increase the volume of the petroleum product. The petroleum product is then placed on a waterborne vessel or barge and received at a second marine terminal in this state. Upon receipt at the second marine terminal the tax is due on the incremental increase in volume of the petroleum product caused by the addition of blendstocks.

(7) Presumption. Any receipt of crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state is presumed to be subject to the tax.

(a) A person may rebut this presumption by documenting that the crude oil or petroleum products received were previously subject to the tax. The proof may be in the form of information on the invoice from the seller stating that all or a specific, stated portion of the crude oil or petroleum products were previously subject to the tax.

(b) Example. Crude oil is received at a marine terminal in this state and the tax is remitted. The crude oil is then commingled with crude oil from a source not involving a receipt at a marine terminal such as a receipt from a pipeline or a tank car. The commingled crude oil is refined into two petroleum products such as jet kerosene and unleaded gasoline. The petroleum products are then placed on separate waterborne vessels or barges and are shipped to a second marine terminal in this state. The receipt of petroleum products at the second marine terminal is presumed to be subject to the tax. The presumption may be rebutted by proof of what portion of each product of the shipment was previously subject to tax. Proof may be made by means of information on the invoice.

(8) Export credit. A credit is allowed against the tax (~~imposed~~) for any crude oil or petroleum products (~~previously received in a manner subjected to the tax and subsequently~~) exported from or sold for export from the state.

(a) An export credit may be taken by any person (~~exporting~~) who exports or (~~selling~~) sells for export any previously taxed product (~~who has paid the tax on such product to a marine terminal operator or the department. An export credit may also be taken by any person who has purchased previously taxed product and who subsequently exports the product or sells the product for export, provided that such person has been invoiced for and has paid the tax to its seller. Any such invoice must state the amount of the tax passed on to the purchaser and identify the product to which the tax amount relates by type and quantity~~). When the person taking the export credit is not the person who remitted the tax, the proof of payment of tax may be made by information on an invoice that conforms to the requirements set forth in subsection (7)(a) of this rule.

(b) A person exports (~~previously taxed~~) product when (~~they~~) he or she actually transports the product beyond the borders of this state for purposes of sale, or delivers the product to a common carrier for delivery and subsequent sale or

use at a point outside this state. Documentation of export is described in (d) of this subsection.

(c) A person sells (~~previously taxed~~) product for export when as a necessary incident to a contract of sale the seller agrees to, and does deliver previously taxed product:

- (i) To the buyer at a destination outside this state;
- (ii) To a carrier consigned to and for transportation to a destination outside this state;
- (iii) To the buyer alongside or aboard a vessel or other vehicle of transportation under circumstances where it is clear that the process of exportation of the product has begun; or
- (iv) Into a pipeline for transportation to a destination outside this state.

In all circumstances there must be a certainty of export evidenced by some overt step taken in the export process. A sale for export will not necessarily be deemed to have occurred if the product is merely in storage awaiting shipment, even though there is reasonable certainty that the product will be exported. The intention to export, as evidenced for example, by financial and contractual relationships does not indicate certainty of export if the product has not commenced its journey outside this state. The product must actually enter the export stream. Sales of petroleum products by delivery into the fuel tank of a vessel or other vehicle in quantities greater than one hundred gallons will be considered placed into the export stream, provided the vessel or vehicle is immediately destined for a point outside this state and the seller obtains and keeps the documentary evidence provided in (d) of this subsection.

(d) (~~A person claiming credit for sales for export under this subsection (7) must document the fact the product was placed into the export process. This fact~~) A person who takes the credit for export must show that the previously taxed product was exported or sold for export. An export or a sale for export may be shown by obtaining and keeping any of the following documentary evidence:

- (i) A bona fide bill of lading in which the seller is the shipper/consignor and by which the carrier agrees to transport the product to the buyer at a destination outside this state; or
- (ii) A written certification in substantially the following form:

Certificate of Export

I hereby certify that the crude oil or petroleum products specified herein, purchased by or transferred to the undersigned from (seller or transferor), have been received into the export stream and are for export for sale or use outside Washington state. I will become liable for any tax credit granted (seller or transferor) pertaining to any crude oil or petroleum products which are not so exported outside Washington state. This certificate is given with full knowledge of, and subject to the legally prescribed penalties for fraud.

Registration No. Type of Business
 (If applicable)
 Firm Name Registered Name
 (If different)

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Authorized Signature
 Title
 Identity of Product
 (Kind and amount by volume)
 Date; or

(iii) Documents consisting of:

(A) Purchase orders or contracts of sale which show that the seller is required to place the product into the export stream, e.g., "f.a.s. vessel"; and

(B) Local delivery receipts, tripsheets, waybills, warehouse releases, etc., reflecting how and when the product was delivered into the export stream; and

(C) When available, records showing that the products were packaged, numbered or otherwise handled in a way which is exclusively attributable to products sold for export.

(e) Only the export or sale for export of crude oil or petroleum products will qualify for the export credit. Crude oil or petroleum products will not be eligible for the export credit if, prior to export, they are subject to further processing or used as ingredients in other compounds unless the resulting products are themselves crude oil or petroleum products.

(f) Crude oil or petroleum products delivered to purchasers in other states pursuant to location exchange agreements will not qualify for the export credit unless the crude oil or petroleum products were previously subject to the tax and credit has not yet been taken. A location exchange agreement is any arrangement where crude oil or petroleum products located in this state are exchanged through an accounts crediting system, or any other method, for like substances located in other states. Any person acquiring previously taxed product in this state for which no credit has been taken may claim a credit on any such product subsequently exported or sold for export, provided all of the requirements set forth in ~~((this))~~ subsections ~~((7))~~ (8) and (9) of this rule have been met.

~~((Example. An oil company enters into a location exchange agreement with a competitor which provides for the delivery of one thousand barrels of petroleum products to a local storage facility owned by the competitor. In exchange for the petroleum products delivered in Washington the competitor delivers one thousand barrels of like petroleum products to the oil company's storage facilities in California. The delivery of petroleum products in California would not constitute an export or sale for export of the products delivered in Washington even though the products are of like quality and quantity. If the competitor delivers products which have been previously subject to the tax and no credit has been taken, the delivery of products in California may qualify for the credit. The subsequent export of the petroleum products received by the competitor in Washington would qualify for the credit if the competitor has been invoiced for and has paid the tax to the exchanging oil company.))~~

(g) Persons claiming this credit must maintain records necessary to verify that the credit taking qualifications have been met. For this purpose any person claiming a credit who maintains those records required by WAC 458-20-19301 (Multiple activities tax credit), subsection (9), will be considered to have satisfied the requirements of this subsection.

~~((8))~~ (9) **Amount of credit.** The amount of the credit will be equal to the tax previously paid ~~((by the person claiming the credit))~~ on the crude oil or petroleum product exported or sold for export and for which credit has not already been taken. In no event will a credit be allowed in excess of the tax paid on the product exported or sold for export.

(a) In the case of a person claiming credit who is not the taxpayer, the credit will be equal to that portion of the tax billed on an invoice which relates to the particular product exported or sold for export.

In order to determine the amount of tax reflected on an invoice which relates to a particular product exported or sold for export, it may be necessary to convert the tax paid from a rate per barrel to a rate per gallon or some other unit of measurement. This conversion is computed by taking the total amount of tax paid on an invoice for a particular product and dividing that figure by the total quantity of the product expressed in terms of the unit of measurement used for export. The credit is then computed by multiplying the converted rate times the quantity of product exported or sold for export. ~~((In no event will a credit be allowed in excess of the tax paid on the product exported or sold for export.))~~

~~((Due to the fungible nature of crude oil and petroleum products it will sometimes be impossible for a person claiming a credit to determine exactly the rate of tax invoiced for a specific quantity of oil being exported or sold for export. The physical handling of oil or petroleum products requires that products of like kind be stored in bulk. This commingling results in product bearing tax passed on at different rates making it difficult to determine the amount of credit applicable to an export sale. Under such circumstances))~~ When the product exported is previously taxed product commingled with untaxed product, a person claiming the export credit may compute the ~~((tax))~~ amount of previously taxed product using one of the following methods:

(i) First-in, first-out method. Under this method the export credit is computed by treating existing inventory as sold before later acquired inventory.

(ii) Average of tax paid method. Under this method the export credit is determined by calculating the average rate of tax paid on all inventory. This method requires computing the tax by making adjustments in the rate of tax paid on all product on hand as it is removed from or added to storage.

(iii) Any other method approved by the department.

(c) The use of one of the methods set forth in this subsection ~~((8))~~ (9) to account for tax paid on commingled crude oil or petroleum products ~~((shall))~~ constitutes an election to continue using the method selected. Once selected, no change in accounting method ~~((will be))~~ is permitted without the prior consent of the department.

(d) Examples. The following are examples of the way in which the credit is to be computed:

(i) A petroleum products distributor purchases 100 barrels each of premium unleaded gasoline and regular unleaded gasoline. The invoice from the refiner separately states that the invoice includes \$5.00 of tax for each of the two types of products. The distributor pays the invoiced amount and later sells 2,000 gallons of the premium unleaded and 4,000 gal-

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lons of the regular unleaded to a retailer located outside Washington. In order to compute the amount of credit on the export sales the distributor must convert the tax paid from barrels to gallons. Since there are 42 US gallons in a barrel and 200 barrels purchased, the number of gallons equals 8400 (42×200). The per gallon tax paid on both products is equal to .119 cents per gallon ($\$10.00 \div 8400$). The distributor would be eligible for credit equal to \$2.38 for the premium unleaded ($2,000 \times \$0.0119$) and \$4.76 for the regular unleaded ($4,000 \times \$0.0119$).

(ii) Example. A petroleum products distributor purchases 100 barrels of unleaded gasoline on which ~~((it will use to blend with 30 barrels of ethanol to produce gasoline))~~ the tax has been remitted for a portion. The invoice for the unleaded separately states that the total price includes \$4.00 of tax. This previously taxed product is commingled with 30 barrels of gasoline received through a pipeline, that is, product that is not subject to tax. The distributor ~~((pays the invoiced amount and))~~ sells 2,940 gallons of ~~((gasohol))~~ commingled product to a retailer for sale outside Washington. The tax paid on the ~~((unleaded))~~ previously taxed product is equal to .095 cents per gallon ($\$4.00 \div 4200$). Since the exported product has been blended with ~~((a component))~~ product that has not been taxed, only 76.9% of the exported product is eligible for credit ($100 \div 130$). The credit ~~((would be))~~ is \$2.15 ($2,940 \times .769 \times \0.00095).

(iii) Example. A petroleum distributor purchases 100 barrels of gasoline and receives from the seller an invoice that states that the tax has been paid on 90% of the shipped product. The distributor exports the 100 barrels. The petroleum distributor may claim an export credit of \$4.50. (90% of 100 barrels equals 90 barrels times the tax rate of \$.05 equals \$4.50.)

(iv) Example. A petroleum distributor purchases 100 barrels of unleaded gasoline from refinery A and later purchases 100 barrels from refinery B. The distributor stores all of its unleaded gasoline in a single storage tank. The invoice from refinery A separately states the amount of tax on the gasoline as \$5.00 and the refinery B invoice states the tax as \$4.00. The distributor pays the two invoiced amounts and sells 2,100 gallons of the commingled unleaded to a retailer located outside Washington. The distributor then purchases 100 more barrels of unleaded gasoline from distributor C. Distributor C's invoice separately states the tax as \$3.00. Following payment of the invoice, the distributor exports an additional 2,100 gallons of unleaded. The distributor could choose to calculate the tax using one of the methods of accounting described in (b) of this subsection.

(A) Under the first-in, first-out method the distributor would treat all 4,200 gallons sold as if it was the unleaded gasoline purchased from refinery A. Under this method, the credit would be equal to .119 cents per gallon ($\$5.00 \div 4,200$) or \$5.00 total ($\$.00119 \times 4,200$).

(B) Under the average of tax paid method the distributor would recompute the tax paid on average for the entire commingled amount making adjustments as gasoline is sold or gasoline is added. Prior to the addition of the purchases from refinery B or distributor C, the rate would be .119 cents per gallon ($\$5.00 \div 4,200$). Following the addition of the 100 bar-

rels from refinery B the tank contains 8,400 gallons. The rate of tax would now be .107 cents per gallon ($(\$5.00 + \$4.00) \div 8,400$). Out of this amount 2,100 gallons is exported in the first sale. The credit for this sale would be equal to \$2.25 ($\$.00107 \times 2,100$). ~~((After the addition of the 100 barrels from distributor C, the tank contains 10,500 gallons (8,400 - 2,100 + 4,200). In order to recompute the tax, the total tax paid on the remaining gasoline after the first sale must be computed. After withdrawal of the 2,100 gallons of unleaded for the first sale, the total tax paid on the remainder would be \$6.74 ((8,400 - 2,100) x \$.00107). The addition of the 100 barrels from distributor C causes the total tax for the stored amount to rise to \$9.74 (\$6.74 + \$3.00). The average rate of tax is now .093 cents per gallon (\$9.74 ÷ 10,500). The credit for the second export sale would be \$1.95 (\$.00093 x 2,100).~~

(9) Credit for use of petroleum products. Effective March 26, 1992, any person having paid the tax imposed by this chapter may claim a refund or credit for the following:

(a) The use of petroleum products, as a consumer, for a purpose other than as a fuel. For this purpose, the term consumer shall be defined as provided in RCW 82.04.190; or

(b) The use of petroleum products as a component or ingredient in the manufacture of an item which is not a fuel.

(c) The amount of refund or credit claimed may not exceed the amount of tax paid by the person making such claim on the petroleum products so consumed or used.

(10) How and when to pay tax. The tax must be reported on special return forms prescribed by the department. The tax is due for payment together with the timely filing of the return upon which it is reported, on the twenty-fifth day of the month following the month in which the taxable receipt into storage tanks occurs. In case any offloading commences on the last day of any month and extends past midnight, the receipt will be deemed to have occurred during the following month.

(11) How and when to claim credits. Persons who pay tax under a direct payment certificate and persons who are both taxpayers and marine terminal operators should claim credits as an offset against tax liability reported on the same return when possible. The tax return form provides a line for reporting the tax and a line and supporting schedule for taking credits as an offset against the tax reported. Persons claiming credit who are not required to file returns reporting liability for the tax may claim credits on forms provided by the department for this purpose. It is not required that any documents or other evidences of entitlement to credits be submitted with the report. Such proofs must be retained in permanent records for the purpose of verification of credits taken.

(12) Sales to United States government. The tax does not apply to the receipt into storage tanks of crude oil or petroleum products owned by the United States government. The United States government is also not required to collect the tax as a marine terminal operator when the United States government owns the facilities where crude oil or petroleum products are received. However, owners of crude oil or petroleum products received and placed into the storage tanks of marine terminals owned by the United States government remain liable for the tax. In such instances the taxpayer is

required to report the tax on forms supplied by the department. The tax is due for payment along with a completed return on the twenty-fifth day of the month following the month in which receipt into storage tanks occurred.))

WSR 01-13-015**PROPOSED RULES****UNIVERSITY OF WASHINGTON**

[Filed June 11, 2001, 1:54 p.m.]

Continuance of WSR 01-08-074.

Preproposal statement of inquiry was filed as WSR 00-22-069.

Title of Rule: Chapter 478-116 WAC, Parking and traffic rules of the University of Washington.

Purpose: Continue date of intended adoption from June 8, 2001, to September 21, 2001.

Date of Intended Adoption: September 21, 2001.

June 6, 2001

Rebecca Goodwin Deardorff, Director
Administrative Procedures Office

WSR 01-13-052**PROPOSED RULES****WASHINGTON STATE PATROL**

[Filed June 15, 2001, 9:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-003.

Title of Rule: WAC 446-16-030 Inspection by the subject of their record.

Purpose: To allow for consistency with WAC 446-20-090.

Statutory Authority for Adoption: Chapters 10.97 and 43.43 RCW.

Summary: The amendments to WAC 446-16-030 will increase inspection time by a subject of their record from fifteen minutes to thirty minutes.

Reasons Supporting Proposal: This will allow for consistency with WAC 446-20-090.

Name of Agency Personnel Responsible for Drafting: Ms. Toni Korneder, P.O. Box 42633, Olympia, WA 98504, (360) 705-5101; Implementation and Enforcement: Captain Brian A. Ursino, P.O. Box 42633, Olympia, WA 98504, (360) 705-5101.

Name of Proponent: Washington State Patrol Criminal Records Division, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Approve of the amendment.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This will modify the time allowed for a subject to inspect their criminal record from fifteen minutes to thirty

minutes. This change will allow for consistency with WAC 446-20-090.

Proposal Changes the Following Existing Rules: Increase time from fifteen minutes to thirty minutes that a subject can view their record.

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: Commercial Vehicle Division Conference Room, Ground Floor, General Administration Building, 210 11th S.W., Olympia, WA 98504, on July 26, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ms. Gretchen Dolan by July 20, 2001, TDD (253) 536-4270, or (360) 753-0655.

Submit Written Comments to: Ms. Toni Korneder, Criminal Records Division, P.O. Box 42633, Olympia, WA 98504, fax (360) 570-5275, by July 20, 2001.

Date of Intended Adoption: August 1, 2001.

June 11, 2001

R. M. Leichner
Chief

AMENDATORY SECTION (Amending WSR 97-05-048, filed 2/18/97, effective 3/21/97)

WAC 446-16-030 Inspection by the subject of their record. (1) Any person desiring to inspect criminal history record information which refers to themselves may do so at the central office of the Washington state patrol identification and criminal history section, between the hours of 8 a.m. and 5 p.m., Monday through Friday, excepting legal holidays.

(2) Any person desiring to inspect criminal history record information pertaining to themselves shall first permit their fingerprints to be taken by the section for identification purposes if requested to do so. The section, in their discretion, may accept other identification in lieu of fingerprints.

(3) A reasonable period of time, not to exceed ~~((45))~~ thirty minutes, shall be allowed each individual to examine criminal history record information pertaining to themselves.

(4) No person shall be allowed to retain or reproduce any criminal history record information pertaining to themselves except for the purpose of challenge or correction of entries of arrests by submitting law enforcement agencies of the state of Washington. Visual examination only shall be permitted of such information unless the individual asserts their belief that criminal history record information from a submitting law enforcement agency of the state of Washington concerning them is inaccurate, incomplete or maintained in violation of the law; and unless they request correction or completion of the information on a form furnished by the section, or requests expungement pursuant to WAC 446-16-025.

(5) If any person who desires to examine criminal history record information pertaining to themselves is unable to read or is otherwise unable to examine same because of a physical disability, they may designate another person of their own choice to assist them. The person about whom the information pertains shall execute, with their mark, a form provided by the section consenting to the inspection of criminal history

record information pertaining to himself by another person for the purpose of it being read or otherwise described to them. Such designated person shall then be permitted to read or otherwise describe or translate the criminal history record information to the person about whom it pertains.

WSR 01-13-058
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 15, 2001, 4:25 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-105.

Title of Rule: Chapter 392-143 WAC, Transportation—Specifications for school buses.

Purpose: To amend the definition of a small school bus vehicle type, as well as be consistent with the National School Transportation Specifications and Procedures Manual adopted in May 2000.

Statutory Authority for Adoption: RCW 46.61.380.

Statute Being Implemented: RCW 46.61.380.

Summary: The definitions of school buses need to coincide with the definitions outlined in the 2000 national standards for school buses and update the school bus specifications.

Reasons Supporting Proposal: 2000 national standards and the transportation industry have changed the definitions of the different types of school buses.

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 753-2298; Implementation: Marcia Riggers, Office of Superintendent of Public Instruction, (360) 753-1142; and Enforcement: Sue Carnahan, Office of Superintendent of Public Instruction, (360) 753-0235.

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: See Purpose above.

Proposal Changes the Following Existing Rules: The changes realign the definition of the small school bus vehicle type which will make it easier to understand.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Bryan Conference Room, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, on July 25, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Doug Gill, Director, by July 24, 2001, TTY (360) 664-3631.

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 July 24, 2001.

Date of Intended Adoption: July 26, 2001.

June 14, 2001

Dr. Terry Bergeson
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 96-11, filed 7/25/96, effective 8/25/96)

WAC 392-143-010 Definitions. As used in this chapter and subject to the "school bus specifications," as now or hereafter established by the superintendent of public instruction, the term:

(1) "School bus" shall mean every vehicle with a seating capacity of more than ten persons including the driver regularly used to transport students to and from school or in connection with school activities.

(2) A Type "A" school bus shall mean a conversion or body constructed upon a van-type or cutaway front-section vehicle with a left side driver's door designed for carrying more than ten persons. This definition shall include: Type ~~((A-I, with a gross vehicle weight rating over 10,000 pounds; and Type A-II, with a gross vehicle weight rating of 10,000 pounds and under))~~ A-1, with a gross vehicle weight rating of 10,000 pounds and under; and Type A-2 with a gross vehicle weight rating over 10,000 pounds.

(3) A Type "B" school bus shall mean a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. Part of the engine is beneath and/or behind the windshield and beside the driver's seat, and the entrance door is behind the front wheels.

(4) A Type "C" school bus shall mean a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels. A Type "C" school bus shall also mean a body installed on a stripped chassis with a vehicle weight rating of more than 10,000 pounds, designed for carrying 35/36 passengers or more, and where part of the engine is beneath and/or behind the windshield and beside the driver's seat and the entrance door is behind the front wheels.

(5) A Type "D" school bus shall mean a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. The engine may be behind the windshield and beside the driver's seat, at the rear of the bus behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels.

(6) A school bus designed to transport students with special needs shall mean any Type A, B, C, or D school bus as defined in this section which has been modified to transport students with special needs.

PROPOSED

**WSR 01-13-059
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed June 15, 2001, 4:28 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-11-049.

Title of Rule: Chapter 392-142 WAC, Transportation—Replacement and depreciation allocation.

Purpose: To amend the definition of a small school bus vehicle type, as well as be consistent with the National School Transportation Specifications and Procedures Manual adopted in May 2000.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: RCW 28A.160.195.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 753-2298; Implementation: Marcia Riggers, Office of Superintendent of Public Instruction, (360) 753-1142; and Enforcement: Sue Carnahan, Office of Superintendent of Public Instruction, (360) 753-0235.

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: See Purpose above.

Proposal Changes the Following Existing Rules: The changes realign the definition of the small school bus vehicle type which will make it easier to understand.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Bryan Conference Room, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, on July 25, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Doug Gill, Director, by July 24, 2001, TTY (360) 664-3631.

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 July 24, 2001.

Date of Intended Adoption: July 26, 2001.

June 14, 2001
Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 97-02, filed 8/14/97, effective 9/15/97)

WAC 392-142-155 Definition—School bus categories for those buses purchased after September 1, 1982. As used in this chapter, "school bus categories for those buses purchased after September 1, 1982," means the following:

	Student Capacity	Fuel Type	Transmission Type	Useful Life	Bus Type
(1)	10 to 24	Gas	Automatic	8	((A-H)) A-1
(2)	10 to 24	Diesel	Automatic	8	((A-H)) A-1
(3)	10 to 34	Gas	Automatic	8	((A-H)) A-2
(4)	10 to 34	Diesel	Automatic	8	((A-H)) A-2
(5)	10 to 34	Gas	Automatic	8	B
(6)	10 to 34	Diesel	Automatic	8	B
(7)	35 to 48	Diesel	Automatic	13	C
(8)	35 to 48	Diesel	Automatic	13	D
(9)	49 to 60	Diesel	Automatic	13	C
(10)	49 to 60	Diesel	Automatic	13	D
(11)	61 to 77	Diesel	Automatic	13	C
(12)	61 to 84	Diesel	Automatic	13	D
(13)	Heavy 78 to 84	Diesel	Automatic	18	D
(14)	Heavy 85 to 90	Diesel	Automatic	18	D

**WSR 01-13-060
PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed June 18, 2001, 8:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-24-113.

Title of Rule: Chapter 308-96A WAC, Procedures for reporting and collecting parking ticket violations.

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 46.01.110, 46.12.040, 46.16.216.

Summary: Amending WAC 308-96A-350 Outstanding parking violations—Information to be supplied by issuing jurisdiction, 308-96A-355 Satisfaction of parking violations—Information to be supplied by issuing jurisdiction, and 308-96A-365 Reinstatement of parking violation.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718.

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

PROPOSED

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 July 30, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by July 27, 2001, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by July 27, 2001.

Date of Intended Adoption: August 20, 2001.

June 11, 2001

D. McCurley, Administrator
Title and Registration Services
by A. Farley

AMENDATORY SECTION (Amending WSR 00-03-057, filed 1/18/00, effective 2/18/00)

WAC 308-96A-350 Outstanding parking violations—Information to be supplied by issuing jurisdiction.

(1) **How is the department notified of outstanding (unpaid) parking violations?** The jurisdiction notifies the department of outstanding parking violations. The notice will include the following:

- (a) Jurisdiction name.
- (b) NCIC number originating agency identifier (ORI).
- (c) Parking violation number.
- (d) Date parking violation was issued.
- (e) Vehicle license plate number.
- (f) Fine and penalty amount.
- (g) Jurisdiction seal, except if filed electronically.
- (h) Signature and date when required on form, except if filed electronically.

(2) **When will the department accept parking violations for a vehicle data base record by a jurisdiction?** An original report against a vehicle record must contain a minimum of two outstanding violations from one jurisdiction. Subsequent reports against that vehicle by that same jurisdiction may be for a single violation unless ~~((such))~~ the vehicle record indicates all existing violations have been paid and no further violations have been accrued in the thirteen months following ~~((said))~~ the payment. If thirteen months have elapsed, the jurisdiction must submit an original report containing a minimum of two violations.

(3) **What methods do jurisdictions use to notify the department of parking violations?** ~~((Such))~~ Information must be provided in accordance with department instructions by:

- (a) A form issued by the department;
- (b) A computer listing sheet; or
- (c) Electronic format.

AMENDATORY SECTION (Amending WSR 00-03-057, filed 1/18/00, effective 2/18/00)

WAC 308-96A-355 Satisfaction of parking violations—Information to be supplied by issuing jurisdiction. What happens when outstanding parking violations are satisfied? Upon satisfaction of parking violations previously reported as outstanding against a vehicle, the issuing jurisdiction ~~((shall))~~ must:

(1) Furnish the registered owner with a proof of payment form ~~((as approved by the department,));~~ and

(2) ~~((Within ten days of satisfaction, supply the department with the following information:))~~ Supply the department with the following information within ten days of satisfaction of the parking violations. The information must be on a form approved by the department, on a computer listing sheet or electronic format in accordance with department instructions containing:

- (a) Jurisdiction name,
- (b) NCIC number originating agency identifier (ORI),
- (c) Parking violation number,
- (d) Date parking violation was issued,
- (e) Vehicle license plate number,
- (f) Date of satisfaction,
- (g) Jurisdiction seal, except if filed electronically,
- (h) Signature of court representative and date signed, except if filed electronically.

~~((Such))~~ Information must be provided on a form approved by the department on a computer listing sheet or electronic format in accordance with department instructions.

AMENDATORY SECTION (Amending WSR 00-03-057, filed 1/18/00, effective 2/18/00)

WAC 308-96A-365 Reinstatement of parking violation. (1) Can a parking violation be reinstated on a vehicle record after it has been reported by the jurisdiction as satisfied? A parking violation previously reported as satisfied ~~((shall))~~ will be reinstated on the vehicle record ~~((for such reasons as))~~ upon:

- (a) Jurisdiction reporting error;
- (b) Dishonored check for payment of fines and penalties;
- (c) Departmental error.

(2) **How is a parking violation reinstated that has been previously reported as satisfied~~((, reinstated))~~?** The jurisdiction seeking reinstatement of a parking violation must supply the department with the following information:

- (a) Jurisdiction name,
- (b) NCIC number originating agency identifier (ORI),
- (c) Parking violation number,
- (d) Date parking violation was issued,
- (e) Vehicle license plate number,
- (f) Fine and penalty amount,
- (g) Jurisdiction seal, except if filed electronically,
- (h) Signature of court representative and date signed, except if filed electronically,
- (i) Reason for reinstatement.

PROPOSED

((Such)) Information must be on a form approved by the department on a computer listing sheet or electronic format in accordance with department instructions.

WSR 01-13-061
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed June 18, 2001, 8:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-06-001.

Title of Rule: Chapter 308-97 WAC, Vehicle license interstate and intransit permits.

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 46.01.110, chapter 82.44 RCW.

Summary: Amending WAC 308-97-230.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine I. Vasquez, 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: This rule implements the requirements of RCW 88.42.022. It clarifies what personal use vehicles qualify and how the credit applies.

The anticipated effects will be a clarification of the above mentioned requirements.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed 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 August 1, 2001, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Katherine I. Vasquez by July 31, 2001, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Katherine I. Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by July 31, 2001.

Date of Intended Adoption: August 15, 2001.

June 11, 2001

D. McCurley, Acting Administrator
Title and Registration Services
by A. Farley

AMENDATORY SECTION (Amending WSR 98-23-026, filed 11/9/98, effective 12/10/98)

WAC 308-97-230 Appointment of vehicle trip permit agents. (1) Who can sell vehicle trip permits?

Vehicle trip permits may be sold by those entities cited in RCW 46.16.160. These entities include government and nongovernment organizations.

(2) How does a nongovernment organization obtain approval to sell vehicle trip permits?

Nongovernment organizations must:

- (a) Apply to the department;
- (b) Execute an agreement to abide by the requirements of this section and RCW 46.16.160;
- (c) Provide a surety bond; and
- (d) Provide transmission fee schedule if issuing permits electronically.

(3) How do I obtain an application to become an agent for selling trip permits?

Any nongovernment organization may obtain an application form from the department of licensing, prorate and fuel tax section.

(4) What are the components of the agreement?

The components of the agreement require the agent to:

- (a) Timely account and pay all permit fees;
- (b) Subject their books and records to periodic audit;
- (c) Pay interest and penalties upon any deficiency;
- (d) Maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office;

(e) Mail or deliver transmittals at least bimonthly to the department by the last Friday of each recording period for permit sales covering the preceding fifteen days. Transmittals shall be accompanied by the appropriate fees and any documents required by the department;

(f) Reimburse the department for the administrative fee and excise tax of any permit, which is missing, lost, or otherwise unaccounted for. For the purposes of this section, "excise tax" means the tax collected as explained in RCW 46-16-160(9).

(5) What are the requirements of a surety bond?

The requirements of a surety bond are to:

- (a) Be on a form provided by the department;
- (b) Meet the provisions of chapter 48.28 RCW for a corporate surety bond;
- (c) Be executed by the applicant as principal;
- (d) Be payable to the state conditioned upon the performance of all the requirements of this section and RCW 46.16.160, including payment of any and all permit fees, payment of audit assessments, interest and penalties due or which become due;

(e) Be in an amount equal to the monetary value of vehicle trip permits issued to an agent.

(6) What is the agent fee for selling a vehicle transit permit?

The agent fee is the filing fee mandated by RCW 46.01.140.

(7) How may vehicle trip permits be issued?

Vehicle trip permits may be issued by:

(a) Original two-part manual form;

(b) Facsimile of the two-part manual form; or

(c) Authorized electronic form.

(8) If the permit is issued by facsimile or other electronic means, may the agent collect an additional transmission fee?

Yes. As long as the fee does not exceed that listed on the transmission schedule filed with the department.

(9) What happens if the agent fails to comply with the agreement?

The department may, after proper notice, served personally or by an affidavit of mailing, revoke the appointment of any agent who has violated any provisions of RCW 46.16-160, chapter 308-97 WAC, or breached the appointment agreement. Upon notice of revocation of an agent's appointment, the agent shall return to the department any vehicle trip permits in inventory and any money owed to the department.

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 01-13-062

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed June 18, 2001, 10:49 a.m.]

Continuance of WSR 01-11-130.

Preproposal statement of inquiry was filed as WSR 00-03-076.

Title of Rule: Chapter 16-202 WAC, Application of pesticides and plant nutrients through irrigation systems—Chemigation/fertigation.

Purpose: To clarify rules and address issues and concerns raised since implementation of the original rules. These rule revisions address the proper operation and system configuration required to protect the environment and human health from chemigation/fertigation applications.

Other Identifying Information: Chemigation is the distribution of pesticides through irrigation systems. Fertigation is the distribution of fertilizers through irrigation systems.

Statutory Authority for Adoption: Chapters 15.54, 15.58, and 17.21 RCW.

Statute Being Implemented: Chapters 15.58 and 17.21 RCW.

Summary: This continuance changes the intended date of adoption to August 22, 2001, for WAC 16-202-2002, 16-202-2003, 16-202-2005, and 16-202-2006 for fertigation; and for all chemigation sections, WAC 16-202-1000 through 16-202-1025. This continuance also changes the intended

date of adoption for changes to WAC 16-202-2000 of the fertigation rule to August 22, 2001.

Reasons Supporting Proposal: The proposal is the result of numerous meetings with a technical advisory committee comprised of representatives of agricultural suppliers, producers, the United States Natural Resources Conservation Service, and the Washington State Department of Ecology. The revisions address a number of issues that have arisen since implementation of the chemigation/fertigation rules.

Name of Agency Personnel Responsible for Drafting and Implementation: Ann Wick, 1111 Washington Street, Olympia, WA 98504, (360) 902-2051; and Enforcement: Cliff Weed, 1111 Washington Street, Olympia, WA 98504, (360) 902-2036.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal contains backflow prevention requirements for the purpose of protecting the environment and ground water from contamination. These rules also address the proper operation and system configuration required to protect the environment and human health from chemigation applications. The rules went through a thorough review by a technical advisory committee described on the previous page. In addition, the department received input from the state departments of health and ecology during the rule revision process.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

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

Small Business Economic Impact Statement

[No information supplied by agency.]

A copy of the statement may be obtained by writing to Ann Wick, Pesticide Management Division, Washington State Department of Agriculture, P.O. Box 42589, Olympia, WA 98504-2589, phone (360) 902-2051, fax (360) 902-2093.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Date of Intended Adoption: August 22, 2001.

June 18, 2001

Bob Arrington

Assistant Director

WSR 01-13-068

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 18, 2001, 3:22 p.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 00-21-106.

Title of Rule: WAC 388-412-0005 General information about your cash benefits, 388-412-0015 General information about your food assistance allotments, 388-412-0020 When do I get my benefits?, 388-412-0025 How do I get my benefits?, and 388-412-0040 Can I get my benefits replaced?

Purpose: Clarifies how benefits are issued, when benefits are received and whether or not benefits can be replaced.

Statutory Authority for Adoption: RCW 74.04.510 and 74.08.090.

Statute Being Implemented: RCW 74.04.510 and 74.08.090.

Summary: EBT was implemented statewide and there are many changes that resulted. The revision includes the changes and updates how benefits are delivered.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Wendy Forslin, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3233.

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 revision reflects how benefits are issued by using EBT (electronic benefits transfer) and EFT (electronic funds transfer - direct deposit of cash benefits). We are removing information that is no longer relevant now that EBT was implemented statewide.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small business. The Department of Social and Health Services is submitting this rule to remove outdated information that is no longer relevant.

RCW 34.05.328 does not apply to this rule adoption. This section does not apply to rules incorporating without material change federal statutes or regulations.

Hearing Location: Blake Office Building East (behind Goodyear Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 25, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, by July 18, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Kelly Cooper, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by July 25, 2001.

Date of Intended Adoption: No sooner than July 26, 2001.

June 14, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-412-0005 General information about your cash (~~assistance payments~~) benefits. (1) (~~Eligible clients~~

~~may receive cash assistance by electronic benefit transfer (EBT) or warrant. Each separate assistance unit receives a separate cash benefit grant, even if there are multiple assistance units in the same residence)) Each separate cash assistance unit (AU) gets a separate benefit amount. If several AUs live in the same house, each AU gets a separate benefit amount.~~

~~(2) ((A married couple who both receive any general assistance benefit must be considered one assistance unit. However, cash payments are made individually and will not exceed one half of the two person GA-U standard)) If you are married and both you and your spouse get general assistance, you and your spouse are one AU.~~

~~(3) ((Grants are)) Your grant is rounded down to the next whole dollar amount ((with the following exceptions)) unless:~~

~~(a) You get a clothing and personal incidental (CPI) allowance; ((and)) or~~

~~(b) ((Grants with a deduction for repayment of)) Your benefits are reduced to pay an overpayment.~~

~~(4) ((Grant payments are not issued for under ten dollars except)) We do not issue any cash benefits if you are eligible for less than ten dollars unless:~~

~~(a) ((Grants with a deduction for repayment of an overpayment)) You get a CPI allowance;~~

~~(b) ((CPI allowances with income deducted)) Your benefits are reduced to pay an overpayment; or~~

~~(c) You get Supplemental Social Security (SSI) interim assistance payments.~~

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-412-0015 General information about your food assistance allotments. (1) (~~A client's~~) Your monthly food assistance benefit (~~amount~~) is called an allotment. An allotment is the total dollar value of (~~coupons on~~) benefits your eligible assistance unit (~~receives~~) (AU) gets for a calendar month.

~~(2) ((Assistance units with no income receive the maximum allotment as described under the thrifty food plan (TFP) in WAC 388-478-0060. Assistance units with net income receive smaller amounts.~~

~~(3) When an assistance unit has income, the allotment is determined by:~~

~~(a) Multiplying the assistance unit's net monthly income by thirty percent and rounding up to the next whole dollar; and~~

~~(b) Subtracting the results from the thrifty food plan for the appropriate assistance unit size as specified in WAC 388-478-0060.~~

~~(4) Except for those described in WAC 388-406-0055 eligible assistance units receive benefits from the effective date of eligibility to the end of the first month. This is called proration and is based on a thirty day month.~~

~~(5) In the first month of eligibility, assistance units do not receive an allotment when the amount is less than ten dollars.~~

~~(6) Eligible one and two person assistance units receive a minimum ten dollar allotment.~~

~~(a) After the first month of eligibility; or~~

~~(b) In the first month of eligibility when the CSO receives the assistance unit's application on the first day of the month)) You get the maximum allotment if your AU does not have any countable net income. See WAC 388-478-0060 for the maximum allotments.~~

~~(3) If your AU has countable net income, your allotment is computed by:~~

~~(a) Multiplying your AU's countable net monthly income by thirty percent;~~

~~(b) Rounding this amount up to the next whole dollar; and~~

~~(c) Subtracting the results from the maximum allotment.~~

~~(4) You get benefits from the date your AU is determined eligible through the end of the month except for AUs described in WAC 388-406-0055. This is called proration and is based on a thirty-day month.~~

~~(5) You get benefits for both the month of application and the following month in one allotment if you are eligible for both months and you applied on or after the sixteenth of the month.~~

~~(6) You do not get an allotment in the first month you are eligible if your allotment is less than ten dollars.~~

~~(7) You get a minimum allotment of ten dollars each month if your AU has a total of one or two members unless:~~

~~(a) It is the first month of your certification period; and~~

~~(b) Your AU is eligible for only a partial month.~~

AMENDATORY SECTION (Amending WSR 99-02-039, filed 12/31/98, effective 1/31/99)

WAC 388-412-0020 ((How cash assistance)) ~~When do I get my benefits ((are delivered.))?~~ ((Depending on the circumstances of the assistance unit, the department decides when cash assistance benefits are:

~~(1) Mailed by warrant to the address where clients live except when:~~

~~(a) The department redirects the benefit issuance to the local office;~~

~~(b) The department has established there are problems with receiving mail at the client's address;~~

~~(c) A client requests in writing that the benefit issuance be mailed to the local office, such as a homeless client without an address; or~~

~~(d) A client requests that the benefit issuance be sent to a temporary address for less than ninety days.~~

~~(2) Deposited directly into an electronic benefit transfer account))~~

~~(1) You get your on-going cash benefits on the first of the month.~~

~~(2) You get your on-going food assistance within the first ten days of the month. The day of the month that you get your benefits is the same as the last number of your food assistance AU number. If the last number of your AU number is zero, you get your benefits on the tenth.~~

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

WAC 388-412-0025 ((Issuing food assistance)) ~~How do I get my benefits((?))?~~ (1) ((An eligible assistance unit is issued benefits by means of:

~~(a) A food coupon authorization (FCA) card that must be redeemed for food coupons;~~

~~(b) Food coupons mailed directly to the client; or~~

~~(c) Electronic benefit transfers (EBT).~~

~~(2) Clients are issued food assistance benefits during the first ten days of the month.~~

~~(3) A client must redeem an FCA for coupons during the period that is specified on the FCA card.~~

~~(4) Eligible clients applying on or after the 16th of the month are issued one allotment called a combined issuance that includes benefits for:~~

~~(a) The month of application; and~~

~~(b) The following month)) Your cash benefits are sent to you by:~~

~~(a) Electronic benefit transfer (EBT);~~

~~(b) Direct deposit into you own bank account (electronic funds transfer-EFT); or~~

~~(c) Warrant if you have a payee who is not approved for direct deposit or you receive ADATSA, diversion, additional requirements or clothing and personal incidentals (CPI) payments.~~

~~(2) You use a quest card to access your benefits in your EBT account. You get a personal identification number (PIN) that you must enter when using this card.~~

~~(3) Your food assistance benefits are deposited into your EBT account.~~

~~(4) We establish an EBT account for each AU that receives their benefits by EBT.~~

~~(5) Your EBT account becomes inactive when you do not use it for ninety days. If you want to use the account after it becomes inactive, you must contact your local office and ask us to reactivate it.~~

~~(6) Your cash and food assistance are canceled when you do not use your EBT benefits for three hundred sixty-five days. Your food assistance benefits cannot be replaced.~~

~~(7) We convert your food assistance to coupons when you move to a state where you cannot use your EBT account. There may be up to one dollar and ninety-nine cents left in your EBT account after conversion. You must use the remaining balance left in your EBT account within seven days after we convert your benefits from EBT to coupons. We cancel these benefits if you do not use them.~~

~~(8) Cash benefits cannot be converted to warrants. You must use your cash benefits from your EBT account.~~

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

WAC 388-412-0040 ((Replacing lost, stolen, or destroyed food assistance allotments.)) ~~Can I get my benefits replaced?~~ ((1) A client may receive a replacement for a one month food assistance allotment when:

~~(a) An FCA or food coupons are lost or stolen from the mail;~~

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~~(b) An FCA is stolen after receipt; or~~
~~(c) An FCA card, coupons or food purchased with coupons are destroyed in a disaster.~~
 (2) To get a replacement, a client must:
~~(a) Report the theft or destruction within ten days of the incident; or~~
~~(b) Report nonreceipt of the benefits within the period that benefits are intended to be used; and~~
~~(c) Sign a department affidavit within ten days of the report attesting to the loss.~~
 (3) A client's request for a replacement is denied when:
~~(a) Certified mail coupons are signed for by any person residing or visiting at the address provided by the client;~~
~~(b) Coupons or an FCA card are lost or misplaced after receipt;~~
~~(c) Coupons are stolen after receipt;~~
~~(d) A client already received two replacements described in subsection (1) above within the previous five months; or~~
~~(e) The request is determined to be fraudulent.~~
 (4) A client cannot receive a disaster food stamp program allotment and a replacement allotment for the same period:
~~(5) A replacement as specified in subsection (1) will not count against an assistance unit when:~~
~~(a) An allotment is returned to the department;~~
~~(b) The original or replacement FCA is not cashed;~~
~~(c) The replacement is issued because of a department error;~~
~~(d) A partial coupon delivery is caused by a department error; or~~
~~(e) The coupons delivered are improperly made or are mutilated. There must be at least three-fifths of the each coupon to turn in for an exchange))~~ Under certain conditions, we may replace your benefits.
(1) You may get your EBT benefits replaced if:
(a) We make a mistake that causes you to lose benefits;
(b) Both your EBT card and personal identification number (PIN) are stolen from the mail; you never had the ability to use the benefits; and you lost benefits;
(c) You left a drug or alcohol treatment on or before the fifteenth of the month and the facility does not have enough food assistance funds in their EBT account for one-half of the allotment that they owe you;
(d) Your EBT benefits that were recently deposited into an inactive EBT account were canceled by mistake along with your state benefits; or
(e) Your food that was purchased with food assistance benefits was destroyed in a disaster.
(2) You may get food coupons replaced if:
(a) You did not get your food coupons as they were either lost or stolen in the mail; or
(b) Your food coupons or food purchased with food coupons were destroyed in a disaster.
(3) If you want a replacement, you must:
(a) Report the loss to your local office within ten days from the date of the loss; and
(b) Sign a department affidavit form stating you had a loss of benefits.
(4) For food assistance, we replace the loss up to a one month benefit amount.

(5) Your request for a replacement is denied if the reason for the loss is not listed in subsection (1) and (2) above or:

(a) We decided that your request is fraudulent;

(b) Your certified mail coupons are signed for by any person living or visiting at your address;

(c) Your food coupons were lost, stolen or misplaced after you received them;

(d) You already got two countable food assistance replacements within the prior five months; or

(e) You got disaster food stamp benefits for the same month you requested a replacement for food assistance.

(6) Your replacement does not count if:

(a) Your benefits are returned to us;

(b) We replaced your benefits because we made an error;

or

(c) The food coupons you got are improperly made or are mutilated. You must have at least three-fifths of each coupon in order for us to replace them.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-412-0045

General information about cash and food assistance issued by electronic benefits transfer.

WSR 01-13-079 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 19, 2001, 10:48 a.m.]

Continuance of WSR 01-08-092.

Preproposal statement of inquiry was filed as WSR 01-02-091.

Title of Rule: Medical aid rules, new section WAC 296-20-303 and amending WAC 296-20-01002, 296-20-03001, 296-20-091, 296-23-165, 296-23-170, and 296-23-245.

Purpose: To extend the adoption date from June 15, 2001, to August 29, 2001.

Reasons Supporting Proposal: Addresses quality of care concern, tax/industrial insurance ambiguities through eligibility requirements.

Name of Proponent: Department of Labor and Industries, governmental.

Submit Written Comments to: Jim Dick, Department of Labor and Industries, P.O. Box 44321, Olympia, WA 98504-4321, or fax (ten pages or less) (360) 902-4249, e-mail dija235@lni.wa.gov.

Date of Intended Adoption: August 29, 2001.

June 13, 2001
Gary Moore
Director

WSR 01-13-081
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 19, 2001, 2:07 p.m.]

Small Business Economic Impact Statement

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-135.

Title of Rule: Amend commercial fishing rules.

Purpose: Amend Puget Sound commercial crab rules to establish a buoy tag system to improve enforcement of pot limits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: The proposed rules would make it unlawful to fish using crab buoys without tags issued by the department to the licensee.

Reasons Supporting Proposal: Rules were developed to implement industry sponsored legislation. The buoy tag system is designed to create a more level playing field and reduce the amount of gear currently fished in excess of legal limits.

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

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Puget Sound commercial crab fishers are limited to one hundred pots per license, and some fishers purchase additional licenses in order to fish using two hundred or three hundred pots. However, pot limits are extremely difficult to enforce on the water. Based on industry and the Washington Department of Fish and Wildlife (WDFW) enforcement reports, violation of the one hundred pot per license rule is not uncommon, with a few fishers fishing with pots far in excess of the limit.

The proposed rules would require fishers to attach unique department issued tags to each crab pot buoy and make it illegal to fish using buoys with no tags, or buoys with tags belonging to other fishers. Each fisher would be issued one hundred tags and replacement tags could be obtained, upon signing an affidavit, from WDFW offices located near fishing areas.

Excess effort reduction associated with a successful buoy tagging system is estimated to be 10% to 20%. The potential benefits of the tagging system include reduced cost of labor per pound of crab harvested, longer seasons, and increased value of crab licenses.

Proposal Changes the Following Existing Rules: Rules are being modified to delete provisions that are no longer applicable, amend existing sections, and add new sections.

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

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: No additional reporting or record keeping would be required. Fishers would be required to attach department issued buoy tags to their buoys before fishing. Fishers who needed to obtain replacement tags would need to complete and sign an affidavit.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: No additional services would be required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: The cost of buoy tags is estimated to be approximately \$100 per license.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? Businesses in compliance with existing pot limit regulations would not lose sales or revenue.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

Compliance cost estimates for all businesses would be the same - \$100 per license.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: The agency will strive to obtain the least expensive tags that will meet the mutual objectives of fishers and managers.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The proposed regulation was made after consultation with commercial crab fishers regarding the implementation of legislation drafted by Puget Sound crab industry members. A public hearing will be held under the procedures for rule change of the Fish and Wildlife Commission.

8. A List of Industries That Will Be Required to Comply with the Rule: Puget Sound commercial crab fishers.

A copy of the statement may be obtained by writing to Jay Odell, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2220, fax (360) 902-2182.

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

Hearing Location: Methow Valley Community Center, 231 Methow Valley Road, Twisp, on August 3-4, 2001, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 27, 2001, TDD (360) 902-2207, or (360) 902-2226.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2940, by August 2, 2001.

Date of Intended Adoption: August 3, 2001.

June 19, 2001

Evan Jacoby
 Rules Coordinator

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AMENDATORY SECTION (Amending Order 01-74, filed 5/3/01, effective 6/3/01)

WAC 220-52-040 Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts. (1) **Net fishing boats shall not have crab aboard.** It is unlawful for any vessel geared or equipped with commercial net fishing gear to have aboard any quantity of crab while it is fishing with the net gear or when it has other food fish or shellfish aboard for commercial purposes.

(2) **Area must be open to commercial crabbing.** Unless otherwise provided, it is unlawful to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes in any area or at any time when the location is not opened for taking crabs for commercial purposes by permanent rule or emergency rule of the department: Provided, That following the close of a commercial crab season, permission may be granted by the director or his or her designee on a case-by-case basis for crab fishers to recover shellfish pots that were irretrievable due to extreme weather conditions at the end of the lawful opening. Crab fishers must notify and apply to department enforcement for such permission within twenty-four hours prior to the close of season.

(3) **Crabs must be male and 6-1/4 inches.** It is unlawful for any person acting for commercial purposes to take, possess, deliver, or otherwise control:

(a) Any female Dungeness crabs; or

(b) Any male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back immediately in front of the tips.

(4) **Each person and each Puget Sound license limited to 100 pots.** It is unlawful for any person to take or fish for crab for commercial purposes in the Puget Sound licensing district using, operating, or controlling any more than an aggregate total of 100 shellfish pots or ring nets. This limit shall apply to each license. However, this shall not preclude a person holding two Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW ((75-28.048(4))) 77.65.130.

(5) **Additional area gear limits.** The following Marine Fish-Shellfish Management and Catch Reporting Areas are restricted in the number of pots fished, operated, or used by a person or vessel and it is unlawful for any person to use, maintain, operate, or control pots in excess of the following limits:

(a) 10 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25E.

(b) 10 pots in all waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula.

(c) 20 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line projected from the new Dungeness Light to the mouth of Cooper Creek and east of a line projected from the new Dungeness Light to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.

(d) 10 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the I77 Rayonier Dock.

(6) **Groundline gear is unlawful.** No crab pot or ring net may be attached or connected to other crab pot or ring net by a common groundline or any other means that connects crab pots together.

(7) **Puget Sound crab buoys and pots must be tagged.**

(a) In Puget Sound it is unlawful to place in the water, pull from the water, possess on the water, or transport on the water any crab buoy or crab pot without ((a)) attached buoy and pot tags that meets the requirements of WAC 220-52-043.

(b) The department will issue one hundred buoy tags to the owner of each Puget Sound commercial crab fishery license. Additional tags to replace lost tags will only be issued to owners of Puget Sound commercial crab fishery licenses who obtain, complete, and sign an affidavit in the presence of an authorized department employee. The affidavit shall state the number of buoy tags lost, the location where lost gear or tags were last observed, and the presumed cause of the loss.

(8) **Puget Sound - No person can possess or use gear with other person's tag.** In Puget Sound no person may possess, use, control, or operate any crab pot not bearing a tag identifying the pot as that person's, or any buoy not bearing tags issued by the department to that person, except that an alternate operator designated on a primary license may possess and operate ((a)) crab buoys and crab pots bearing the tags of the license holder.

(9) **Cannot tamper with pot tags.** No person shall remove, damage, or otherwise tamper with crab buoy or pot tags except when lawfully applying or removing tags on the person's own buoys and pots.

(10) **Thirty-day period when it is unlawful to buy or land crab from ocean without crab vessel inspection.** It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel which has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and properly licensed for commercial crab fishing if no Dungeness crabs are aboard. Inspections will be performed by authorized department personnel not earlier than twelve hours prior to the opening of the coastal crab season and during the following thirty-day period.

(11) **Grays Harbor pot limit of 200.** It is unlawful for any person to take or fish for crab for commercial purposes in Grays Harbor (catch area 60B) with more than 200 shellfish pots in the aggregate. It shall be unlawful for any group of persons using the same vessel to take or fish for crab for commercial purposes in Grays Harbor with more than 200 shellfish pots.

(12) **Coastal crab pot limit.**

(a) It is unlawful for a person to take or fish for Dungeness crab for commercial purposes in Grays Harbor, Willapa

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Bay, the Columbia River, or waters of the Pacific Ocean adjacent to the state of Washington unless a shellfish pot limit has been assigned to the Dungeness crab-coastal fishery license held by the person, or to the equivalent Oregon or California Dungeness crab fishery license held by the person.

(b) It is unlawful for a person to deploy or fish more shellfish pots than the number of shellfish pots assigned to the license held by that person, and it is unlawful to use any vessel other than the vessel designated on a license to operate or possess shellfish pots assigned to that license.

(c) It is unlawful for a person to take or fish for Dungeness crab or to deploy shellfish pots unless the person is in possession of valid documentation issued by the department that specifies the shellfish pot limit assigned to the license.

(13) Determination of coastal crab pot limits.

(a) The number of shellfish pots assigned to a Washington Dungeness crab-coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license will be based on documented landings of Dungeness crab taken from waters of the Pacific Ocean south of the United States/Canada border and west of the Bonilla-Tatoosh line, and from coastal estuaries in the states of Washington, Oregon and California. Documented landings may be evidenced only by valid Washington state shellfish receiving tickets, or equivalent valid documents from the states of Oregon and California, that show Dungeness crab were taken between December 1, 1996, and September 16, 1999. Such documents must have been received by the respective states no later than October 15, 1999.

(b) The following criteria shall be used to determine and assign a shellfish pot limit to a Dungeness crab-coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license:

(i) The three "qualifying coastal Dungeness crab seasons" are from December 1, 1996, through September 15, 1997, from December 1, 1997, through September 15, 1998, and from December 1, 1998, through September 15, 1999. Of the three qualifying seasons, the one with the most poundage of Dungeness crab landed on a license shall determine the crab pot limit for that license. A crab pot limit of 300 shall be assigned to a license with landings that total from zero to 35,999 pounds and a crab pot limit of 500 shall be assigned to a license with landings that total 36,000 pounds or more.

(ii) Landings of Dungeness crab made in the states of Oregon or California on valid Dungeness crab fisheries licenses during a qualifying season may be used for purposes of assigning a shellfish pot limit to a Dungeness crab fishery license, provided that documentation of the landings is provided to the department by the Oregon Department of Fish and Wildlife and/or the California Department of Fish and Game. Landings of Dungeness crab made in Washington, Oregon, and California on valid Dungeness crab fishery licenses during a qualifying season may be combined for purposes of assigning a shellfish pot limit, provided that the same vessel was named on the licenses, and the same person held the licenses. A shellfish pot limit assigned as a result of combined landings is invalidated by any subsequent split in ownership of the licenses. No vessel named on a Dungeness

crab fishery license shall be assigned more than one shellfish pot limit.

(14) **Appeals of coastal crab pot limits.** An appeal of a shellfish pot limit by a coastal commercial license holder shall be filed with the department on or before the 30th day following the department's assignment of a shellfish pot limit under subsection (13) of this section. The shellfish pot limit assigned to a license by the department shall remain in effect until such time as the appeal process is concluded.

(15) **Coastal - Barging of crab pots by undesignated vessels.** It is lawful for a vessel not designated on a Dungeness crab-coastal fishery license to be used to deploy shellfish pot gear provided that:

(a) Such a vessel may not carry aboard more than 150 shellfish pots at any one time.

(b) Such a vessel may deploy shellfish pot gear only during the 64-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date.

(c) The lawful owner of the shellfish pot gear must be aboard the vessel when the gear is being deployed.

(16) **Coastal shellfish pot tags.** It is unlawful for a person to use a shellfish pot in the coastal Dungeness crab fishery unless the pot bears a tag that identifies either the name of the vessel being used to operate the pot or the Dungeness crab fishery license number of the owner of the pot, and the telephone number of a contact person. No person may operate or possess a pot that bears another person's tag, except that a person who is licensed as an alternate operator may operate or possess a pot that bears the tag of the primary license holder. It is unlawful for any person who is not the owner of Dungeness crab pot gear to remove, damage, or otherwise tamper with pot gear tags.

(17) **Coastal - Registration and use of buoy brands and colors.**

(a) It is unlawful for any coastal Dungeness crab fishery license holder to fish for crab unless the license holder has registered the buoy brand and buoy color(s) to be used with the license. A license holder shall be allowed to register with the department only one, unique buoy brand and one buoy color scheme per license. Persons holding more than one license state shall register buoy color(s) for each license that are distinctly different. The buoy color(s) shall be shown in a color photograph.

(b) It is unlawful for a coastal Dungeness crab fishery license holder to fish for crab using any other buoy brand or color(s) than those registered with and assigned to the license by the department.

AMENDATORY SECTION (Amending Order 00-164, filed 8/23/00, effective 9/23/00)

WAC 220-52-043 Commercial crab fishery—Additional gear and license use requirements. (1) **Commercial gear limited to pots and ring nets.** It shall be unlawful to take or fish for crabs for commercial purposes except with shellfish pots and ring nets.

(2) **Commercial gear escape rings and ports defined.** It shall be unlawful to use or operate any shellfish pot gear in

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the commercial Dungeness crab fishery unless such gear meets the following requirements:

(a) Pot gear must have not less than two escape rings or ports not less than 4-1/4 inches inside diameter.

(b) Escape rings or ports described above must be located in the upper half of the trap.

(3) **Puget Sound commercial gear tagging requirements.**

(a) In Puget Sound, all crab pots must have a durable, non-biodegradable tag permanently and legibly marked with the ((primary)) license owner's name or license number, and telephone number securely attached to the pot. If the tag information is illegible, or if the tag is lost for any reason, the pot is not in compliance with law.

(b) In Puget Sound all crab buoys must have a buoy tag issued to the license owner by the department attached to the outermost end of the buoy line. If more than one buoy is attached to a pot, only one buoy tag is required.

(4) **Puget Sound - Description of lawful buoys.** All buoys attached to commercial crab gear in Puget Sound waters must consist of a durable material and remain floating on the water's surface when five pounds of weight is attached. It is unlawful to use bleach or antifreeze bottles or any other container as a float. All buoys fished under a single license must be marked in a uniform manner using one buoy brand number registered by the license holder with the department and be of identical color or color combinations. No buoys attached to commercial crab gear in Puget Sound may be both red and white in color unless a minimum of thirty percent of the surface of each buoy is also prominently marked with an additional color or colors other than red or white, as the red and white colors are reserved for personal use crab gear as described in WAC 220-56-320 (1)(c).

(5) **Commercial crab license requirements.** In addition to, and separate from, all requirements in this chapter that govern the time, area, gear, and method for crab fishing, landing, possession, or delivery of crabs, no commercial crab fishing is allowed except when properly licensed. A person may take, fish for, land, or deliver crabs for commercial purposes in Washington or coastal waters only when the person has the license required by statute, or when the person is a properly designated alternative operator to a valid license. For Puget Sound, a person must have a "Dungeness crab - Puget Sound" fishery license provided by RCW ((75-28-130)) 77.65.130. For coastal waters, such person must have a "Dungeness crab - Coastal" fishery license provided by RCW ((75-28-130)) 77.65.130. To use ring nets instead of or in addition to pots, then the licensee must also have the "Crab ring net - Puget Sound" or "Crab ring net - non-Puget Sound" license in RCW ((75-28-130)) 77.65.130. Qualifications for the limited entry licenses, requirements for designating vessels, and use of alternate operators is provided by and controlled by chapters ((75-28)) 77.65 and ((75-30)) 77.70 RCW.

(6) **Maximum size for coastal crab pots.** The maximum volume of a crab pot used to fish for or take Dungeness crab from the waters provided for in WAC 220-52-040(12) is thirteen cubic feet.

(7) **Incidental catch may not be retained.** It is unlawful to retain salmon, food fish, or any shellfish other than octopus that is taken incidental to any crab fishing.

WSR 01-13-082
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 19, 2001, 2:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-078.

Title of Rule: Trapping permits.

Purpose: Provide rules for use of body-gripping traps.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Provide procedure for obtaining a permit to use body-gripping traps.

Reasons Supporting Proposal: Initiative 713 generally prohibits the use of body-gripping traps, but allows use for certain reasons. This rule establishes how a person may obtain a permit.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Definitions are provided for clarity, and the form and information needed are described for both problem animal control and wildlife research. Reporting requirements are given, which will allow the department to ascertain the need for such permits and the effectiveness of the trapping. Permit application denial and permit revocation procedures are explained, as well as appeal rights. This rule will allow take of problem animals while providing protection for animals that are not intended to be taken. This rule should reduce the workload for permit issuance and allow fish and wildlife officers to attend to other duties.

Proposal does not change existing rules. This is a new section, not amendatory.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules primarily affect property owners and their agents who need to use body gripping traps to control problem animals. Although some commercial interests may be affected, it is not at all clear that commercial pest control operators need or use the trapping methods provided by this rule. The other effect will be on wildlife researchers operating under a scientific collectors permit, who are generally not small businesses.

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

Hearing Location: Methow Valley Community Center, 231 Methow Valley Road, Twisp, on August 3-4, 2001, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 27, 2001, TDD (360) 902-2207, or (360) 902-2226.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98504-1091 [98501-1091], fax (360) 902-2155, by August 2, 2001.

Date of Intended Adoption: August 3, 2001.

June 19, 2001

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-12-142 Special trapping permit—Use of body-gripping traps. (1) As used in this section, unless the context clearly requires otherwise, the following definitions apply:

(a) "Animal" means any nonhuman vertebrate.

(b) "Animal problem" means any animal that threatens or damages timber or private property or threatens or injures livestock or any other domestic animal.

(c) "Body-gripping trap" means a trap that grips an animal's body or body part. Body-gripping trap includes, but is not limited to, unpadded foot-hold traps, padded foot-hold traps, Conibear traps, neck snares, and nonstrangling foot snares. Cage and box traps, suitcase-type live beaver traps, and common rat and mouse traps are not considered body-gripping traps.

(d) "Conibear or Conibear-type trap" means any trap of various manufacturers having design and operational characteristics essentially the same as or like that developed by Frank Conibear and designed and set to grip and hold an animal's body across its main axis.

(e) "In water" means beneath the water surface so that the trap is completely submerged.

(f) "Nonstrangling-type foot snare" means a cable or wire designed and set to encircle and hold an animal's foot or limb.

(g) "Padded foot-hold trap" means a trap designed and set to grip the foot of an animal, both jaws of which are covered with rubber pads having a minimum thickness of one-eighth inch.

(h) "Permit" means a special trapping permit issued to a person under the authority of RCW 77.15.194 and the provisions of this section to use certain body-gripping traps to abate an animal problem for thirty days.

(i) "Permittee" means the person to whom a permit is granted.

(j) "Raw fur" means a pelt that has not been processed for purposes of retail sale.

(2) It is unlawful to trap animals using body-gripping traps without a permit issued by the department.

(3) It is unlawful to fail to comply with any conditions of a permit to trap.

(4) It is unlawful for any person issued a permit to fail to complete and submit to the department a report of animals

taken under the permit. This report is due within ten days of the expiration date of the permit.

(5) It is unlawful to knowingly offer to sell, barter, or otherwise exchange the raw fur or carcass of a mammal that has been trapped pursuant to a permit.

(6) A person seeking a special trapping permit shall submit a complete application to the department. The applicant shall provide the following information:

(a) Applicant's name, address, and telephone number.

(b) Location(s) of animal problem (physical address or legal description including township, range, and section number).

(c) Description of the animal problem:

(i) Duration of the animal problem.

(ii) Description of the damage or potential damage being caused (i.e., crop, timber, property, livestock, or pet animals, etc.).

(iii) Any threat or potential threat to the health and/or safety of people.

(d) Species of animal causing the problem and, if known, the number of animals involved.

(e) Description of the measures taken to prevent or alleviate the problem or damage.

(f) Explanation of why the measures taken were ineffective to abate the problem or why such measures could not reasonably or effectively be used to abate the animal problem.

(g) Whether Conibear-type traps in water, padded foot-hold traps or nonstrangling-type foot snares will be used.

(h) Species and number of animals to be removed.

(7) For wildlife research, the applicant shall provide the following information:

(a) Applicant's name, address, and telephone number.

(b) Location(s) where wildlife trapping will occur (physical address or legal description including township, range, and section number).

(c) Whether padded foot-hold traps or nonstrangling-type foot snares will be used.

(d) Species and number of animals to be captured.

(e) Research objective or proposal.

(f) A copy of a valid department scientific collection permit.

(8) A completed report of animals taken pursuant to a special trapping permit shall include the following information:

(a) Permittee's name, address, and telephone number.

(b) The number of the permit for which the report is being submitted.

(c) The common name of the animal(s) taken, the number of animals taken, and the disposition.

(d) For any nontargeted animals taken, the common name of the animal, the number of animals, and the disposition.

(9) Successive permits for the same animal problem may be requested by completing the justification and applicant certification on the report of animals taken.

(10) The conditions of a special trapping permit shall include:

(a) The term of the permit is thirty days.

(b) Any body-gripping trap authorized under a permit shall be checked at least every twenty-four hours.

(c) Each body-gripping trap authorized under a permit shall have attached to its chain or to the trap a legible metal tag with either the department identification number of the trapper or the name and address of the trapper in English letters not less than one-eighth inch in height.

(d) Nontargeted species shall be released unharmed if possible.

(e) Any mammal trapped pursuant to a permit must be lethally dispatched or released as soon as possible, unless taken for scientific research, in which case the animal may be retained alive if so provided in the permit.

(f) The carcass of any mammal taken under a permit must be properly disposed of in a lawful manner.

(g) A copy of the permit shall be in the immediate possession of the person authorized to trap pursuant to a permit.

(11) A special trapping permit may be denied when, in the judgment of the department:

(a) Other appropriate nonlethal methods have not been utilized;

(b) The alleged animal problem either does not exist or the extent is insufficient to justify lethal removal;

(c) The use of the requested body-gripping trap(s) would result in direct or indirect harm to people or domestic animals;

(d) The use of the requested body-gripping trap(s) would conflict with federal or state law, local ordinance or department rule; or

(e) The application is not complete.

(12) A special trapping permit may be revoked when, in the judgment of the department:

(a) Information contained in the application was inaccurate or false;

(b) The permittee or person trapping under the permit fails to comply with any of the permit conditions; or

(c) The permittee or person trapping under the permit exceeds the number of animals authorized.

(13) If the permit is denied or revoked, the department shall provide the applicant, in writing, a statement of the specific reason(s) for the denial or revocation. The applicant may request an appeal in accordance with chapter 34.05 RCW. Appeal requests shall be filed in writing and returned within twenty days from the mailing date of the denial and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

WSR 01-13-083
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 19, 2001, 2:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-076.

Title of Rule: Volunteer groups and funding.

Purpose: Amend group boundaries and change decision process for funding.

Statutory Authority for Adoption: RCW 77.12.047, 77.95.090.

Statute Being Implemented: RCW 77.12.047.

Summary: Change RFEG boundaries, provide simplified mechanism for application for funding.

Reasons Supporting Proposal: Encourage RFEG participation by watershed, make it easier to apply for and receive funding.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Tim Smith, 1111 Washington Street, Olympia, 902-2221; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The process for application for and selection for funding of volunteer groups will be simplified, with a uniform application date of March 1st of each year, and a funding decision by June 30th of that year. This provides surety to volunteer groups. The boundaries of regional fisheries enhancement groups are amended to reflect the watersheds that the various RFEGs impact with projects. Use of WIRAs and watersheds emphasizes the habitat work being done by the RFEGs.

Proposal Changes the Following Existing Rules: New funding application protocol for volunteer cooperatives. New RFEG boundaries.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect volunteer cooperatives and regional fisheries enhancement groups, neither of which are small businesses.

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

Hearing Location: Methow Valley Community Center, 231 Methow Valley Road, Twisp, on August 3-4, 2001, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 27, 2001, TDD (360) 902-2207, or (360) 902-2226.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by August 2, 2001.

Date of Intended Adoption: August 3, 2001.

June 19, 2001

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 99-235, filed 12/30/99, effective 1/30/00)

WAC 220-130-040 Review and selection process. (1) The application method is on application forms provided by the department specifically for this purpose. Application forms will be available by request from the Olympia headquarters and at all regional offices of the department.

(2) Applications for projects (~~(may)~~ **must** be submitted ~~((at any time, however, applications must be submitted at least sixty days prior to the funding decision deadlines to allow review and evaluation by the department))~~ **by March 1st of each year.**

(3) ~~The funding decision deadline(s) will be June 30(, September 30 and December 31 in odd-numbered years, March 31 and June 30 in even-numbered years)~~ **of each year.**

(4) Exceptions to the funding deadline dates will only be allowed in the event of applications for volunteer projects which are responsive to an emergency situation which may arise and which has been declared to be an emergency by the director.

(5) The department will send each applicant ~~((, within forty five days of receipt of each application,))~~ a written acknowledgment of the receipt of the application ~~((and give the applicant an estimated date when notification of acceptance or rejection of the proposal can be expected)).~~ The written acknowledgment will also provide the department's selection criteria and a general description of the review and selection process. Final decisions and notification of acceptance or rejection of proposals where funding is requested will be made only after the biennial budget is passed by the legislature and signed by the governor.

(6) The department will determine when a proposed project might affect the management programs of federal, other state, and local agencies and of treaty tribes and will make contact with these entities, when the department determines that it is appropriate to do so, during the review and selection process. If the department determines that ongoing coordination between a volunteer group and another agency or tribe would be appropriate, it may be required as a condition of the agreement, when issued.

~~((7) The department may provide suggested modifications to the proposal which would increase its likelihood of approval together with the name and telephone number of the person within the department responsible for monitoring the review of the proposal.))~~

AMENDATORY SECTION (Amending Order 00-200, filed 9/28/00, effective 10/29/00)

WAC 220-140-020 ((Geographical)) Description of regional fisheries enhancement groups. ~~((The following geographical areas are designated as areas from which groups may be formed, and after being established as provided for in this chapter, such groups are eligible to make funding requests through the department. There shall be one group per region:~~

~~(1) Region 1: Nooksack/Samish~~

~~Marine Areas: 7, 7A, 7B, 7C, 7D~~

~~Watersheds: Those entering the above marine areas, including Bellingham Bay, Samish Bay, and Padilla Bay. Major rivers include Nooksack and Samish.~~

~~(2) Region 2: Skagit~~

~~Marine Areas: 6A, 8~~

~~Watersheds: Those entering Skagit Bay and Saratoga Passage south to East Point on Whidbey Island. The major watersheds are the Skagit River and its tributaries.~~

~~(3) Region 3: Stillaguamish/Snohomish~~

~~Marine Areas: 8A, 8D~~

~~Watersheds: Those entering Port Susan, Port Garner, and Possession Sound, also Saratoga Passage south from Elger Bay. Major rivers include Stillaguamish and Snohomish and their tributaries.~~

~~(4) Region 4: Mid-Sound~~

~~Marine Areas: 10, 10A-G, 11~~

~~Watersheds: Those entering Elliott Bay, Lake Washington, Lake Sammamish, East Passage, Colvos Passage, Sinclair Inlet, Dyes Inlet, Port Orchard, Port Madison. Major rivers include Cedar and Green.~~

~~(5) Region 5: South Sound~~

~~Marine Areas: 13, 13A-K~~

~~Watersheds: Those entering Carr Inlet, Commencement Bay, Henderson Bay, Case Inlet, Nisqually Reach, Henderson Inlet, Budd Inlet, Eld Inlet, Totten Inlet, Hammersley Inlet, and Oakland Bay. Major rivers include Puyallup, Nisqually, and Deschutes.~~

~~(6) Region 6: Hood Canal~~

~~Marine Areas: 12, 12A-D~~

~~Watersheds: Those entering Hood Canal, Dabob Bay, and Quileene Bay. Major rivers include Skokomish, Hamma Hamma, Duckabush, Dosewallips, and Quileene.~~

~~(7) Region 7: Strait of Juan de Fuca~~

~~Marine Areas: 4B, 5, 6B, 6C and Area 9 north of Foulweather Bluff.~~

~~Watersheds: Those entering Admiralty Inlet and the Straits of Juan de Fuca. Major rivers include the Dungeness, Elwha, Lyre, Pysht, Clallam, and Hoko.~~

~~(8) Region 8: North Coast~~

~~Watersheds: Those entering directly into the Pacific Ocean, including Ozette, Quillayute, Hoh, Queets, and Quinault.~~

~~(9) Region 9: Grays Harbor~~

~~Watersheds: Those entering Grays Harbor, including Humptulips, Hoquiam, Wishkah, Chehalis, and Johns.~~

PROPOSED

(10) Region 10: Willapa Bay

Watershed: Those entering Willapa Bay, including North River, Willapa, Nemah, and Naselle.

(11) Region 11: Lower Columbia River

Watersheds: Those entering the Columbia River below Bonneville Dam, including Grays, Elochoman, Cowlitz, Kalama, Lewis, and Washougal.

(12) Region 12: Mid-Columbia River

Watersheds: Those entering the Columbia River (from the north and west) above Bonneville Dam up to Rock Island Dam. Major rivers include Little White Salmon, White Salmon, Wind, Yakima, and Kluckitit. (WRIAs 29, 30, 31, 37, 38, 39, 40)

(13) Region 13: South Eastern Washington

Watershed: Those entering the Columbia River above McNary Dam from the east including the Snake and Walla Walla rivers and their tributaries. (WRIAs 32, 33, 35)

(14) Region 14: Upper Columbia River

Watersheds: Those entering the Columbia River above Rock Island Dam up to and including the San Poil watershed. Major rivers include the Wenatchee, Entiat, Methow, Okanogan and San Poil rivers and their tributaries. (WRIAs 44, 45, 46, 47, 48, 49, 50, 51, 52))

The following geographical areas define regions in which groups have been formed, and established as provided for in this chapter, such groups are eligible to make funding requests through the department. There shall be one group per region.

Region 1: Nooksack Salmon Enhancement Association

Includes most of WRIA 1: The major watershed is the Nooksack River. This region also includes nearshore habitat and other watersheds located from the Canada-U.S. border south to Oyster Creek in Samish Bay and also watersheds flowing from Whatcom County to the Fraser River.

Region 2: Skagit Fisheries Enhancement Group

Includes WRIAs 2, 3 and 4, and parts of 1 and 6: The major watersheds are the Skagit and Samish rivers. This region also includes nearshore habitat and other watersheds located from Samish Bay, south of Oyster Creek, south to and including, Penn Cove on Whidbey Island, out to and including, the San Juan Islands.

Region 3: Stillv-Snohomish Fisheries Enhancement Task Force

Includes WRIAs 5 and 7 and parts of 6 and 8: The major watersheds are the Stillaguamish and Snohomish rivers. This region also includes nearshore habitat and other watersheds located; south of Penn Cove on Whidbey Island, including Camano Island; the mainland south to the Edmonds ferry dock.

Region 4: Mid-Sound Salmon Enhancement Group

Includes WRIAs 8 and 9 and part of 15: The major watersheds are those entering Lake Washington and the Green/Duwamish River. This region also includes nearshore habitat and other watersheds located from the Edmonds ferry dock south to Brown's Point, across to the north side of Gig Harbor, and north around Foulweather Bluff down to the Hood Canal Bridge.

Region 5: South Puget Sound Salmon Enhancement Group

Includes WRIAs 10, 11, 12 and 13 and parts of 14 and 15: The major watersheds are the Puyallup, Nisqually, and Deschutes rivers. This region also includes nearshore habitat and other watersheds draining into Puget Sound south of a line between Brown's Point and the north side of the entrance to Gig Harbor.

Region 6: Hood Canal Salmon Enhancement Group

Includes WRIA 16 and parts of 14, 15 and 17: Major watersheds include the Skokomish, Hamma Hamma, Duckabush, Dosewallips, and Quilcene rivers. This region also includes nearshore habitat and other watersheds located in Hood Canal south of the Hood Canal Bridge.

Region 7: North Olympic Salmon Coalition

Includes WRIAs 18 and 19 and part of 17: Major watersheds include the Dungeness, Elwha, Lyre, Pysht, Clallam, and Hoko rivers. This region also includes nearshore habitat and other watersheds located north and west of the Hood Canal Bridge, to Cape Flattery.

Region 8: Pacific Coast Salmon Coalition

Includes WRIAs 20 and 21: Major watersheds include the Sooes, Ozette, Quillayute, Hoh, Queets, and Quinault rivers. This region also includes near-shore habitat and other watersheds entering directly into the Pacific Ocean between Cape Flattery and the north side of Grays Harbor.

Region 9: Chehalis Basin Fisheries Task Force

Includes WRIAs 22 and 23: Major watersheds include the Humptulips, Hoquiam, Wishkah, Johns and Chehalis rivers. This region also includes near-shore habitat within, and other watersheds flowing into Grays Harbor.

Region 10: Willapa Bay Regional Fisheries Enhancement Group

Includes most of WRIA 24: Major watersheds include the North, Willapa, Palix, Nemah, Bear, Long Island and Naselle rivers. This region also includes nearshore habitat within, and other watersheds flowing into Willapa Bay.

Region 11: Lower Columbia Fish Enhancement Group

Includes WRIAs 25, 26, 27 and 28 and parts of 24 and 29: Major watersheds include the Chinook, Grays, Elochoman, Cowlitz, Kalama, Lewis, and Washougal rivers. This region also includes Columbia River habitat and other watersheds entering the Washington side of the Columbia River below Bonneville Dam.

Region 12: Mid-Columbia Regional Fisheries Enhancement Group

Includes WRIAs 30, 31, 37, 38, 39 and 40 and most of 29: Major watersheds include the Little White Salmon, White Salmon, Wind, Yakima, and Klickitat rivers. This region also includes Columbia River habitat and other watersheds entering the Columbia River from the north and west above Bonneville Dam, up to Rock Island Dam.

Region 13: Tri-State Steelheaders Regional Fisheries Enhancement Group

Includes WRIAs 32, 33 and 35 and parts of 34 and 36: Major watersheds include the Snake and Walla Walla rivers. This region also includes Columbia River habitat and other watersheds entering the Columbia River from the east between McNary Dam and the Interstate 182 Bridge at Richland.

Region 14: Upper Columbia Fisheries Enhancement Group

Includes WRIAs 44, 45, 46, 47, 48, 49, 50, 51 and 52: Major watersheds include the Wenatchee, Entiat, Methow, Okanogan and San Poil rivers. This region also includes Columbia River habitat and other watersheds entering the Columbia River above Rock Island Dam up to and including the San Poil watershed.

WSR 01-13-086

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed June 19, 2001, 3:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-23-085.

Title of Rule: WAC 388-450-0015 Excluded and disregarded income and 388-470-0026 Excluded resources for family medical programs.

Purpose: The proposed amendment is necessary to provide for the exclusion of recoveries of insurance proceeds and other assets when determining medical program eligibility for Holocaust survivors as allowed under EHB 2487 (2000 legislature).

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

Statute Being Implemented: Section 210, subsection (12), chapter 1, Laws of 2000 2nd sp. sess. (EHB 2487).

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, Mailstop 45534, Olympia, Washington 98504-5534, (360) 725-1330.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose 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. This rule does 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 July 25, 2001, at 10:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Rules Coordinator by July 18, 2001, phone (360) 902-7540, TTY (360) 902-8324, e-mail coopekd@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Kelly Cooper, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by July 25, 2001.

Date of Intended Adoption: No sooner than July 26, 2001.

June 15, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-17-025, filed 8/10/99, effective 10/1/99)

WAC 388-450-0015 Excluded and disregarded income. This section applies to TANF/SFA, RCA, and GA cash programs, ~~((TANF/SFA-related))~~ medical programs for children, pregnant women and families, and food assistance programs.

(1) Excluded income is income that is not counted when determining a client's eligibility and benefit level. Types of excluded income include but are not limited to:

(a) Bona fide loans as defined in WAC 388-470-0025, except certain student loans as specified under WAC 388-450-0035(-);

(b) Federal earned income tax credit (EITC) payments;

(c) Title IV-E and state foster care maintenance payments if the foster child is not included in the assistance unit;

(d) Energy assistance payments;

(e) Educational assistance as specified in WAC 388-450-0035;

(f) Native American benefits and payments as specified in WAC 388-450-0040;

(g) Income from employment and training programs as specified in WAC 388-450-0045;

(h) Money withheld from a client's benefit to repay an overpayment from the same income source. For food assistance, this exclusion does not apply when the money is withheld to recover an intentional noncompliance overpayment from a federal, state, or local means tested program such as TANF/SFA, GA, and SSI; and

(i) Child support payments received by TANF/SFA recipients.

(2) When determining the eligibility of a Holocaust survivor for a medical program for children, pregnant women, or families, the department does not count the recoveries of:

(a) Insurance proceeds; and

(b) Other income.

(3) For food assistance programs, the following income types are excluded:

(a) Emergency additional requirements authorized to TANF/SFA and RCA clients under WAC 388-436-0001 and paid directly to a third party;

(b) Cash donations based on need received directly by the household if the donations are:

(i) Made by one or more private, nonprofit, charitable organizations; and

(ii) Do not exceed three hundred dollars in any federal fiscal year quarter.

(c) Infrequent or irregular income, received during a three-month period by a prospectively budgeted assistance unit, that:

(i) Cannot be reasonably anticipated as available; and

(ii) Does not exceed thirty dollars for all household members.

~~((3))~~ (4) All income that is not excluded is considered to be part of an assistance unit's gross income.

~~((4))~~ (5) For food assistance households not containing an elderly or disabled member, the assistance unit is ineligible if its gross income exceeds one hundred thirty percent of the federal poverty level as specified in WAC 388-478-0060.

~~((5))~~ (6) Disregarded income is income that is counted when determining an assistance unit's gross income but is not used when determining an assistance unit's countable income. Types of disregarded income include but are not limited to:

(a) Earned income incentives and disregards for cash assistance; and

(b) Earned income disregard and income deductions for food assistance.

NEW SECTION

WAC 388-470-0026 Excluded resources for family medical programs. "Continuously eligible" means, for the purposes of this chapter, there has not been a break of a calendar month or more in a client's eligibility since the date the client received resources in an amount that would cause the client to exceed the resource limit of a family medical program.

(1) The department does not count any increase in a client's resources received while a client:

(a) Is eligible for and receiving coverage under a family medical program; and

(b) Remains continuously eligible for a family medical program.

(2) The department does not count the resource increase for a client:

(a) Who meets the requirement of subsection (1)(a) of this section;

(b) Whose family medical program is terminated; and

(c) Who is later found eligible for all months since the termination, which may include a retroactive period of up to three months.

(3) The department counts the resource increase when the client is ineligible for a family medical program for a full calendar month or more except as described in subsection (2) of this section.

(4) When determining the eligibility of a Holocaust survivor for a family medical program, the department does not count the recoveries of:

(a) Insurance proceeds; and

(b) Other assets.

(5) For the purposes of this section, family medical programs include the medical extension benefits as described in WAC 388-523-0100.

WSR 01-13-087
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed June 19, 2001, 3:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-02-071.

Title of Rule: WAC 388-513-1350 Defining the resource standard and determining available resources for long-term care (LTC) services and 388-513-1380 Determining a client's participation in the cost of care for long-term (LTC) services.

Purpose: To make the rules consistent with January 1, 2001; federal increase in the resource maximum and maintenance allowance standards for a community spouse of a Medicaid long-term care client.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500.

Statute Being Implemented: 42 U.S.C. 1396R-5, section 1924.

Summary: Updating the standards for the resource maximum and maintenance allowance for a community spouse of a Medicaid long-term care client.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Beth Ingram, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1327.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above. The standards increase will have a positive effect on the community spouses of long-term care clients.

Proposal Changes the Following Existing Rules: See Summary above.

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

RCW 34.05.328 does not apply to this rule adoption. Client eligibility rules for medical assistance are exempt under this provision.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 25, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by July 18, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopecKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by July 25, 2001.

Date of Intended Adoption: Not sooner than July 26, 2001.

June 15, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-01-051, filed 12/8/99, effective 1/8/00)

WAC 388-513-1350 Defining the ~~((resource standard))~~ maximum amount of resources allowed and determining ((available)) resources availability for long-term care (LTC) services. This section describes how the department defines the resource standard and available resources when determining a client's eligibility for LTC services. The department uses the term "resource standard" to describe the maximum amount of resources a client can have and still be resource eligible for program benefits.

(1) The resource standard used to determine eligibility for LTC services equals:

- (a) Two thousand dollars for a single client; or
- (b) Three thousand dollars for a legally married couple, unless subsection (2) applies.

(2) If the department has already established eligibility for one spouse, then it applies the standard described in subsection (1)(a) to each spouse, unless doing so would make one of the spouses ineligible.

(3) The department ~~((must apply))~~ applies the following rules when determining available resources for LTC services:

- (a) WAC 388-470-0005, Resource eligibility and limits;
- (b) WAC 388-470-0010, How to determine who owns a resource;

- (c) WAC 388-470-0015, Availability of resources;

- (d) WAC 388-470-0060(6), Resources of an alien's sponsor; and

- (e) WAC 388-506-0620, SSI-related medical clients.

(4) For LTC services the department determines a client's nonexcluded resources ~~((used to establish eligibility for LTC services in the following way))~~ as follows:

- (a) For an SSI-related client, the department reduces available resources by excluding resources described in WAC 388-513-1360;

- (b) For an SSI-related client who has a community spouse, the department:

- (i) Excludes resources described in WAC 388-513-1360; and

- (ii) Adds together the available resources of both spouses according to subsection (5)(a) or (b) as appropriate;

- (c) For a client not described in subsection (4)(a) or (b), the department applies the resource rules of the program used to relate the client to medical eligibility.

(5) ~~((A change in federal law that took effect on October 1, 1989 affects the way))~~ The department determines available resources of a legally married client, when both spouses are institutionalized, by following WAC 388-506-0620 (5) and (6). For legally married clients when only one spouse meets institutional status, the following rules apply. If the client's current period of institutional status began:

PROPOSED

(a) Before October 1, 1989, the department adds together one-half the total amount of nonexcluded resources held in the name of:

- (i) The institutionalized spouse; or
- (ii) Both spouses.

(b) On or after ~~((that date))~~ October 1, 1989, the department adds together the total amount of nonexcluded resources held in the name of:

- (i) Either spouse; or
- (ii) Both spouses.

~~((b) Before that date, the department adds together one-half the total amount of nonexcluded resources held in the name of:~~

- ~~(i) The institutionalized spouse; or~~
- ~~(ii) Both spouses;))~~

(6) If subsection (5)~~((a))~~ (b) applies, the department allocates the maximum amount of resources ordinarily allowed by law to the community spouse before determining nonexcluded resources used to establish eligibility for the institutionalized spouse. The maximum allocation amount is ~~((eighty-four thousand, one hundred and twenty))~~ eighty-seven thousand dollars effective January 1, ~~((2000))~~ 2001.

(7) The amount of allocated resources described in subsection (6) can be increased, only if:

(a) A court transfers additional resources to the community spouse; or

(b) An administrative law judge establishes in a fair hearing described in chapter ~~((388-08))~~ 388-02 WAC or by consent order, that the amount is inadequate to provide a minimum monthly maintenance needs amount for the community spouse.

(8) The department considers resources of the community spouse unavailable to the institutionalized spouse the month after eligibility for LTC services is established, unless subsection~~((s))~~ (9)(a), (b), or (c) ~~((apply))~~ applies.

(9) A redetermination of the ~~((couples'))~~ couple's resources as described in subsections (4)(b) or (c) is required, if:

(a) The institutionalized spouse has a break of at least thirty consecutive days in a period of institutional status;

(b) The institutionalized spouse's nonexcluded resources exceed the standard described in subsection (1)(a), if subsection (5)~~((a))~~(b) applies; or

(c) The institutionalized spouse does not transfer the amount described in subsections (6) or (7) to the community spouse or to another person for the sole benefit of the community spouse as described in WAC 388-513-1365(4) by either:

(i) The first regularly scheduled eligibility review; or

(ii) The reasonable amount of additional time necessary to obtain a court order for the support of the community spouse.

AMENDATORY SECTION (Amending WSR 00-17-058, filed 8/9/00, effective 9/9/00)

WAC 388-513-1380 Determining a client's participation in the cost of care for long-term care (LTC) services. This ~~((section))~~ rule describes how the department allocates income and excess resources when determining participation

in the cost of care (in the post-eligibility process). The department applies rules described in WAC 388-513-1315 to define ~~((what))~~ which income and resources must be used in this process.

(1) For a client receiving institutional or hospice services in a medical facility, the department applies all subsections of this rule.

(2) For a client receiving waived services at home or in an alternate living facility, the department applies only those subsections of this rule that are cited in the rules for those programs.

(3) For a client receiving hospice services at home, the department applies rules used for the community options program entry system (COPES).

(4) ~~((The department allocates))~~ Excess resources are reduced in an amount equal to incurred medical expenses ~~((for definition see WAC 388-519-0110(10))~~ that are not subject to third-party payment and for which the client is liable, including:

(a) Health insurance and Medicare premiums, deductions, and co-insurance charges; ~~((and))~~

(b) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan~~((-~~

~~((5)))~~; and

~~((c))~~ The amount of excess resources ~~((described in subsection (4)))~~ is limited to the following amounts:

~~((a))~~ (i) For LTC services provided under the categorically needy (CN) program, the amount described in WAC 388-513-1315(3); or

~~((b))~~ (ii) For LTC services provided under the medically needy (MN) program, the amount described in WAC 388-513-1395 (2)(a) or (b).

~~((6))~~ (5) The department allocates nonexcluded income up to a total of the medically needy income level (MNIL) in the following order:

(a) A personal needs allowance (PNA) of:

(i) One hundred sixty dollars for a client living in a state veterans' home;

(ii) Ninety dollars for a veteran or a veteran's surviving spouse, who receives ~~((an))~~ a VA improved pension and does not live in a state veterans' home; or

(iii) Forty-one dollars and sixty-two cents for all other clients in a medical facility.

(b) Federal, state, or local income taxes ~~((=~~

~~((i))~~ ~~Mandatorily withheld from earned or unearned income for income tax purposes before receipt by the client; or~~

~~((ii))~~ ~~Not covered by withholding, but are owed, become an obligation, or have been paid by the client))~~ incurred during the time period covered by the PNA, whether paid or unpaid.

(c) Wages for a client who:

(i) Is related to the supplemental security income (SSI) program as described in WAC 388-503-0510(1); and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction employment expenses are not deducted.

(d) Guardianship fees and administrative costs including any attorney fees paid by the guardian, after June 15, 1998, only as allowed by chapter 388-79 WAC.

~~((7))~~ (6) The department allocates nonexcluded income after deducting amounts described in subsection ~~((6))~~ (5) in the following order:

(a) Income garnished for child support:

(i) For the time period covered by the PNA; and

(ii) Not deducted under another provision in the post-eligibility process.

(b) A monthly maintenance needs allowance for the community spouse not to exceed, effective January 1, ~~((2000))~~ 2001, two thousand one hundred ~~((three))~~ seventy-five dollars, unless a greater amount is allocated as described in subsection ~~((9))~~ (8) of this section. The monthly maintenance needs allowance:

(i) Consists of a combined total of both:

(A) An amount added to the community spouse's gross income to provide a total of one thousand four hundred ~~((seven))~~ fifty-two dollars; and

(B) Excess shelter expenses as specified under subsection ~~((8))~~ (7) of this section; and

(ii) Is allowed only to the extent the client's income is made available to the community spouse.

(c) A monthly maintenance needs amount for each minor or dependent child, dependent parent or dependent sibling of the community or institutionalized spouse who:

(i) Resides with the community spouse, equal to one-third of the amount that one thousand four hundred ~~((seven))~~ fifty-two dollars exceeds the dependent family member's income.

(ii) Does not reside with the community spouse, equal to the MNIL for the number of dependent family members in the home less the income of the dependent family members.

(iii) Child support received from ~~((an absent))~~ noncustodial parent is the child's income.

(d) Incurred medical expenses described in subsections (4)(a) and (b) not used to reduce excess resources.

(e) Maintenance of the home of a single client or institutionalized couple:

(i) Up to one hundred percent of the one-person federal poverty level per month;

(ii) Limited to a six-month period;

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and

(iv) When social services staff documents initial need for the income exemption and reviews the client's circumstances after ninety days.

~~((8))~~ (7) For the purposes of this section, "excess shelter expenses" ~~((equal))~~ means the actual expenses under subsection ~~((8)(b))~~ (7)(b) less the standard shelter allocation under subsection ~~((8)(a))~~ (7)(a). For the purposes of this rule:

(a) The standard shelter allocation is four hundred ~~((twenty-two))~~ thirty-six dollars, effective April 1, ~~((2000))~~ 2001; and

(b) Shelter expenses are the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard utility allowance, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

~~((9))~~ (8) The amount allocated to the community spouse may be greater than the amount in subsection ~~((7)(b))~~ (6)(b) only when:

(a) A court enters an order against the client for the support of the community spouse; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

~~((10))~~ (9) A client who ~~((continues to receive SSI in))~~ is admitted to a medical facility ((does not participate)) for ninety days or less and continues to receive full SSI benefits is not required to use the SSI income in the cost of care for medical services. Income allocations are allowed as described in this section from non-SSI income.

WSR 01-13-090

PROPOSED RULES

GAMBLING COMMISSION

[Filed June 19, 2001, 4:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-121 with a published date of June 5, 2001.

Title of Rule: WAC 230-04-202 Fees—Bona fide charitable/nonprofit organizations.

Purpose: We receive a petition for rule change from Mr. Richard Walker of Wild Bill's Interactive Events of Portland, Oregon. Mr. Walker is requesting the licensing fees for limited fund-raising events be lowered from \$339 to \$50 for a four-hour limited fund-raising event. The commission filed this petition at the May 2001 meeting. Staff does not support Mr. Walker's petition because it is felt that a \$50 fee would not cover the agency's regulatory costs for these events. However, staff has proposed an alternative version, wherein, after an organization is initially licensed for a fund-raising event (FRE), subsequent FRE licenses would be at a reduced rate. The commission filed staff's version of this rule at the June 15, 2001, commission meeting. Both versions of this rule are shown below and will be discussed at the July 13, 2001, commission meeting.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 438-7654 ext. 374; Implementation: Ben Bishop, Lacey, (360) 438-7640; and Enforcement: Bob Berg, Lacey, (360) 438-7654 ext. 348.

Name of Proponent: Staff, governmental.

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

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

PROPOSED

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Howard Johnson Plaza Hotel, 3105 Pine Street, Everett, WA 98201, (425) 303-8284, on August 10, 2001, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by August 1, 2001, at TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submit Written Comments to: Susan Arland, Mailstop 42400, Olympia, WA 98504-2400, fax (360) 438-8652, by August 1, 2001.

Date of Intended Adoption: August 10, 2001.

June 19, 2001
Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 399, filed 2/9/01, effective 3/12/01)

WAC 230-04-202 Fees—Bona fide charitable/non-profit organizations. Bona fide charitable and nonprofit organizations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
I. AMUSEMENT GAMES		
	(Fee based on annual gross gambling receipts)	
* Class A	Premises only	\$ 53
Class B	Up to \$ 10,000	\$ 53
Class C	Up to \$ 25,000	\$ 285
Class D	Up to \$ 50,000	\$ 457
Class E	Over \$ 50,000	\$ 797
* Allows a charitable or nonprofit organization to enter into a contract with Class "B" or above commercial amusement game licensee to locate and operate amusement games on their premises.		

2. BINGO GROUP

(Fee based on annual gross gambling receipts) VARIANCE *

Class A	Up to \$ 15,000	\$ 1,000	\$ 53
Class B	Up to \$ 50,000	\$ 1,000	\$ 166
Class C	Up to \$ 100,000	\$ 2,000	\$ 339
Class D	Up to \$ 250,000	\$ 4,000	\$ 915
Class E	Up to \$ 500,000	\$ 8,000	\$ 1,541
Class F	Up to \$ 1,000,000	\$ 15,000	\$ 3,095
Class G	Up to \$ 1,500,000	\$ 23,000	\$ 4,467
Class H	Up to \$ 2,000,000	\$ 30,000	\$ 5,967
Class I	Up to \$ 2,500,000	\$ 38,000	\$ 7,455
Class J	Up to \$ 3,000,000	\$ 45,000	\$ 8,945

2. BINGO GROUP

(Fee based on annual gross gambling receipts) VARIANCE *

Class K	Up to \$ 3,500,000	\$ 53,000	\$ 10,034
Class L	Up to \$ 4,000,000	\$ 60,000	\$ 11,470
Class M and above	Over \$ 4,000,000	Not applicable	12,906

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: Provided, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

3. CARD GAMES

Class A	General (Fee to play charged)	\$ 571
Class B	Limited card games - hearts, rummy, pitch, pinochle, and cribbage (Fee to play charged)	\$ 166
Class C	Tournament only - no more than ten consecutive days per tournament	\$ 53
Class D	General (No fee to play charged)	\$ 53

4. FUND-RAISING EVENT

<u>Class A1</u>	<u>Limited fund-raising event - one event - not more than four hours</u>	<u>\$ 50</u>
Class A	One event - not more than 24 consecutive hours	\$ 339
Class B	One event - not more than 72 consecutive hours	\$ 571
Class C	Additional participant in joint event (not lead organization)	\$ 166
Class D	Fund-Raising Event Equipment Distributor - rents or leases, equipment for fund-raising event or recreational gaming activity for no more than ten times per year*	\$ 226
Class E	Fund-Raising Event Equipment Distributor - rents or leases equipment for fund-raising event or recreational gaming activity more than ten times per year.	\$ 571

* Charitable and nonprofit organizations licensed to conduct fund-raising events may rent their equipment up to four occasions during the term of the license without getting licensed as a distributor.

5. PUNCH BOARDS/PULL-TABS

(Fee based on annual gross gambling receipts) VARIANCE*

Class A	Up to \$ 50,000	\$ 5,000	\$ 544
Class B	Up to \$ 100,000	\$ 5,000	\$ 971
Class C	Up to \$ 200,000	\$ 10,000	\$ 1,832
Class D	Up to \$ 300,000	\$ 10,000	\$ 2,663
Class E	Up to \$ 400,000	\$ 10,000	\$ 3,440
Class F	Up to \$ 500,000	\$ 10,000	\$ 4,153
Class G	Up to \$ 600,000	\$ 10,000	\$ 4,812

PROPOSED

5. PUNCH BOARDS/PULL-TABS

	(Fee based on annual gross gambling receipts)		VARIANCE*
Class H	Up to \$ 700,000	\$ 10,000	\$ 5,416
Class I	Up to \$ 800,000	\$ 10,000	\$ 5,967
Class J	Up to \$ 1,000,000	\$ 20,000	\$ 6,765
Class K	Up to \$ 1,250,000	\$ 25,000	\$ 7,509
Class L	Up to \$ 1,500,000	\$ 25,000	\$ 8,201
Class M	Up to \$ 1,750,000	\$ 25,000	\$ 8,771
Class N	Up to \$ 2,000,000	\$ 25,000	\$ 9,290
Class O	Over \$ 2,000,000	Non-applicable	\$ 10,208

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: Provided, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

6. RAFFLES

	(Fee based on annual gross gambling receipts)	
Class A	Up to \$ 5,000	\$ 53
Class B	Up to \$ 10,000	\$ 166
Class C	Up to \$ 25,000	\$ 339
Class D	Up to \$ 50,000	\$ 571
Class E	Up to \$ 75,000	\$ 915
Class F	Over \$ 75,000	\$ 1,370

7. COMBINATION LICENSE

CLASS A	Allows gross gambling receipts of up to \$ 25,000 from bingo, \$ 7,500 from raffles, and \$ 7,500 from amusement games, not to exceed \$ 30,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 103
CLASS B	Allows gross gambling receipts of up to \$ 60,000 from bingo, \$ 15,000 from raffles, and \$ 15,000 from amusement games, not to exceed \$ 75,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 268
CLASS C	Allows gross gambling receipts of up to \$ 125,000 from bingo, \$ 30,000 from raffles, and \$ 30,000 from amusement games, not to exceed \$ 150,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 619

8. SEPARATE PREMISES

BINGO	Per occasion (see WAC 230-04-300)	\$ 26
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9. PERMITS

AGRICULTURAL FAIR-BINGO	(See WAC 230-04-191)	\$ 26
RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-25-330 and 230-02-505)	\$ 53

10. CHANGES

NAME	(See WAC 230-04-310)	\$ 26
LOCATION	(See WAC 230-04-320)	\$ 26
FRE	(Date or time) (See WAC 230-04-325)	\$ 26
LICENSE CLASS	(See WAC 230-04-260)	\$ 26
DUPLICATE	(See WAC 230-04-290)	\$ 26
LICENSE		

11. SPECIAL FEES

INVESTIGATION	(See WAC 230-04-240)	As required
REPLACEMENT	(See WAC 230-08-017)	\$ 26
IDENTIFICATION STAMPS EXCEEDING LICENSE CLASS REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-12-315)	As required

12. SIX-MONTH PAYMENT PLAN	(See WAC 230-04-190)	\$ 26
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AMENDATORY SECTION (Amending Order 399, filed 2/9/01, effective 3/12/01)

WAC 230-04-202 Fees—Bona fide charitable/non-profit organizations. Bona fide charitable and nonprofit organizations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	SEE
I. AMUSEMENT GAMES	(Fee based on annual gross gambling receipts)	
* Class A	Premises only	\$ 53
Class B	Up to \$ 10,000	\$ 53
Class C	Up to \$ 25,000	\$ 285
Class D	Up to \$ 50,000	\$ 457
Class E	Over \$ 50,000	\$ 797

PROPOSED

* Allows a charitable or nonprofit organization to enter into a contract with Class "B" or above commercial amusement game licensee to locate and operate amusement games on their premises.

2. BINGO GROUP

(Fee based on annual gross gambling receipts) VARIANCE *

Class A	Up to \$ 15,000	\$ 1,000	\$ 53
Class B	Up to \$ 50,000	\$ 1,000	\$ 166
Class C	Up to \$ 100,000	\$ 2,000	\$ 339
Class D	Up to \$ 250,000	\$ 4,000	\$ 915
Class E	Up to \$ 500,000	\$ 8,000	\$ 1,541
Class F	Up to \$ 1,000,000	\$ 15,000	\$ 3,095
Class G	Up to \$ 1,500,000	\$ 23,000	\$ 4,467
Class H	Up to \$ 2,000,000	\$ 30,000	\$ 5,967
Class I	Up to \$ 2,500,000	\$ 38,000	\$ 7,455
Class J	Up to \$ 3,000,000	\$ 45,000	\$ 8,945
Class K	Up to \$ 3,500,000	\$ 53,000	\$ 10,034
Class L	Up to \$ 4,000,000	\$ 60,000	\$ 11,470
Class M and above	Over \$ 4,000,000	Not applicable	12,906

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: Provided, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

3. CARD GAMES

Class A	General (Fee to play charged)	\$571
Class B	Limited card games - hearts, rummy, pitch, pinochle, and cribbage (Fee to play charged)	\$ 166
Class C	Tournament only - no more than ten consecutive days per tournament	\$ 53
Class D	General (No fee to play charged)	\$ 53

4. FUND-RAISING EVENT

Class A	One event - not more than 24 consecutive hours <u>First time applicant</u>	\$ 339
	<u>*Previously licensed applicant</u>	\$ 200
Class B	One event - not more than 72 consecutive hours <u>First time applicant</u>	\$ 571
	<u>*Previously licensed applicant</u>	\$ 350
Class C	Additional participant in joint event (not lead organization)	\$ 166
Class D	<u>Limited fund-raising event (one event - not more than six consecutive hours)</u> <u>First time applicant</u>	\$ 150
	<u>**Previously licensed applicant</u>	\$ 100

4. FUND-RAISING EVENT

Class ((D)) E	Fund-Raising Event Equipment Distributor - rents or leases, equipment for fund-raising event or recreational gaming activity for no more than ten times per year***	\$ 226
Class ((E)) E	Fund-Raising Event Equipment Distributor - rents or leases equipment for fund-raising event or recreational gaming activity more than ten times per year.	\$ 571

* Provides for a reduced fee when charitable and nonprofit organizations apply for an additional Class A or Class B fund-raising event.

** Provides for a fee reduction when charitable and nonprofit organizations apply for an additional Class D limited fund-raising event.

*** Charitable and nonprofit organizations licensed to conduct fund-raising events may rent their equipment up to four occasions during the term of the license without getting licensed as a distributor.

5. PUNCH BOARDS/PULL-TABS

(Fee based on annual gross gambling receipts) VARIANCE*

Class A	Up to \$ 50,000	\$ 5,000	\$ 544
Class B	Up to \$ 100,000	\$ 5,000	\$ 971
Class C	Up to \$ 200,000	\$ 10,000	\$ 1,832
Class D	Up to \$ 300,000	\$ 10,000	\$ 2,663
Class E	Up to \$ 400,000	\$ 10,000	\$ 3,440
Class F	Up to \$ 500,000	\$ 10,000	\$ 4,153
Class G	Up to \$ 600,000	\$ 10,000	\$ 4,812
Class H	Up to \$ 700,000	\$ 10,000	\$ 5,416
Class I	Up to \$ 800,000	\$ 10,000	\$ 5,967
Class J	Up to \$ 1,000,000	\$ 20,000	\$ 6,765
Class K	Up to \$ 1,250,000	\$ 25,000	\$ 7,509
Class L	Up to \$ 1,500,000	\$ 25,000	\$ 8,201
Class M	Up to \$ 1,750,000	\$ 25,000	\$ 8,771
Class N	Up to \$ 2,000,000	\$ 25,000	\$ 9,290
Class O	Over \$ 2,000,000	Non-applicable	\$ 10,208

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: Provided, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

6. RAFFLES

(Fee based on annual gross gambling receipts)

Class A	Up to \$ 5,000	\$ 53
Class B	Up to \$ 10,000	\$ 166
Class C	Up to \$ 25,000	\$ 339
Class D	Up to \$ 50,000	\$ 571
Class E	Up to \$ 75,000	\$ 915
Class F	Over \$ 75,000	\$ 1,370

PROPOSED

7. COMBINATION LICENSE

CLASS A	Allows gross gambling receipts of up to \$ 25,000 from bingo, \$ 7,500 from raffles, and \$ 7,500 from amusement games, not to exceed \$ 30,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 103
CLASS B	Allows gross gambling receipts of up to \$ 60,000 from bingo, \$ 15,000 from raffles, and \$ 15,000 from amusement games, not to exceed \$ 75,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 268
CLASS C	Allows gross gambling receipts of up to \$ 125,000 from bingo, \$ 30,000 from raffles, and \$ 30,000 from amusement games, not to exceed \$ 150,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 619

8. SEPARATE PREMISES

BINGO	Per occasion (see WAC 230-04-300)	\$ 26
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9. PERMITS

AGRICULTURAL FAIR-BINGO	(See WAC 230-04-191)	\$ 26
RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-25-330 and 230-02-505)	\$ 53

10. CHANGES

NAME	(See WAC 230-04-310)	\$ 26
LOCATION	(See WAC 230-04-320)	\$ 26
FRE	(Date or time) (See WAC 230-04-325)	\$ 26
LICENSE CLASS	(See WAC 230-04-260)	\$ 26
DUPLICATE	(See WAC 230-04-290)	\$ 26
LICENSE		

11. SPECIAL FEES

INVESTIGATION	(See WAC 230-04-240)	As required
REPLACEMENT	(See WAC 230-08-017)	\$ 26
IDENTIFICATION STAMPS		

11. SPECIAL FEES

EXCEEDING LICENSE CLASS REVIEW, INSPECTION AND/ OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-04-260) (See WAC 230-12-315)	As required As required
12. SIX-MONTH PAYMENT PLAN	(See WAC 230-04-190)	\$ 26

**WSR 01-13-093
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Filed June 19, 2001, 4:36 p.m.]

PROPOSED

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-106.

Title of Rule: Public safety cougar removals.

Purpose: Amend rules for public safety cougar removals.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Sets up criteria for issuance of public safety cougar removals in which use of dogs is allowed.

Reasons Supporting Proposal: The legislature has allowed use of dogs to remove cougar for public safety. This rule established the procedure for such removals.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The public safety cougar removal had a 50% removal rate under current criteria and protocol. An adjustment in the removal criteria will provide a higher success rate where removal is needed for public safety concerns. Allowing successful participants the opportunity to take a second cougar will increase the odds of removal by using persons with a demonstrated capability of removing cougars. The department's target of removing seventy-four cougars remains the same. This rule should increase the removal rate and provide additional public safety.

Proposal Changes the Following Existing Rules: Amends cougar rules and moves public cougar safety removals into a separate section.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect public safety cougar removals, not small businesses.

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

Hearing Location: Methow Valley Community Center, 231 Methow Valley Road, Twisp, on August 3-4, 2001, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 27, 2001, TDD (360) 902-2207, or (360) 902-2226.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98504-1091 [98501-1091], fax (360) 902-2155, by August 2, 2001.

Date of Intended Adoption: August 3, 2001.

June 19, 2001

Evan Jacoby
Rules Coordinator

NEW SECTION

WAC 232-12-243 Public safety cougar removals. (1)

Definitions:

As used in this section and in the context of public safety cougar removals, the following definitions apply:

(a) "Confirmed" means qualified department staff is led to believe a cougar(s) was at the scene of the incident by interview of the complainant or observation of evidence at the scene.

(b) "Human-cougar safety incident" means aggressive or unusual behavior by a cougar which presents an actual or perceived threat to an individual.

(c) "Livestock or pet depredation" means incidents where livestock and/or pets are killed and/or injured by cougar.

(d) "Marginal cougar habitat" means those areas usually dominated by urban/suburban, developed lands with relatively high human densities.

(e) "Nuisance activity" means incidents associated with property disturbance, property damage, or livestock/pet harassment.

(f) "Preferred cougar habitat" means those areas usually dominated by rural, undeveloped lands with relatively low human densities.

(g) "Public safety need" means there exists a reasonable threat to human safety or property by one or more cougar, as indicated by the level of confirmed human-cougar safety incidents or livestock/pet depredations, and confirmed cougar sightings or nuisance activities.

(h) "Removal" means the act of killing one or more cougar with the aid of dogs.

(i) "Sighting" means a direct observation of one or more cougar, in urban or rural settings, near individuals or residences; typically more than chance observations.

(j) "Human-cougar interaction" means a human-cougar safety incident, livestock or pet depredation, cougar nuisance activity, or cougar sighting event.

(2) Public safety cougar removal authorization: The commission authorizes the director to issue public safety cou-

gar removal permits consistent with this rule. Prior to issuing public safety cougar removal permits, the department shall use other practical alternatives to address a public safety need, including livestock or pet depredations. Other practical alternatives may include, but are not limited to, general cougar hunting seasons, general public information, educational programs, information to recreational hunters, cougar depredation/kill permits, and department capture and relocation/euthanasia of specific cougars.

(3) Public safety cougar removal criteria:

(a) The commission determines that when the above practical alternatives have been utilized within a game management unit, eleven confirmed human-cougar interactions per year, of which at least four must be confirmed human-cougar safety incidents or livestock/pet depredations, which demonstrate that the practical alternatives have been inadequate to address the public safety need. The director then is authorized by the commission to remove one or more cougar, with the aid of dogs, in a selected area of that game management unit or nearby geographic area suitable for the use of dogs. The commission authorizes the director to remove one cougar per one hundred twenty square kilometers of complaint area in preferred cougar habitat, and one cougar per four hundred thirty square kilometers of complaint area in marginal cougar habitat.

(b) If warranted by conditions of this rule, public safety cougar removal(s) will be conducted annually between December 16th and March 15th in selected areas of game management units designated by the director to address a public safety need presented by one or more cougar.

(c) The department shall not target more than seventy-four cougar during a public safety cougar removal period unless otherwise authorized by the commission.

(4) Public safety cougar removal permit issuance procedure.

(a) To participate in a public safety cougar removal, individuals must request that his/her name be placed on a list of available participants (participant list) by mailing their request to Washington Department of Fish and Wildlife, Enforcement Program - Public Safety Cougar Removal, 600 Capitol Way North, Olympia, WA 98501-1091. The request must include the individual's name, address, phone number, and game management units being applied for. Individuals may apply for no more than four game management units. An individual's request to be placed on a participant list for a removal period must be postmarked no later than November 1, or be received at the department's Olympia office no later than 5:00 p.m. on November 1, during the year the removal period begins.

(b) To be eligible for a public safety cougar removal permit (permit), participants must have at their disposal dogs capable of detecting and tracking cougar. The permit holder must use dogs while participating in a public safety cougar removal.

(c) Individuals eligible for participation in a public safety cougar removal will be randomly selected from the participant list. The department will issue a permit to the person whose name is selected from the participant list. Individuals selected will be notified by telephone or mail. Individuals selected must contact the department's enforcement program

in Olympia and accept the public safety cougar removal permit within fifteen days of being notified. Failure to contact the department will result in forfeit of the permit and the individual will be placed on the participant list for later selections. Permits may not be sold or reassigned.

(d) Permit holders must complete the department's public safety cougar removal education course prior to participating in a public safety cougar removal.

(5) Public safety cougar removals: Quota system and participation in cougar removal.

(a) The cougar removal period will be based on a quota system, where permit holders may hunt cougar until the allotted numbers of cougar have been removed from each game management unit.

(b) Permit holders who harvest a cougar before January 15 may continue hunting for a second cougar with dogs. The permit holder must purchase an additional cougar transport tag to hunt and harvest one additional cougar and the permit holder will be issued a second permit. Permit holders who harvest a cougar after January 15 are not eligible to harvest a second cougar with dogs.

(c) To verify if the cougar removal season is open or closed in each game management unit, the permit holders shall notify the department's enforcement program in Olympia at least twenty-four hours prior to exercising a public safety cougar removal permit.

(d) No more than four total individuals may participate per public safety cougar removal, including the permit holder(s). Only the permit holder, whose name appears on the permit, may take a cougar.

(e) Hunters killing a cougar during a public safety cougar removal must notify the department's enforcement program in Olympia within twenty-four hours after harvesting the cougar.

(f) The department reserves the right to accompany permit holders while participating in a public safety cougar removal.

(6) Public safety cougar removal general requirements.

(a) A valid big game hunting license which includes cougar as a species option is required to hunt cougar. One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar. Individuals may participate in multiple public safety cougar removals, but must purchase a cougar transport tag for each cougar removed. Purchases in excess of two cougar transport tags must be made at department offices.

(b) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens. Individuals selected for a public safety cougar removal permit may take one cougar per permit and must take the first legal cougar available.

(c) Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of hounds to hunt cougar is prohibited except during a public safety cougar removal.

(d) Any person who takes a cougar must notify the department within twenty-four hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must

be sealed by an authorized department employee within seventy-two hours of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-272 2000-2001, 2001-2002 and 2002-2003 Black bear and cougar hunting seasons and regulations.

Black Bear Seasons:

Hunt Name	2000 Season	Hunt Area
General Eastern	Aug. 1 - Nov. 5	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 5 - Nov. 5	GMUs 101-117
Blue Mt.	Sept. 5 - Nov. 5	GMUs 145-154, 162-186
General Western	Aug. 1 - Nov. 12	GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684
North Cascades	Aug. 1 - Nov. 30	GMUs 418-450, 460
West Side PLWMA's	July 15 - Nov. 12	PLWMA's 401, 600
Long Island	Sept. 1 - Nov. 12	Long Island

Hunt Name	2001 Season	Hunt Area
General Eastern	Aug. 1 - Nov. 4	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 4 - Nov. 4	GMUs 101-117
Blue Mt.	Sept. 4 - Nov. 4	GMUs 145-154, 162-186
General Western	Aug. 1 - Nov. 11	GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684
North Cascades	Aug. 1 - Nov. 30	GMUs 418-450, 460
West Side PLWMA's	July 15 - Nov. 11	PLWMA's 401, 600
Long Island	Sept. 1 - Nov. 11	Long Island

Hunt Name	2002 Season	Hunt Area
General Eastern	Aug. 1 - Nov. 3	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 3 - Nov. 3	GMUs 101-117
Blue Mt.	Sept. 3 - Nov. 3	GMUs 145-154, 162-186

PROPOSED

General Western	Aug. 1 - Nov. 10	GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684
North Cascades	Aug. 1 - Nov. 30	GMUs 418-450, 460
West Side PLWMA's	July 15 - Nov. 10	PLWMA's 401, 600
Long Island	Sept. 1 - Nov. 10	Long Island

License Required: A valid big game hunting license which includes black bear as a species option is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

Bag Limit: Two (2) black bear per annual hunting season only one of which may be taken in Eastern Washington.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

Cougar Season:

General Statewide Season:

- Aug. 1, 2000 - Mar. 15, 2001;
- Aug. 1, 2001 - Mar. 15, 2002; and
- Aug. 1, 2002 - Mar. 15, 2003.

License Required: A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

Bag Limit: Two (2) cougar per license year excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens. (~~Individuals selected for a public safety cougar removal permit may take one (1) cougar and must take the first legal cougar available.~~)

Tag Information:

~~((1))~~ One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar.

~~((2))~~ Individuals selected for a public safety cougar removal must possess a valid big game license and cougar transport tag prior to issuance of the permit. Individuals may participate in multiple public safety cougar removals, but must purchase a cougar transport tag for each cougar removed. Purchases in excess of two (2) cougar transport tags must be made at department offices.)

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of hounds to hunt cougar is prohibited except during a public safety cougar removal.

Cougar Pelt Sealing: Any person who takes a cougar must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

~~((Public safety cougar removals:~~

~~The commission authorizes the director to issue public safety cougar removal permits consistent with this rule. Prior to issuing public safety cougar removal permits, the department shall use other practical alternatives to address a public safety need, including livestock or pet depredations. Other practical alternatives may include, but are not limited to, general cougar hunting seasons, general public information, educational programs, information to recreational hunters, cougar depredation/kill permits, and department capture and relocation/euthanasia of specific cougars.~~

~~Public safety cougar removals: Criteria.~~

~~(1) The commission determines that when the above practical alternatives have been utilized within a game management unit, four or more confirmed human cougar safety incidents or livestock/pet depredations per year and seven or more confirmed cougar sightings or nuisance activities per year therein demonstrate that the practical alternatives have been inadequate to address the public safety need. The director then is authorized by the commission to remove one or more cougar, with the aid of dogs, in a selected area of that game management unit or nearby geographic area suitable for the use of dogs. The commission authorizes the director to remove one cougar per one hundred twenty square kilometers of complaint area in preferred cougar habitat, and one cougar per four hundred thirty square kilometers of complaint area in marginal cougar habitat.~~

~~(2) Public safety cougar removal(s) will be conducted between December 16, 2000, and March 15, 2001, in selected areas of game management units designated by the director to address a public safety need presented by one or more cougar, not to exceed removal of more than seventy-four cougar during the 2000-2001 removal period unless otherwise authorized by the commission.~~

~~Public safety cougar removals: Permit issuance procedure.~~

~~(1) To participate in a public safety cougar removal, individuals must request that his/her name be placed on a list of available participants (participant list) by mailing their request to Washington Department of Fish and Wildlife, Enforcement Program - Public Safety Cougar Removal, 600 Capitol Way North, Olympia, WA 98501-1091. The request must include the individual's name, address, phone number, and region applying for (see page 4 of 2000 Big Game Hunting Seasons and Rules Pamphlet for region map). Individuals may apply for multiple regions. An individual's request to be placed on a participant list for the 2000-2001 removal must be postmarked no later than November 15, 2000, or received~~

at Washington department of fish and wildlife's (department) Olympia office no later than 5:00 p.m. on November 15, 2000.

(2) To be eligible for a public safety cougar removal permit (permit), participants must have at their disposal dogs capable of detecting and tracking cougar. The permit holder must use dogs while participating in a public safety cougar removal.

(3) Individuals eligible for participation in a public safety cougar removal will be randomly selected from the participant list. The department will issue a permit to the person whose name is selected from the participant list. Individuals selected will be notified by telephone or mail. Individuals selected must contact the department's enforcement program in Olympia and accept the public safety cougar removal permit within 15 days of being notified. Failure to contact the department will result in forfeit of the permit and the individual will be placed on the participant list for later selections. Permits may not be sold or reassigned.

(4) No more than four (4) total individuals may participate per public safety cougar removal, including the permit holder(s). Only the permit holder, whose name appears on the permit, may take a cougar.

(5) Permit holders shall notify the department's enforcement program in Olympia at least 24 hours prior to exercising a public safety cougar removal permit. The department reserves the right to accompany permit holders while participating in a public safety cougar removal.

(6) Permit holders must complete the department's public safety cougar removal education course prior to participating in a public safety cougar removal.

Definitions:

As used in this section and in the context of public safety cougar removals, the following definitions apply:

(1) "Confirmed" means qualified department staff is led to believe a cougar(s) was at the scene of the incident by interview of the complainant or observation of evidence at the scene.

(2) "Human cougar safety incident" means aggressive or unusual behavior by a cougar which presents an actual or perceived threat to an individual.

(3) "Livestock or pet depredation" means incidents where livestock and/or pets are killed and/or injured by cougar.

(4) "Marginal cougar habitat" means those areas usually dominated by urban/suburban, developed lands with relatively high human densities.

(5) "Nuisance activity" means incidents associated with property disturbance, property damage, or livestock/pet harassment.

(6) "Preferred cougar habitat" means those areas usually dominated by rural, undeveloped lands with relatively low human densities.

(7) "Public safety need" means there exists a reasonable threat to human safety or property by one or more cougar, as indicated by the level of confirmed human cougar safety incidents or livestock/pet depredations, and confirmed cougar sightings or nuisance activities.

(8) "Removal" means the act of killing one or more cougar with the aid of dogs.

(9) "Sighting" means a direct observation of one or more cougar, in urban or rural settings, near individuals or residences; typically more than chance observations.)

**WSR 01-13-094
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed June 19, 2001, 4:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-07-067.

Title of Rule: Commercial fishing rules.

Purpose: Prohibit landing thresher shark.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Prohibits landing thresher shark taken in coastal or offshore waters into a Washington port.

Reasons Supporting Proposal: Protection of thresher shark stocks.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Phil Anderson, 1111 Washington Street, Olympia, 902-2720; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Thresher shark are taken incidental to the swordfish fishery, but few swordfish are encountered off Washington or northern Oregon. Oregon has set a 10:1 ratio of swordfish to thresher shark in the Oregon experimental swordfish fishery, and does not allow landings in excess of that ratio. Fishers who target thresher shark, however, can land into Washington, which has neither a landing ratio nor restrictions on the shark fishery. Thus, the Oregon permit fishery has resulted in a directed thresher shark fishery, during a time that thresher shark stocks are rebuilding. It is expected that thresher shark fishing will be regulated by the Pacific Fisheries Management Council, but this is not anticipated until at least the winter of 2001. The current emergency rule prohibiting landing of thresher shark will expire. Thresher shark need protection and this rule will provide such protection until federal management plans take effect.

Proposal Changes the Following Existing Rules: New section.

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

Small Business Economic Impact Statement

1. Description of Reporting, Record-keeping, and Other Compliance Measures Required by Proposed Rule: None.

2. Profession[al] Services Required by the Rule: None.

3. Costs of Compliance, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: There is no cost of compliance.

4. Will Compliance Cost Businesses to Lose Sales or Revenue? This rule may result in a loss of sales revenue of persons who are in violation of the Oregon experimental swordfish-thresher shark fishery ratio, and make a landing into Washington that would be illegal into Oregon. The loss would be the amount of overage they could not land into Oregon, which cannot be estimated.

5. Comparison of Costs for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rule:
No additional costs.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses: There are no costs.

7. Description of How the Agency Will Involve Small Businesses in Rule Development: All of the participants in the Oregon swordfish fishery are Oregon licensees. The department has not been involved in the development of the Oregon experimental fishery.

8. List of Industries Required to Comply with the Rule: Coastal fishers who may not land thresher shark.

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

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

Hearing Location: Methow Valley Community Center, 231 Methow Valley Road, Twisp, on August 3-4, 2001, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 27, 2001, TDD (360) 902-2207, or (360) 902-2226.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98504-1091 [98501-1091], fax (360) 902-2155, by August 2, 2001.

Date of Intended Adoption: August 3, 2001.

June 19, 2001

Evan Jacoby
Rules Coordinator

NEW SECTION

WAC 220-44-045 Coastal bottomfish—Landing thresher shark prohibited. It is unlawful to land thresher shark taken in coastal or offshore waters into a Washington State port.

WSR 01-13-095
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 19, 2001, 4:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-07-068.

Title of Rule: Hunting rules.

Purpose: Allow use of crossbows by persons of disability.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Provide allowance for persons of disability to obtain an archery special use permit to use cross bows to hunt deer and elk.

Reasons Supporting Proposal: This accommodates persons of disability who want to participate in archery.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department has received a complaint that the archery rules unfairly discriminate against persons who cannot operate conventional bows, and thus prohibit participation in the archery seasons for deer and elk. The department is reviewing its earlier decision not to recommend to the commission that cross bows be authorized, and, instead, to design a program that allows persons with a physician's statement that they have a permanent disability that prohibits the use of conventional bow and arrow gear to obtain an archery special use permit. This permit would allow use of cross bows during deer and elk archery seasons only. The department believes this accommodation would comply with the Americans with Disability Act programmatic access.

Proposal Changes the Following Existing Rules: Allows limited use of cross bows.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect recreational hunters.

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

Hearing Location: Methow Valley Community Center, 231 Methow Valley Road, Twisp, on August 3-4, 2001, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 27, 2001, TDD (360) 902-2207, or (360) 902-2226.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98504-1091 [98501-1091], fax (360) 902-2155, by August 2, 2001.

Date of Intended Adoption: August 3, 2001.

June 19, 2001

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

WAC 232-12-054 ((~~Bow and arrow~~)) Archery requirements—Archery special use permits. (1) Rules pertaining to all archery:

(a) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during an archery season specified for that area.

(b) It is unlawful to have any electrical equipment or electric device(s) attached to the bow or arrow or bolt while hunting.

(c) It is unlawful to shoot a bow and arrow or crossbow and bolt from a vehicle or from, across or along the maintained portion of a public highway, except persons with a disabled hunter permit may shoot from a vehicle if the hunter is in compliance with WAC 232-12-828.

(d) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position, except persons with an archery special use permit may, during deer and elk archery seasons, use a device that holds a long bow, recurve bow, or compound bow at a full draw, and may use a mechanical or electrical release.

(e) It is unlawful to hunt wildlife with a crossbow, except persons with an archery special use permit may, during deer and elk archery seasons, use a crossbow as provided for in this section.

(f) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead, and the broadhead blade or blades are less than seven-eighths inch wide.

(g) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a smooth line toward the feather end of the shaft and such line does not angle toward the point.

(2) Rules pertaining to long bow, recurve bow and compound bow archery:

(a) It is unlawful for any person to hunt big game animals with a bow that possesses less than 40 pounds of pull measured at twenty-eight inches or less draw length or has a greater than 65% reduction (let off) in holding weight at full draw.

~~((2)) (b) It is unlawful to hunt big game animals with any arrow(, including broadhead,) measuring less than 20 inches in length(,) or weighing less than 6 grains per pound of draw weight ((and having sharp broadhead blade or blades less than seven eighths inches wide. It is unlawful to hunt with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a smooth line toward the feather end of the shaft and such line does not angle toward the point.~~

(3) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during the bow and arrow season specified for that area.

(4) It is unlawful to shoot at wildlife with an arrow from a vehicle or from, across or along the maintained portion of a public highway.

(5) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position.

(6) It is unlawful to have any electrical equipment or device(s) attached to the bow or arrow while hunting.

~~(7) It is unlawful to hunt wildlife with a crossbow)).~~

(3) Rules pertaining to crossbow archery:

(a) Persons with an archery special use permit may hunt deer and elk with a crossbow during deer and elk archery seasons.

(b) It is unlawful to hunt deer or elk with a crossbow that possesses less than 150 pounds of pull, or, if the crossbow is a compound crossbow, 150 pounds of pull before reduction.

(c) It is unlawful to hunt deer or elk with a crossbow bolt less than eighteen inches in length or weighing less than 400 grains.

(d) It is unlawful to hunt deer or elk with a crossbow that weighs more than fifteen pounds.

(4) Archery special use permits. An archery special use permit is available to a person who holds a valid big game combination package which includes deer or elk as a species option and who presents an archery special use permit application signed by a physician stating that the person's disability is permanent and the person has a loss of use of one or both upper extremities, has a significant limitation in the use of an upper extremity, or has a permanent physical limitation, which loss or limitation substantially impairs the ability to safely hold, grasp or shoot a long bow, recurve bow or compound bow. The loss or limitation may be the result of, but not limited to, amputation, paralysis, diagnosed disease, or birth defect. The approved archery special use permit must be in the physical possession of the person while using a crossbow to hunt deer or elk.

WSR 01-13-117

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed June 20, 2001, 10:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-07-085.

Title of Rule: WAC 246-928-440, 246-928-441, 246-928-442 and 246-928-443, continuing education requirements for licensed respiratory care practitioners.

Purpose: To implement the provisions of 2000 legislation (chapter 93, Laws of 2000). The proposed rules will mandate and define continuing education requirements for licensed respiratory care practitioners.

Statutory Authority for Adoption: RCW 18.89.050(1) and 18.89.140.

Statute Being Implemented: Chapter 18.89 RCW.

Summary: The statute requires licensed respiratory care practitioners to obtain thirty hours of continuing education.

Reasons Supporting Proposal: The proposed rules are necessary to define the continuing education requirements.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tracy Hansen, 1300 S.E. Quince Street, Olympia, WA 98504, (360) 236-4940.

Name of Proponent: Department of Health, governmental.

PROPOSED

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Health professions must be self supportive.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rules is to define the continuing education requirements for licensed respiratory care practitioners. The rules will require and ensure licensed respiratory care practitioners to obtain continuing education to further their knowledge.

Proposal does not change existing rules.

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

Small Business Economic Impact Statement

The proposed regulations will establish continuing education requirements for respiratory care practitioners. Under the Regulatory Fairness Act (chapter 19.85 RCW), a small business economic impact statement (SBEIS) is required whenever a regulation imposes "more than minor" costs on a regulated business.

This rule has been reviewed and does not affect small or large businesses. The companies that hire the licensees affected by the rule do not generally pay for continuing education. Further, the rule has been found not to have a disproportionate impact on the licensees because each licensee must obtain the same continuing education.

WAC 246-928-440 through 246-928-443 results from a new statutory requirement for continuing education as a condition for renewal of a respiratory care license. Thirty hours of continuing education are required. Respiratory care licenses are renewed every two years. This requirement is in the law and cannot be reduced.

Costs Required To Comply: WAC 246-928-440, the new statute requires all licensed respiratory care practitioners to obtain *thirty hours* of continuing education *every two years* as approved by the secretary. The cost is associated with obtaining the continuing education through programs approved by the secretary. Ten of the thirty hours must be obtained through continuing education courses endorsed by the American Association for Respiratory Care.

The most substantial cost come from obtaining the ten hours of continuing education. This is \$400-\$800 or \$200-\$400 annually. Typically a practitioner will have to attend two courses to obtain ten hours. Each course is approximately \$200-\$400. The remaining hours can be obtained through low or zero cost training options activities such as self-study modules and formal in-service programs. Two thirds to three fourths of health care practitioners obtain continuing education regardless of any mandates. "Health professionals work in a highly structured, regulated and accountable environment. The vast majority of licensed and certified health care practitioners participate in lifelong learning as a concomitant responsibility of their privileged professional status." (Morrison, R., *Resource Briefs*, 93-3 1993). Thus for most of the licensees, the lower cost twenty hours of continuing education is probably occurring in any case.

Records, which document completion of continuing education courses, must be retained by practitioners for four years. The documents that demonstrate completion are included in the cost of the course. No cost is attributed to maintaining these records and other notes since they can be put in a single small file and stored as a negligible share of the practitioner's other medical records. If a license is audited a cost of less than \$5 will cover copying and mailing in the file.

There are no equipment, supplies, or labor costs to comply with this rule.

Does the proposed rule affect both large and small businesses? The Regulatory Fairness Act defines a business as any "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." The act defines a small business as one that employs less than fifty individuals.

These rules do not regulate a business. These rules regulate individuals who are respiratory care practitioners and each respiratory care practitioner must obtain an individual license. Each practitioner must also obtain the continuing education hours individually.

Does the proposed rule impose disproportionate cost on small businesses? This rule is not expected to impose disproportionate costs on the licensees. The costs to comply with the rules are the same for each respiratory care practitioner.

What cost minimizing features have been included in the rule? This rule allows the following:

1. In the case of emergencies a one year extension can be granted.
2. Rather than submitting the records every two years, on a random basis, up to 25% may be audited.
3. Only ten rather than thirty hours of continuing education must be obtained through continuing education courses endorsed by the American Association for Respiratory Care.

After the cost minimizing features were included the costs will be from 1.13% to 2.27% of the average wages in the lowest paid SIC that hires the licensees.

How did the department involve the public in the development of the proposed rule? This program has maintained open contact with stakeholders during the course of the rules development. This open contact has been with a variety of stakeholders, such as, Respiratory Care Society of Washington, educators, other various related associations, the general public, and individuals credentialed under chapter 18.89 RCW.

Public involvement was solicited through one open public meeting in May 2000. The new legislative mandate that may require a new section to current rules was discussed. Two notices were also sent to stakeholders, one in January in 2001 to eighty stakeholders and one in February 2001 to six hundred five stakeholders to solicit comment regarding the drafting of the rule to implement HB 2452 continuing education for licensed respiratory care practitioners.

Some stakeholders objected to a preliminary draft, which stated that twenty of the thirty hours must be obtained from the American Association of Respiratory Care. The depart-

ment responded by changing the requirement to ten of the thirty hours.

How will the department notify the licensees of the change in the rule? The department will send a mailing to all licensees.

Table 1: 1999 Data for SIC Codes That Hire Licensed Respiratory Care Personnel

	Employer Units	Average Employment	Wages Paid	Average Number of Employees by Type of Employer Unit	Average Wages per Employee
80 HEALTH SERVICES					
8011 Offices & clinics of medical doctors	2,778	42,121	\$1,621,092,405	15.2	\$38,487
8049 Offices of health practitioners, nec	887	5,445	\$148,566,715	6.1	\$27,285
8051 Skilled nursing care facilities	277	27,043	\$564,319,574	97.6	\$20,867
8052 Intermediate care facilities	33	2,010	\$44,486,009	60.9	\$22,132
8059 Nursing and personal care, nec	94	3,506	\$61,791,932	37.3	\$17,625
8062 General medical & surgical hospitals	63	55,384	\$2,092,126,288	879.1	\$37,775
8082 Home health care services	151	7,706	\$147,132,546	51.0	\$19,093
8093 Specialty outpatient clinics, nec	237	7,010	\$196,604,721	29.6	\$28,046
8099 Health and allied services, nec	87	1,535	\$53,291,542	17.6	\$34,718
Other industries	140	671	\$15,494,778	4.8	\$23,092
Total	4,747	152,431	\$4,944,906,510	32.1	\$32,440
10% of Units	474.7				
Large Businesses Averaging more than 50 employees					
8051 Skilled nursing care facilities	277	27,043	\$564,319,574	97.6	\$20,867
8052 Intermediate care facilities	33	2,010	\$44,486,009	60.9	\$22,132
8062 General medical & surgical hospitals	63	55,384	\$2,092,126,288	879.1	\$37,775
8082 Home health care services	151	7,706	\$147,132,546	51.0	\$19,093
Large Businesses Total	524	92,143	\$2,848,064,417	175.8	\$30,909
Small Businesses Averaging fewer than 50 employees					
8011 Offices & clinics of medical doctors	2,778	42,121	\$1,621,092,405	15.2	\$38,487
8049 Offices of health practitioners, nec	887	5,445	\$148,566,715	6.1	\$27,285
8059 Nursing and personal care, nec	94	3,506	\$61,791,932	37.3	\$17,625
8093 Specialty outpatient clinics, nec	237	7,010	\$196,604,721	29.6	\$28,046
8099 Health and allied services, nec	87	1,535	\$53,291,542	17.6	\$34,718
Other industries	140	671	\$15,494,778	4.8	\$23,092
Total^	4,223	60,288	\$2,096,842,093	14.3	\$34,780
Number of Licensed Practitioners		3020			
Percent of total employees		1.98%			
Cost Minimizing Features of the Rule			\$ per license per 2 year period		
			Low Cost	High Cost	
Cost of training per person in AARC Classes			\$1,200	\$2,400	

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Minimum potential cost of alternate continuing education*	\$0	\$0
Savings from reducing the number of AARC hours of training from 30 to 10 hours	\$800	\$1,600
Final costs	\$400	\$800
Costs as a percentage of the lowest wage bill	1.13%	2.27%

^ Total for businesses, but particularly small businesses, does on [not] include sole proprietorships with no employees.

* The lowest cost alternative is self study by reading of the literature and writing up results, which has no charge.

A copy of the statement may be obtained by writing to Tracy Hansen, Program Manager, Respiratory Care Practitioners Program, P.O. Box 47870, Olympia, WA 98504-7870, phone (360) 236-4940, fax (360) 586-0745.

RCW 34.05.328 applies to this rule adoption. The rule is significant under RCW 34.05.238 [34.05.328] because it requires licensed respiratory care practitioners to obtain additional education. The agency has conducted the additional analysis required by RCW 34.05.328.

Hearing Location: Department of Health Conference Center, 1101 South Eastside Street, Olympia, WA 98504, on August 21, 2001, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Tracy Hansen by August 11, 2001, TDD (800) 833-6388, or (360) 236-4940.

Submit Written Comments to: Tracy Hansen, fax (360) 586-0745, by August 17, 2001.

Date of Intended Adoption: August 21, 2001.

June 17, 2001
M. C. Selecky
Secretary

NEW SECTION

WAC 246-928-440 Continuing education requirements. Purposes. The ultimate aim of continuing education is to ensure the highest quality of professional work. Continuing education consists of educational activities designed to review existing concepts and techniques and to convey information and knowledge about advances in respiratory care as applied to the work settings. The objectives are to improve and increase the ability of the respiratory care practitioner to deliver the highest possible quality of respiratory care work and to keep the professional respiratory care practitioner abreast of current developments in a rapidly changing field. All respiratory care practitioners licensed under chapter 18.89 RCW will be required to meet the continuing education requirements set forth in these rules as a prerequisite to license renewal.

NEW SECTION

WAC 246-928-441 Implementation. (1) This rule explains implementation process, the number of hours that are required, the type of continuing education approved by the secretary, how to demonstrate compliance of continuing education to the department, and the auditing of continuing education requirements.

(2) Effective July 2003, renewal of any current license or reinstatement of any license lapsed or on disciplinary status shall require evidence of completion of continuing education which meets the requirements of subsection (3) of this section.

(3) Requirements. RCW 18.89.140 requires that all licensed respiratory care practitioners seeking to renew their license shall acquire thirty credit hours of continuing respiratory care education every two years as required in chapter 246-12 WAC, Part 7.

NEW SECTION

WAC 246-928-442 Acceptable continuing education.

(1) Continuing respiratory care education must be a minimum of ten hours of continuing respiratory care education approved by the American Association for Respiratory Care. The remaining twenty hours of continuing respiratory care education may be in any of the following:

- (a) Additional courses approved by the American Association for Respiratory Care.
- (b) Category I level formal in-service approved by the American Association for Respiratory Care.
- (c) Courses in respiratory care approved by the American Medical Association, the American Osteopathic Association and the American Nurses Association.
- (d) Courses in Advanced Cardiac Life Support, Pediatric Advanced Life Support and Neonatal Resuscitation Program.
- (e) Courses in respiratory care at any college.
- (f) Self-study courses in respiratory care.
- (g) The National Board for Respiratory Care's self-assessment competency examination.
- (h) Educational offerings in respiratory care which include learning objectives provided by hospitals or health organizations.
- (i) Educational offerings in respiratory care which include learning objectives, where the licensee serves as the instructor subject to the limitation described in subsection (3) of this section.

(2) Documentation. Licensees are responsible for acquiring and maintaining all acceptable documentation of their continuing education activities. Acceptable documentation shall include transcripts, letters from course instructors, or certificates of completion or other formal certifications provided by hospitals, course instructors, and health organizations, as required in chapter 246-12 WAC, Part 7. In all cases other than transcripts, the documentation must show the participant's name, activity title, number of continuing educa-

PROPOSED

tion credit hours, date(s) of activity, instructor's name(s) and degree and the signature of the verifying individual program sponsor.

(3) The licensee who prepares and presents lectures or education courses that contributes to the professional competence of a licensed respiratory care practitioner may accumulate the same number of hours obtained for continuing education purposes by attendees as determined in WAC 246-12-220. The hours for presenting a specific topic lecture or education may only be used for continuing education credit once during each renewal period.

NEW SECTION

WAC 246-928-443 Verification of continuing education.

(1) The licensee shall:

(a) Verify on renewal forms provided by the department, that the minimum continuing education has been completed within the two-year renewal cycle prior to the licensee's renewal date; and

(b) Keep records for four years as required in chapter 246-12 WAC, Part 7.

(2) Audits. The department may conduct random compliance audits of continuing education records, as described in chapter 246-12 WAC, Part 7.

(3) Exemptions. In certain emergency situations, the department may excuse all or part of the continuing education requirement as described in chapter 246-12 WAC, Part 7. The department may require verification of the emergency.

WSR 01-13-118

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed June 20, 2001, 10:50 a.m.]

Original Notice.

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

Title of Rule: WAC 246-809-080, 246-809-120, 246-809-121, 246-809-130, 246-809-140, 246-809-220, 246-809-221, 246-809-230, 246-809-240, 246-809-320, 246-809-321, 246-809-340 and 246-809-990, licensure for mental health counselors, marriage and family therapists, and social workers. Duplicative sections will be repealed from chapter 246-810 WAC.

Purpose: The 2001 legislature mandated (chapter 251, Laws of 2001) the Department of Health establish education, experience, examination, AIDS/HIV, and fee requirements for licensed mental health counselors, marriage and family therapists, and social workers. This law is effective July 22, 2001. The proposed rules will enable the department to license qualified individuals. At that time certification is repealed and licensure becomes effective.

Other Identifying Information: This rule change takes exiting rules and statutes and places them in new sections of WAC.

Statutory Authority for Adoption: Chapter 251, Laws of 2001, RCW 43.70.250.

Statute Being Implemented: Chapter 251, Laws of 2001.

Summary: The proposed rule includes education requirements, program equivalency standards, experience and equivalency requirements, exam requirements and fee information.

Reasons Supporting Proposal: Certification standards will expire July 22, 2001. This proposal will enable qualified individuals to be licensed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Shellie Pierce, Program Manager, 1300 S.E. Quince Street, Olympia, WA, (360) 236-4902.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules implement chapter 251, Laws of 2001, effective July 22, 2001. At that time certification is repealed and licensure becomes effective. The statute mandates the department to establish education, experience, examination, and fee requirements for licensed mental health counselors, marriage and family therapists, and social workers. The statute does not provide sufficient information and requires further definitions through rule making. The proposed rules will help ensure a smooth transition from certification to licensure.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt per RCW 19.85.025(3) because this rule qualifies as exempt under RCW 34.05.310(4). These rules adopt, without material change, a new statute and existing regulations.

RCW 34.05.328 does not apply to this rule adoption. This rule qualifies under RCW 34.05.310(4). These rules adopt, without material change, a new statute and existing regulations.

Hearing Location: 1101 Eastside Street, Olympia, WA 98504, on July 25, 2001, at 9:00 - 10:00 a.m.

Assistance for Persons with Disabilities: Contact Shellie Pierce, Program Manager, by July 1, 2001, TDD (800) 833-6388, or (360) 236-4902.

Submit Written Comments to: Shellie Pierce, Program Manager, Counselor Programs, P.O. Box 47869, Olympia, WA 98504-7869, fax (360) 236-4909, by July 18, 2001.

Date of Intended Adoption: July 27, 2001.

June 20, 2001

M. C. Selecky
Secretary

LICENSED COUNSELORS—GENERAL REQUIREMENTS

NEW SECTION

WAC 246-809-080 AIDS prevention and information education requirements. Applicants must complete four

PROPOSED

clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

LICENSED MARRIAGE AND FAMILY THERAPISTS

NEW SECTION

WAC 246-809-120 Education requirements—Degree equivalents. (1) To meet the education requirement of chapter 251, Laws of 2001 (ESSB 5877), an applicant must possess a master's or doctoral degree in marriage and family therapy or a behavioral science master's or doctoral degree with equivalent coursework from an approved school. An official transcript must be provided as evidence of fulfillment of the coursework required.

(2) The following are considered to be equivalent to a master's or doctoral degree in marriage and family therapy from an approved school:

(a) A doctoral or master's degree from an approved school in any of the behavioral sciences that shows evidence of fulfillment of the coursework requirements set out in WAC 246-809-121; or

(b) A doctoral or master's degree in any of the behavioral sciences from an approved school that shows evidence of partial fulfillment of the equivalent coursework requirements set out in WAC 246-809-121, plus supplemental coursework from an approved school to satisfy the remaining equivalent coursework requirements set out in WAC 246-809-121.

(3) Applicants who held a behavioral science master's or doctoral degree and are completing supplemental coursework through an approved school to satisfy any missing program equivalencies may count any postgraduate experience hours acquired concurrently with the additional coursework.

(4) Anyone who has obtained American Association for Marriage and Family Therapy (AAMFT) clinical membership status is considered to have met the education requirements of this chapter. Verification must be sent directly to the department from the AAMFT.

NEW SECTION

WAC 246-809-121 Program equivalency. Coursework equivalent to a master's or doctoral degree in marriage and family therapy shall include graduate level courses in marital and family systems, marital and family therapy, individual development psychopathology, human sexuality, research, professional ethics and law, and supervised clinical practice and electives.

A total of forty-five semester credits and sixty quarter credits are required in all nine areas of study. A minimum of twenty-seven semester credits or thirty-six quarter credits are required in the first five areas of study: Marital and family systems, marital and family therapy, individual development psychopathology, human sexuality, and research. Distribution of the coursework is as follows:

(1) Marital and family systems.

(a) An applicant must have taken at least two courses in marital and family systems. Coursework required is a minimum of six semester credits or eight quarter credits.

(b) Marital and family systems is a fundamental introduction to the systems approach to intervention. The student should learn to think in systems terms on a number of levels across a wide variety of family structures, and regarding a diverse range of presenting problems. While the most intense focus may be on the nuclear family (in both its traditional and alternative forms), models should be taught which integrate information regarding the marital, sibling, and individual subsystems, as well as the family of origin and external societal influences. Developmental aspects of family functioning should also be considered of the family system; it also provides a theoretical basis for treatment strategy. Some material may be drawn from familiar sources such as family sociology, but it should be integrated with recent clinically oriented systems concepts. Supplemental studies may include family simulation, the observation of well families, and study of the student's family of origin.

(2) Marital and family therapy.

(a) An applicant must have taken at least two courses in marital and family therapy. Coursework required is a minimum of six semester credits or eight quarter credits.

(b) Marital and family therapy is intended to provide a substantive understanding of the major theories of systems change and the applied practices evolving from each orientation. Major theoretical approaches to be surveyed might include strategic, structural, experiential, neoanalytical (e.g., object relations), communications, and behavioral. Applied studies should consider the range of technique associated with each orientation, as well as a variety of treatment structures, including individual, concurrent, collaborative, conjoint marital, marital group, transgenerational, and network therapies.

(3) Individual development.

(a) An applicant must have taken at least one course in individual development. Coursework required is a minimum of two semester credits or three quarter credits.

(b) A course in this area is intended to provide a knowledge of individual personality development and its normal and abnormal manifestations. The student should have relevant coursework in human development across the life span, and in personality theory. An attempt should be made to integrate this material with systems concepts. Several of the courses in this category may be required as prerequisites for some degree programs.

(4) Psychopathology.

(a) An applicant must have taken at least one course in psychopathology. Coursework required is a minimum of two semester credits or three quarter credits.

(b) Psychopathology is the assessment and diagnosis including familiarity with current diagnostic nomenclature, diagnostic categories and the development of treatment strategies.

(5) Human sexuality.

(a) An applicant must have taken at least one course in human sexuality. Coursework required is a minimum of two semester credits or three quarter credits.

(b) Human sexuality includes normal psycho-sexual development, sexual functioning and its physiological aspects and sexual dysfunction and its treatment.

(6) Research.

(a) An applicant must have taken at least one course in research methods. Coursework required is a minimum of three semester credits or four quarter credits.

(b) The research area is intended to provide assistance to students in becoming informed consumers of research in the marital and family therapy field. Familiarity with substantive findings, together with the ability to make critical judgments as to the adequacy of research reports, is expected.

(7) Professional ethics and law.

(a) An applicant must have taken at least one course in professional ethics and law. Coursework required is a minimum of three semester credits or four quarter credits.

(b) This area is intended to contribute to the development of a professional attitude and identity. Areas of study will include professional socialization and the role of the professional organization, licensure or certification legislation, legal responsibilities and liabilities, ethics and family law, confidentiality, independent practice and interprofessional cooperation.

(8) Electives.

(a) An individual must take one course in an elective area. Coursework required is a minimum of three semester credits and four quarter credits.

(b) This area will vary with different institutions but is intended to provide supplemental and/or specialized supporting areas.

(9) Supervised clinical practice.

(a) An applicant may acquire up to nine semester credits or twelve quarter credits through supervised clinical practice in marriage and family therapy under the supervision of a qualified marriage and family therapist as determined by the school;

(b) If an applicant completed a master's or doctoral degree program in marriage and family therapy, or a behavioral science master's or doctoral degree with equivalent coursework, prior to January 1, 1997; and if that degree did not include a supervised clinical practice component, the applicant may substitute the clinical practice component with proof of a minimum of three years postgraduate experience in marriage and family therapy, in addition to the two years supervised postgraduate experience required under section 9(1), chapter 251, Laws of 2001 (ESSB 5877).

NEW SECTION

WAC 246-809-130 Supervised postgraduate experience. The following are experience requirements for the applicant's practice area:

(1) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of two calendar years of full-time marriage and family therapy. Of the total supervision, one hundred hours must be with a licensed marriage and family therapist with at least five years' clinical experience; the other one hundred hours may be with an equally qualified licensed mental health practitioner. Total experience requirements include:

(a) A minimum of three thousand hours of experience, one thousand hours of which must be direct client contact; at least five hundred hours must be gained in diagnosing and treating couples and families; plus

(b) At least two hundred hours of qualified supervision with a supervisor. At least one hundred of the two hundred hours must be one-on-one supervision, and the remaining hours may be in one-on-one or group supervision.

(2) Applicants who have completed a master's program accredited by the commission on accreditation for marriage and family therapy education of the American Association for Marriage and Family Therapy may be credited with five hundred hours of direct client contact and one hundred hours of formal meetings with an approved supervisor.

NEW SECTION

WAC 246-809-140 Examination. Examination required. Applicant must take and pass the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) examination. The passing score on the examination shall be that established by the testing company in conjunction with the AMFTRB.

LICENSED MENTAL HEALTH COUNSELORS

NEW SECTION

WAC 246-809-220 Education requirements. (1) To meet the education requirement imposed by section 9(1)(b)(i), chapter 251, Laws of 2001 (ESSB 5877), an applicant must possess a master's or doctoral degree in mental health counseling or a behavioral science master's or doctoral degree in a field relating to mental health counseling from an approved school. Fields recognized as relating to mental health counseling may include counseling, psychology, social work, nursing, education, pastoral counseling, rehabilitation counseling, or social sciences. Any field of study qualifying as related to mental health counseling must satisfy coursework equivalency requirements included in WAC 246-809-221. An official transcript must be provided as evidence of fulfillment of the coursework required.

(2) Any supplemental coursework required must be from an approved school.

(3) Applicants who held a behavioral science master's or doctoral degree and are completing supplemental coursework through an approved school to satisfy any missing program equivalencies may count any postgraduate experience hours acquired concurrently with the additional coursework.

(4) A person who is a Nationally Certified Counselor (NCC) or a Certified Clinical Mental Health Counselor (CCMHC) through the National Board of Certified Counselors (NBCC) is considered to have met the education requirements of this chapter. Verification must be sent directly to the department from NBCC.

NEW SECTION

WAC 246-809-221 Behavioral sciences—Program equivalency. Behavioral science in a field relating to mental health counseling includes a core of study relating to counseling theory and counseling philosophy. Either a counseling practicum, or a counseling internship, or both, must be included in the core of study. Exclusive use of an internship

or practicum used for qualification must have incorporated supervised direct client contact. This core of study must include seven content areas from the entire list in subsections (1) through (17) of this section, five of which must be from content areas in subsections (1) through (8) of this subsection:

- (1) Assessment/diagnosis.
- (2) Ethics/law.
- (3) Counseling individuals.
- (4) Counseling groups.
- (5) Counseling couples and families.
- (6) Developmental psychology (may be child, adolescent, adult or life span).
- (7) Psychopathology/abnormal psychology.
- (8) Research and evaluation.
- (9) Career development counseling.
- (10) Multicultural concerns.
- (11) Substance/chemical abuse.
- (12) Physiological psychology.
- (13) Organizational psychology.
- (14) Mental health consultation.
- (15) Developmentally disabled persons.
- (16) Abusive relationships.
- (17) Chronically mentally ill.

NEW SECTION

WAC 246-809-230 Supervised postgraduate experience. The following are experience requirements for the applicant's practice area:

Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of thirty-six months full-time counseling or three thousand hours of postgraduate mental health counseling under the supervision of a qualified licensed mental health counselor in an approved setting. The three thousand hours of required experience includes a minimum of one hundred hours spent in immediate supervision with the qualified licensed mental health counselor, and includes a minimum of one thousand two hundred hours of direct counseling with individuals, couples, families, or groups.

NEW SECTION

WAC 246-809-240 Examination for licensed mental health counselors. (1) A written licensure examination on knowledge and application of mental health counseling must be administered at least once a year. Application and application fee must be submitted at least ninety days prior to the scheduled examination date. All other supporting documents, including verification of supervised postgraduate experience, must be submitted sixty days prior to the examination date.

(2) Applicants who take and pass the National Board of Certified Counselors (NBCC), National Certification Examination (NCE) or the National Clinical Mental Health Counselor Examination (NCMHCE) have met the examination requirement of chapter 251, Laws of 2001 (ESSB 5877). Verification of successful completion and passage of the NBCC examination is to be provided directly to the department of

health by NBCC at the request of the applicant for Washington state mental health counselor.

(3) The passing score established by the testing company is the passing score accepted by the department of health.

LICENSED SOCIAL WORKERS

NEW SECTION

WAC 246-809-320 Education requirements and supervised postgraduate experience. The following are education and experience requirements for the applicant's practice area:

(1) Licensed advanced social worker.

(a) Graduation from a master's or doctoral social work educational program accredited by the council on social work education and approved by the secretary based upon nationally recognized standards; and

(b) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of three thousand two hundred hours with ninety hours of supervision by a licensed independent clinical social worker or a licensed advanced social worker who has been licensed or certified for at least two years. Of those hours, fifty hours must include direct supervision by a licensed advanced social worker or licensed independent clinical social worker; the other forty hours may be with an equally qualified licensed mental health practitioner. Forty hours must be in one-to-one supervision and fifty hours may be in one-to-one supervision or group supervision. Distance supervision is limited to forty supervision hours. Eight hundred hours must be in direct client contact.

(2) Licensed independent clinical social worker.

(a) Graduation from a master's or doctorate level social work educational program accredited by the council on social work education and approved by the secretary based upon nationally recognized standards; and

(b) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of four thousand hours of experience, of which one thousand hours must be direct client contact, over a three-year period supervised by a licensed independent clinical social worker, with supervision of at least one hundred thirty hours by a licensed mental health practitioner. Of the total supervision, seventy hours must be with an independent clinical social worker; the other sixty hours may be with an equally qualified licensed mental health practitioner. Sixty hours must be in one-to-one supervision and seventy hours may be in one-to-one supervision or group supervision. Distance supervision is limited to sixty supervision hours.

NEW SECTION

WAC 246-809-321 Education and experience equivalency. (1)(a) Persons who obtained the Board Certified Diplomate in Clinical Social Work from the American Board of Examiners in Clinical Social Work (ABECSW) shall be considered to have met the education and postgraduate experi-

ence requirements to be eligible for Washington state licensure examination.

(b) Documentation of ABECSW Board Certified Diplomate in Clinical Social Work must be sent directly to the department from the ABECSW.

(2)(a) Persons who obtained the Diplomate in Clinical Social Work (DCSW) or Qualified Clinical Social Work (QCSW) from the National Association of Social Workers (NASW) shall be considered to have met the education and postgraduate experience requirements to be eligible for Washington state licensure examination.

(b) Documentation of DCSW or QCSW must be sent directly to the department from NASW.

NEW SECTION

WAC 246-809-340 Examination required. (1) Either the American Association of State Social Work Board's advanced or clinical examination is approved for use as the state examination for licensure of social workers.

(2) The passing score established by the testing company is the passing score accepted by the department of health.

NEW SECTION

WAC 246-809-990 Fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

Title	Fee
(2) The following nonrefundable fees will be charged for licensed marriage and family therapist:	
Application	\$50.00
Initial license	25.00
Renewal	83.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Duplicate license	10.00
Certification of license	10.00
(3) The following nonrefundable fees will be charged for licensed mental health counselor:	
Application	25.00
Initial license	25.00
Renewal	29.00
Late renewal penalty	29.00
Expired license reissuance	29.00
Duplicate license	10.00
Certification of license	10.00
(4) The following nonrefundable fees will be charged for licensed social worker:	
Application	25.00
Initial license	25.00
Renewal	42.00

Title	Fee
Late renewal penalty	42.00
Expired license reissuance	42.00
Duplicate license	10.00
Certification of license	10.00

**WSR 01-13-120
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Filed June 20, 2001, 10:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-077.

Purpose: To adopt WAC 232-28-425 2001-02 Migratory waterfowl seasons and regulations; to repeal WAC 232-28-424 2000-01 Migratory waterfowl seasons and regulations; and to amend WAC 232-12-068 Nontoxic shot requirements and 232-12-257 Use of waterfowl decoys on department lands.

Statutory Authority for Adoption: RCW 77.12.040.
Statute Being Implemented: RCW 77.12.040.

Summary: **WAC 232-28-425 2001-02 Migratory waterfowl seasons and regulations**, the WAC specifies legal season dates, bag limits, and open areas to hunt waterfowl for the 2001-02 hunting season. Waterfowl seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the United States Fish and Wildlife Service, considering population status and other biological parameters. The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington. There is no impact to small business.

WAC 232-28-424 2000-01 Migratory waterfowl seasons and regulations, this proposed action repeals an obsolete WAC and avoids contradictions with existing regulations to meet the intent of current WAC. There is no impact to small business.

WAC 232-12-068 Nontoxic shot requirements, this amendment delegates authority from the commission to the director in establishing allowable nontoxic shot types for waterfowl, coot, and snipe hunting. The commission has requested this amendment to provide greater efficiency in the approval of new nontoxic shot types allowed by United States Fish and Wildlife Service. Nontoxic shot reduces mortalities caused by lead shot poisoning and increases the health of wildlife populations. There is no impact to small business.

WAC 232-12-257 Use of waterfowl decoys on department lands, the amendment restricts the use of battery-powered and other electronic waterfowl decoys. Biological impacts of battery-powered and other electronic waterfowl decoys are currently unknown. There is no impact to small business.

Reasons Supporting Proposal: See Summary above.

PROPOSED

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

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

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

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

Proposal Changes the Following Existing Rules: See Summary above.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Methow Valley Community Center, 201 Methow Valley Highway, Twisp, WA, on August 3-4, 2001, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by June 27, 2001, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 20, 2001.

Date of Intended Adoption: August 3, 2001.

June 20, 2001

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-28-425 2001-02 Migratory waterfowl seasons and regulations.

DUCKS

Statewide

Oct. 6-17, 2001 and Oct. 20, 2001 - Jan. 20, 2002

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 22-23, 2001

Daily bag limit: 7 ducks—to include not more than 2 hen mallards, 1 pintail, 4 scaup, 2 redheads, 1 canvasback, 1 harlequin, 4 scoters, and 4 oldsquaws.

Possession limit: 14 ducks—to include not more than 4 hen mallards, 2 pintails, 8 scaup, 4 redheads, 2 canvasbacks, 1 harlequin, 8 scoters, and 8 oldsquaws.

COOT (Mudhen)

Same areas, dates (including Youth Hunting Weekend), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates (except Youth Hunting Weekend), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

GEESE (except Brant and Aleutian Canada geese)

Special Youth Hunting Weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 22-23, 2001, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily bag limit: 4 Canada geese.

Possession limit: 8 Canada geese.

Western Washington Goose Seasons

Goose Management Area 1

Island, Skagit, Snohomish counties

Oct. 6, 2001 - Jan. 1, 2002 for snow, Ross', or blue geese

Oct. 6-25, 2001 and Nov. 3 - Jan. 20, 2002 for other geese (except Brant and Aleutian Canada geese)

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW

GEESE. All persons hunting snow geese in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2000-2001 authorization and returned the harvest report prior to the deadline will be mailed a 2001-02 authorization in early October. Hunters who did not possess a 2000-2001 authorization must fill out an application (available at Washington department of fish and wildlife Olympia and regional offices). Application forms must be delivered to a department office no later than September 25 or post-marked on or before September 25 in order for applicants to be mailed a 2001-2002 authorization before the season starts. No applications will be accepted after October 31, 2001. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. Those hunters not returning the harvest report to the Washington department of fish and wildlife by January 31, 2002, will be ineligible to participate in the 2002-03 snow goose season.

Goose Management Area 2A

Cowlitz, Wahkiakum counties, that part of Clark County north of the Washougal River.

Open on the following days from 8:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, and Thursdays only, Nov. 21, 2001 - Jan. 13, 2002, except Ridgefield NWR (Zone 1). Ridgefield NWR (Zone 1): Saturdays, Mondays, and Wednesdays only, Nov. 21, 2001 - Jan. 13, 2002.

Goose Management Area 2B

Pacific and Grays Harbor counties.

Open on the following days from 8:00 a.m. to 4:00 p.m.: Saturdays, Sundays, and Wednesdays only, Nov. 10 - Dec. 30, 2001.

Bag limits for Goose Management Areas 2A and 2B:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, and not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, and not more than 6 snow, Ross', or blue geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

Special Provisions for Goose Management Areas 2A and 2B:

The Canada goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 80 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 80 dusks, to be distributed 10 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County except Ridgefield NWR); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); 10 for Zone 5 (Pacific County); and 5 for Zone 6 (Grays Harbor County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunting is only permitted by written authorization from the Washington department of fish and wildlife. Hunters who maintained a valid 2000-2001 written authorization will be mailed a 2001-02 authorization card prior to the 2001-02 season. New hunters and those who did not maintain a valid 2000-2001 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive written authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time. Information on training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a harvest report. Hunters must carry the authorization card and harvest report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the harvest report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report, written authorization will be invalidated and the hunter will not be able to hunt

Canada geese in Goose Management Areas 2A and 2B for the remainder of the season and the Special Late Canada Goose Season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

Goose Management Area 2A**Special Late Canada Goose Season**

Open to Washington department of fish and wildlife Advanced Hunter Education (AHE) program graduates and youth hunters (15 years of age or under, who are accompanied by an AHE hunter) possessing a valid 2001-02 southwest Washington Canada goose hunting authorization, in areas with agricultural goose damage in Goose Management Area 2A on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, and Wednesdays, January 19 - March 10, 2002

Daily bag limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Possession limit: 8 Canada geese, to include not more than 1 dusky Canada goose.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm.

Hunters qualifying for the season will be placed on a list for participation in this hunt. Washington department of fish and wildlife will assist landowners with contacting qualified hunters to participate in damage control hunts on specific agricultural lands incurring goose damage. The Special Late Canada Goose Season will be closed by emergency action if the harvest of dusky Canada geese exceeds 85 for the regular and late seasons. All provisions listed above for Goose Management Areas 2A and 2B regarding written authorization, harvest reporting, and checking requirements also apply to the Special Late Season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the Special Late Season in Goose Management Area 2A.

Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B.

Oct. 6-25, 2001 and Nov. 3 - Jan. 20, 2002

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

Eastern Washington Goose Seasons**Goose Management Area 4**

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

PROPOSED

Saturdays, Sundays, and Wednesdays only during Oct. 6-28, 2001 and Nov. 3 - Jan. 13, 2002; Nov. 12, 22, 23, Dec. 25, 2001, and Jan. 1, 2002; and every day Jan. 14-20, 2002.

Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Every day, from Oct. 6-25, 2001 and Nov. 3 - Jan. 20, 2002.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

BRANT

Open in Skagit and Pacific counties only on the following dates:

Jan. 12, 13, 16, 19, and 20, 2002

In January 2001, the brant wintering population in Padilla/Samish/Fidalgo bays was below objective levels and the January 2001 season was canceled. If the 2001-02 preseason wintering brant population in Skagit County is below 6,000 (as determined by the winter survey in late December/early January), the January 2002 brant season in Skagit County will be canceled.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2000-2001 authorization will be mailed a 2001-02 authorization in December. Hunters who did not possess a 2000-2001 authorization must fill out an application (available at Washington department of fish and wildlife regional offices). Application forms must be delivered to a department office no later than 5:00 p.m. on November 9 or postmarked on or before November 9, after which applicants will be mailed a 2001-02 authorization in December. Late applications will not be accepted. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. Those hunters not returning the harvest report to the Washington department of fish and wildlife by January 31, 2002, will be ineligible to participate in the 2002-02 brant season.

Bag limits for Skagit and Pacific counties:

Daily bag limit: 2 brant.

Possession limit: 4 brant.

ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

FALCONRY SEASONS

DUCKS, COOTS, AND SNIPE (Falconry)

(Bag limits include geese and mourning doves.)

Oct. 6-17, 2001 and Oct. 20, 2001 - Jan. 20, 2002, statewide

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

GEESE (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves.)

Oct. 6-25, 2001 and Nov. 3, 2001 - Jan. 20, 2002, statewide, except Goose Management Areas 1, 2A, and 2B.

Goose Management Area 1: Oct. 6, 2001 - Jan. 1, 2002

Goose Management Area 2A: Saturdays, Sundays, and Thursdays only, Nov. 21, 2001 - Jan. 13, 2002 and Jan. 19 - Mar. 10, 2002; except Ridgefield NWR (Zone 1). Ridgefield NWR (Zone 1): Saturdays, Mondays, and Wednesdays only, Nov. 21, 2001 - Jan. 13, 2002.

Goose Management Area 2B: Saturdays, Sundays, and Wednesdays only, Nov. 10 - Dec. 30, 2001.

Daily bag limit for all areas: 3 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

Possession limit for all areas: 6 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-424	2000-01 Migratory waterfowl seasons and regulations
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AMENDATORY SECTION (Amending WSR 01-10-048, filed 4/26/01)

WAC 232-12-068 Nontoxic shot requirements. It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes steel shot, bismuth-tin shot 97 parts bismuth: 3 parts tin with <1 percent residual lead), tungsten-iron shot 40 parts tungsten: 60 parts iron with <1 percent residual lead), tungsten-polymer shot 95.5 parts tungsten: 4.5 parts nylon 6 or 11 with <1 percent residual lead), tungsten-matrix shot 95.9 parts tungsten: 4.1 parts polymer with <1 percent residual lead), tin shot (99.9 percent tin with <1 percent residual lead), or tungsten-nickel-iron shot (50% tungsten: 35% nickel: 15% iron with <1 percent residual lead). The Director may adopt additional nontoxic shot types consistent with federal regulations.

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot in the following areas:

- Bridgeport Bar segment of the Well's Wildlife Area
- Cowlitz Wildlife Area
- Lake Terrell Wildlife Area (including Tennant Lake and other segments)
- Shillapoo Wildlife Area
- Skagit Wildlife Area (all segments)

Snoqualmie Wildlife Area (all segments)
 Sunnyside Wildlife Area
 The Driscoll Island, Hegdahl, and Kline Parcel segments
 of the Sinlahekin Wildlife Area
 Vancouver Lake Wildlife Area

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for game birds or game animals in the following areas:

Chehalis River pheasant release site
 Dungeness Recreation Area
 Hunter Farms pheasant release site
 Raymond Airport pheasant release site
 Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge
 Whidbey Island Seaplane Base, OLF Coupeville, and Bayview pheasant release sites

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

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00)

WAC 232-12-257 Use of waterfowl decoys (~~on department lands~~) (1) On days open to waterfowl hunting, persons using lands or waters controlled by the department shall not:

- (a) Place waterfowl decoys prior to 4:00 a.m.;
 - (b) Allow or permit waterfowl decoys to be unattended or not in their immediate control for a period greater than one hour; or
 - (c) Fail to remove waterfowl decoys within two hours after the close of established daily hunting hours.
- (2) On days closed to waterfowl hunting, persons using lands or waters controlled by the department shall not place waterfowl decoys except as authorized by permit of the director.
- (3) It is unlawful to hunt waterfowl with the use or aid of battery-powered or other electronic devices as decoys.
~~((3))~~ (4) This regulation shall be enforced under RCW 77.15.400.

WSR 01-13-121
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 20, 2001, 10:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-107.

Title of Rule: Aquatic disease control.

Purpose: Amend ballast water discharge rules.

Statutory Authority for Adoption: RCW 77.12.047, 77.120.040.

Statute Being Implemented: RCW 77.12.047.

Summary: Effects ballast water discharge reporting and establishes interim treatment approval program.

Reasons Supporting Proposal: The department has a legislative mandate to prevent the introduction of deleterious species through ballast water discharge.

Name of Agency Personnel Responsible for Drafting: Scott Smith, 1111 Washington Street, Olympia, WA, (360) 902-2724; Implementation: Lew Atkins, 1111 Washington Street, Olympia, WA, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule changes the filing of the ballast water report form and provides two places for reporting. It also establishes a requirement for vessels which will not discharge to notify the department. These two requirements will allow monitoring of ballast water discharge by reporting parties. The rule establishes an interim program for approval of new technologies for treatment of ballast water that has not been exchanged at sea. The program contains an approval process and treatment standards. It is anticipated that some vessels will be unable or unwilling to complete at-sea exchanges and will want to discharge ballast water. Effective treatment is needed to prevent the introduction of nuisance and deleterious species.

Proposal Changes the Following Existing Rules: Amends ballast water discharge reporting rule.

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

Small Business Economic Impact Statement

1. Description of Reporting Record-keeping and Other Compliance Measures Required by Proposed Rule: This rule continues the requirement for filing a ballast water report if a discharge of ballast water is to be made. Vessels that will not discharge ballast water will be required to report to the department.

2. Profession[al] Services Required by the Rule: Beginning in 2002, unexchanged ballast water may only be discharged if treated. While this rule provides no mandatory treatment program, it sets standards for the treated effluent. Professional services will be necessary to prepare the technology study plan and ensure the treatment standards are achieved.

3. Costs of Compliance, Including Costs of Equipment, Supplies, Labor and Increased Administrative Costs: For reporting, there are no additional costs above current costs for vessels that will discharge ballast water. Vessels that will not discharge ballast water have a one-time cost of notifying the department, and the cost of such notice is estimated to be less than \$25. Regarding treatment of ballast water prior to discharge, there is no mandated treatment technology, and since an at-sea exchange obviates the need for treatment, it is unknown if vessels will seek to use treatment technology, and

if so, what treatment technology may be sought. The department cannot estimate the costs of compliance.

4. Will Compliance Cost Businesses to Lose Sales or Revenue? A loss of revenue could occur if a number of vessels used a single treatment facility and there was a delay in discharging ballast water prior to loading a vessel. This could delay the departure of the vessel, and cause a loss of revenue.

5. Comparison of Costs for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rule:

Reporting: No difference.

Treatment: Unknown if the largest businesses will utilize treatment technology, or what technology might be used. If the treatment cost is by unit of volume, there should be a proportional increase for the volumetric ballast amount, but this does not suggest the largest businesses use the largest vessels.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses: The department will appoint a scientific advisory panel and a maritime advisory panel. If a small business chooses to submit a detailed study report for a new treatment technology, the panels will review the proposal for effectiveness and efficiency. If the proposed technology is shown to be an effective treatment technology, a preliminary five-year approval can be given. Such approval will reduce technology development costs for all applicants, but should have disproportional benefit for small businesses which have a lesser budget for research and development.

7. Description of How the Agency will Involve Small Businesses in Rule Development: This rule proposal is a product of joint industry-department collaboration. The development of reporting requirements and effluent standards has been reviewed by affected shippers. The department will continue to work with industry to review and approve appropriate technologies for ballast water treatment.

8. List of Industries Required to Comply with the Rule: Vessels that discharge ballast water into Washington state waters.

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

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

Hearing Location: Methow Valley Community Center, 231 Methow Valley Road, Twisp, on August 3-4, 2001, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 27, 2001, TDD (360) 902-2207, or (360) 902-2226.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2940, by August 2, 2001.

Date of Intended Adoption: August 3, 2001.

June 20, 2001

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 00-163, filed 8/22/00, effective 9/22/00)

WAC 220-77-090 Ballast water management and control—Reporting and sampling requirements. (1) Vessels which are subject to Chapter 77.120 RCW and which intend to discharge ballast water into Washington state waters must report ballast water management information at least twenty-four hours ((before a vessel subject to chapter 108, Laws of 2000, enters)) prior to entering Washington waters ((intending to discharge ballast water, or twenty-four hours prior to the actual discharge of the ballast water, the master of the vessel must report ballast water management information in written or electronic form to the Washington department of fish and wildlife. This information may be submitted)) by filing a ballast water report pursuant to Title 33 C.F.R. Part 151.2045((, or the report may be forwarded through a recognized marine trade association in a timely manner. Failure to comply may trigger civil penalties under section 8, chapter 108, Laws of 2000:)) with the department's designated agents as follows:

(a) Vessels bound for Puget Sound or coastal ports must file their ballast water reporting form with the Marine Exchange of Puget Sound in Seattle. Forms must be submitted by fax to (206) 443-8205 or in electronic format to "waballast@aol.com."

(b) Vessels bound for Washington ports on the Columbia River must file their ballast water reporting form with the Merchants Exchange of Portland. Forms must be submitted by fax to (503) 295-3660 or in electronic format to "wainwright@pdxmex.com."

(2) ((The)) Vessels not intending to discharge ballast water into Washington state waters must notify the department(, with assistance from recognized marine trade associations, will compile the)) in one of the following ways:

(a) Vessel operators who do not wish to file a ballast water ((management information required under subsection (1) of this section, compare ballast water reports with vessel arrivals, determine vessel reporting rates, and evaluate the adequacy of ballast water exchange monitoring)) reporting form may send a letter to the state ANS coordinator, at Department of Fish and Wildlife, 600 Capitol Way No., Olympia, WA 98501-1091, which includes the following information:

(i) Vessel name, identification number (International Maritime Organization, Lloyds of London or U.S. Coast Guard registry number), owner, agent and vessel type; and

(ii) A statement that the vessel will not discharge ballast water unless the vessel operator complies with Washington State ballast management law.

(b) Vessels that would normally discharge ballast water, but will not discharge on any given trip may continue to file the ballast water reporting form, with "not discharging" written in the ballast water history section.

(3) The department, or designated representatives, may at reasonable times and in a reasonable manner, during a vessel's scheduled stay in port, take samples of ballast water and sediment, may examine ballast water management records, and may make other appropriate inquiries to assess the com-

pliance of vessels with ballast water reporting and control requirements, or to conduct ballast water research.

~~((4) No vessel may discharge ballast water into state waters if the ballast water has a salinity level less than thirty parts per thousand combined with viable aquatic organisms, unless specifically exempted in chapter 108, Laws of 2000.))~~

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

NEW SECTION

WAC 220-77-095 Interim ballast water discharge standard approval process. (1) Vessels subject to RCW 77.120 that have not adequately exchanged their ballast water must treat their ballast prior to discharge into Washington waters, after July 1, 2002. The interim approval process shall be used to evaluate ballast water treatment technologies and provide approval for certain technologies that are determined to meet the Washington State interim ballast water discharge standard. Only ballast water treatment technologies that are approved through this process may be used to discharge treated ballast water into Washington waters following the guidelines identified within the approval process. Ballast water treatment technology vendors, or vessel owners may submit any type of on-board or port-based ballast treatment technology for evaluation through the following process:

(a) Applications for approval will be accepted by the director or the director's designee at any time. The applicant is to be notified of the completeness of the application package within 10 working days. If the application package is incomplete, the application will be returned to the applicant with an explanation of deficiencies or if the deficiencies are minimal, held for 30 days to allow the applicant to correct the deficiencies. Formal reviews of supporting data and proposed study plans will be completed within 45 days of receipt of the complete application package.

(b) Formal reviews will be conducted by a science advisory panel and a maritime advisory panel. Panel members will be appointed by the director or the director's designee. The science advisory panel will provide recommendations to the Director or the Director's designee regarding the ability of each technology to meet the Washington State interim ballast water discharge standard, the adequacy of the proposed study plan, and determine if each technology should be considered as a promising technology that could be considered as a best available technology. The maritime advisory panel will provide recommendations to the Director or the Director's designee regarding the ability of each technology to meet the practical needs of the maritime industry, including safety, practicality and cost effectiveness, and determine if each technology should be considered as a promising technology that could be considered as a best available technology.

(c) The director, or the Director's designee, shall take into consideration the findings of the Scientific Advisory Panel, and the Maritime Advisory Panel and make one of the following determinations:

(i) Approve a technology as meeting the Washington State interim ballast water discharge standard for a period of 5 years with stipulations for scientific evaluation. Approval

may be revoked if new information shows the technology to be grossly inadequate and incapable of being retrofitted to correct the inadequacy.

(ii) Grant conditional approval for use on a specific number of vessels for further full-scale testing.

(iii) Deny approval.

(d) Criteria for review. Applications for interim approval of a ballast water treatment system shall be evaluated on the completeness of the following:

(i) A letter of commitment from the technology vendor, the vessel owner installing the technology, and the principle investigators conducting the tests, stating their intents to carry out all components of the study plan for which they are responsible. Principle investigators must be qualified independent researchers. Applications for a port-based treatment system should include a letter of commitment from a port authority that the system is to be operated in.

(ii) Documentation stating that the residual concentrations of any primary treatment chemicals or chemicals that occur as by-products of the treatment meet all applicable regulatory requirements.

(iii) All available documentation describing the technical, operational and installation characteristics of the system.

(iv) Documentation from preliminary experiments that demonstrate the potential of the system to meet the Washington State interim ballast water discharge standard. Each technology must be evaluated for its ability to inactivate or remove 95% of zooplankton species and 99% of phytoplankton and bacteria species. Indicator species may be used to evaluate the technologies effectiveness. Technologies may be approved that do not currently meet this criteria, but show promise for improvement or are considered to be a best available technology. The technology should include easily verifiable indicators to insure the system was operational and effectively treating ballast at the time of treatment.

(v) The discharge from a technology must be environmentally sound and in compliance with existing water quality discharge laws.

(e) Each proposed technology must include a detailed study plan that:

(i) Is organized according to a department-approved standardized format.

(ii) Evaluates the effectiveness of the treatment system over a range of operational conditions during operations, including the cumulative hours of operation, volumes treated, times since the tanks were last cleaned of sediment, abundance of organisms, organic and inorganic load, temperature and salinity of water.

(iii) Identifies explicit hypotheses about potential limiting conditions of the specified ship and route or land based site such as water quality attributes that may affect the performance of the equipment.

(iv) Assures that samples are representative of the flow or volume from which they are taken.

(v) Contains a detailed quality assurance and/or quality control plan.

(2) Conditions of Approval.

(a) Approval of a technology shall lapse after 1 year if the system is not installed or the testing begun as proposed.

PROPOSED

(b) Systems approved under the interim approval would be considered to meet all ballast water treatment requirements promulgated by the department for a period of 5 years. In the event subsequent work reveals adverse effects on ecology or human health, approval of the system will lapse, if the treatment system cannot be repaired to address the systems inadequacies.

(c) Systems approved under the interim process will be subject to all subsequent standards and regulations upon the expiration of the interim approval period.

(d) Interim approval is contingent on adherence to the detailed study plan described in the application and agreed upon by the applicant and the department.

(e) The principal scientists and engineers responsible for conducting and analyzing the tests shall submit a report documenting the performance of the equipment and results of the testing to the department 12 months after installation. Further testing may or may not be required based upon the test results.

(f) Vessels or technologies receiving interim approval shall be subject to inspections by the department or the department's designated representative to verify adherence with the terms of this interim approval agreement and the operation of the treatment systems.

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 01-13-124

PROPOSED RULES

REDISTRICTING COMMISSION

[Filed June 20, 2001, 11:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-102.

Title of Rule: As proposed, chapter 417-02 WAC, Public records, would establish public records rules for the commission.

Purpose: To establish and implement public records rules to ensure proper compliance with state law and to reflect procedures required to effectively execute commission responsibilities.

Statutory Authority for Adoption: RCW 44.05.080(1).

Summary: The commission, which was reconvened in January 2001, is required to prepare a redistricting plan according to the specification of the state constitution and state law. Because of the decennial nature of the commission, and the importance of public participation and input in the development [of] such plans, the commission finds that the public records rules must be promptly established to ensure compliance with state law and effectively execute statutory requirements.

Reasons Supporting Proposal: No public records rules are in effect for the commission.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ethan Moreno, 505 East

Union Avenue, Suite 350, Olympia, 98504-0948, (360) [(360)] 586-9000.

Name of Proponent: Washington State Redistricting Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 417-02 WAC would establish public records rules for the commission. The proposed rules would develop guidelines for public inspection and/or copying of commission records, in accordance with state law. The rules would also establish a public records officer; office hours of inspection; exemptions; protection of public records; a public records request form; and a public records index.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not affect small businesses.

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

Hearing Location: Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104, on August 2, 2001, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Ethan Moreno by July 26, 2001, TDD (360) 753-1485, or the Office of the Secretary of State.

Submit Written Comments to: Washington State Redistricting Commission, Administrative Rules Update, P.O. Box 40948, Olympia, WA 98501, fax (360) 586-8995, by August 1, 2001.

Date of Intended Adoption: August 3, 2001.

June 20, 2001

Ethan Moreno

Executive Director

Chapter 417-02 WAC

PUBLIC RECORDS

NEW SECTION

WAC 417-02-100 Purpose. The purpose of this chapter is to establish methods by which the commission will comply with the provisions of chapter 42.17 RCW dealing with public records.

NEW SECTION

WAC 417-02-105 Definitions. As used in this chapter:

(1) All words and phrases defined in chapter one of this title (WAC 417-01-120) and RCW 44.05.020 shall have the same meaning for the purposes of this chapter.

(2) "Public records" shall have the same meaning as defined in RCW 42.17.020.

NEW SECTION

WAC 417-02-110 Public records available. All public records of the commission are available for public inspection

and copying pursuant to these rules except as otherwise provided in RCW 42.17.310 or other law.

NEW SECTION

WAC 417-02-115 Public records officer. The commission's public records shall be in the charge of the public records officer, who shall be the executive director of the commission. The public records officer shall be responsible for: Implementation of commission policy as to release of public records; authorizing release of records, which authorization shall be in writing; and ensuring staff compliance with the requirements of these rules and the requirements of chapter 42.17 RCW. The public records officer may designate in writing an assistant public records officer to perform the duties of public records officer when he or she is absent or unavailable.

NEW SECTION

WAC 417-02-120 Hours for inspection. Public records shall be available for inspection and copying on Monday through Friday (except state holidays) from 9:00 a.m. until noon, and from 1:00 p.m. until 4:00 p.m. on all normal business days. All public records shall be located at the commission office described in WAC 417-01-125(1).

NEW SECTION

WAC 417-02-125 Requests of public records. In accordance with chapter 42.17 RCW that agencies provide full public access to public records, prevent unreasonable invasion of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained by members of the public upon compliance with the following procedure:

(1) A request to inspect or copy public records shall be made in writing or upon a form prescribed herein which shall be available at the commission's office. The written request or form shall be presented to the public records officer or designated assistant during the office hours established in this chapter. The written request or form shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time and date on which the request was made;
- (c) A specific identification or description of each requested record;
- (d) If the matter requested is referenced within the current index maintained by the commission, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) The public records officer or designated assistant will ascertain whether the information requested is exempt from public inspection and copying as defined in RCW 42.17.310 or other law.

(3) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected, shall such public record or portion thereof be made available for inspection by a member of the public.

(4) In all cases, it shall be the obligation of the public records officer or designated assistant to:

(a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;

(b) Assist the member of the public in appropriately identifying the public record requested;

(c) Protect and otherwise prevent damage to the public record being inspected and copied;

(d) Prevent the disorganization of file folders or document containers; and

(e) Prevent excessive interference with the other essential functions of the commission.

(5) Only the staff, the executive director and commissioners may open files to gain access to commission records.

(6) Original copies of public records of the commission may not be taken from the premises of the commission by a member of the public without being accompanied by staff, the executive director, or a commissioner.

(7) Public inspection and copying of commission records shall be done only in such locations as are approved by the public records officer or designated assistant at locations that must provide an opportunity for staff to ensure that no public record of the commission is damaged, destroyed, unreasonably disorganized, or removed from its proper location or order by a member of the public.

(8) Public records of the commission may be copied only on the copying machine of the commission unless the public records officer or designated assistant authorizes other arrangements.

NEW SECTION

WAC 417-02-130 Copying. No fee shall be charged for the inspection of public records. The commission shall charge for copies of public records and the use of commission copy equipment such amount as is necessary to reimburse the commission for its actual cost incident to such copying. The commission shall charge a fee of fifteen cents per page for copying 8.5" x 11" documents as established in RCW 42.17.300. The executive director shall establish other charges based upon actual costs for copying public records. Charges will not be assessed if the total cost involved in a particular request is less than one dollar. If the public records officer or designated assistant deems it more efficient to have copying done outside the office of the commission, the charges will be based on the actual cost of such outside copying service.

NEW SECTION

WAC 417-02-135 Exemptions. (1) The public records officer or designated assistant shall delete information from any record prior to permitting public inspection or copying if the information is exempt from disclosure pursuant to RCW 42.17.310 or other law. After such information is deleted, the remainder of the record shall be made available.

(2) To the extent allowed by law, the commission reserves the right to allow the public to inspect but not copy certain public records where there is reason to believe that the ability to copy such records would be a violation of copyright agreements, contracts, or census bureau or other governmental requirements.

(3) Pursuant to RCW 42.17.260, the commission reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer or designated assistant will justify such deletion in writing.

(4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record or information and a brief explanation of how the exemption applies to the records or information withheld.

NEW SECTION

WAC 417-02-140 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition the commission chair for prompt review of such decisions by rendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or designated assistant, which constituted or accompanied the denial.

(2) Immediately after receiving a written request or review of a decision denying a public record, the public records officer or designated assistant denying the request shall refer it to the commission chair. The chair shall immediately consider the matter and either affirm or reverse, in whole or in part, such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision from the chair or commission within two business days following the original denial, in accordance with RCW 42.17.320.

(3) Administrative remedies shall not be considered exhausted until the chair, or in the event of a special meeting scheduled to address the denial, the commission has returned the petition with a decision within two business days of the denial, or until the close of the second business day following the denial, whichever occurs first.

NEW SECTION

WAC 417-02-145 Protection of public records. (1) Records are available for inspection and copying at the location and during office hours identified in this chapter and WAC 417-01-125(1). Such inspection and copying may occur only in the presence of an authorized staff person of the commission and with the aid and assistance of such staff person.

(2) The viewing of those records that require specialized equipment shall be limited to the availability of that equip-

ment located at the commission office and the availability of authorized staff to operate the equipment.

(3) The viewing of those public records that require specialized equipment shall be by appointment only. The request for an appointment shall be made on the request for public records form or other written format as provided in this chapter. Staff shall acknowledge such request for an appointment within three working days of the receipt of such request and will provide the requester with the date(s) that such an appointment could be kept by an authorized staff person or shall advise the requester that authorized staff is not available to operate the equipment for the purposes requested, giving the reasons therefor. If a request for a viewing appointment is submitted simultaneously with a request for the record, staff shall acknowledge the requests within five working days, unless staff advises the requesting party in writing that additional time is necessary to respond and to make an appointment with the requester.

NEW SECTION

WAC 417-02-150 Request for public records form. Copies of the "request for public records form" shall be made available at the commission offices. Requests for the form may be made in person, by letter, by telephone, by facsimile or by electronic means.

NEW SECTION

WAC 417-02-155 Records index. (1) The commission shall implement a records index for the identification and location of official agency records. Those records which are considered exempt for the purposes of this chapter, RCW 42.17.310 and other law shall be noted on the index.

(2) The index shall be available for inspection and copying according to the provisions of WAC 417-02-120.

(3) The index shall be updated quarterly in those months when the commission is convened.

WSR 01-13-126

PROPOSED RULES

TRANSPORTATION IMPROVEMENT BOARD

[Filed June 20, 2001, 11:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-110.

Title of Rule: WAC 479-05-240 Procedure to request increase in board funds.

Purpose: To amend the Transportation Improvement Board (TIB) rules for providing increases on roadway projects.

Statutory Authority for Adoption: Chapter 47.26 RCW.
Statute Being Implemented: Chapter 47.26 RCW.

Summary: Increases in project costs place a substantial financial burden on the urban arterial trust account and the transportation improvement account. Rule changes are required to provide strategic increases necessary for the

development of projects that do not jeopardize the financial viability of the funding accounts.

Name of Agency Personnel Responsible for Drafting: Bob Moorhead, Transportation Building, (360) 705-7593; Implementation and Enforcement: Stevan Gorcester, Transportation Building, (360) 705-7301.

Name of Proponent: Transportation Improvement Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule changes are required to provide strategic increases necessary for the development of projects that do not jeopardize the financial viability of the funding accounts.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no economic impact on small business. The Transportation Improvement Board funding programs affect state and local transportation agencies.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The rules being revised are implementing Washington state law and the Transportation Improvement Board is not one of the agencies specifically directed to provide additional details.

Hearing Location: WestCoast Yakima Gateway Hotel, 9 North 9th Street, Yakima, WA, on July 27, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact the Transportation Improvement Board by July 23, 2001, (360) 705-7300.

Submit Written Comments to: Fax (360) 705-6830, by July 25, 2001.

Date of Intended Adoption: July 27, 2001.

June 19, 2001

Stevan Gorcester
Executive Director

AMENDATORY SECTION (Amending WSR 99-24-038, filed 11/23/99, effective 12/24/99)

WAC 479-05-240 Procedure to request increase in board funds. The amount of funds approved will be based upon the amount requested at design approval. This amount may be adjusted from the amount shown in the project application with adequate justification. Board fund increases are not approved at predesign and design phase.

Local agencies may request an increase in funds over the amount set forth in the design phase, at the construction phase, bid opening or contract completion of a project in accordance with the following procedures:

(1) At the construction phase all requests shall be reviewed by the director. The director shall report the findings to the board for its review, consideration and final action. The board shall not grant a request for increase at this phase if:

(a) The requested increase is to pay for an expansion of the scope of the work that is beyond the work required to accomplish the intent of the project as approved at the design phase.

(b) The granting of the request will obligate funding beyond the level acceptable to the board or will in any way adversely affect authorized funds previously approved by the board.

(2) Request for increases at bid opening shall not exceed ~~((ten percent of the engineer's estimate submitted to the board at the time the construction phase was approved multiplied by the account matching ratio))~~ the amount set by board policy. Requests for increases at this phase will take priority over design and construction phase approvals. Such requests shall be reviewed by the director and will not be approved if:

(a) The requested increase is to pay for an expansion of the authorized scope of the work; or

(b) If the request is not substantiated and the director determines that the increased funds should have been anticipated by the local agency at the construction phase of the project.

(3) Requests for increases in funds submitted to the board at contract completion shall not exceed the account ~~((matching ratio multiplied by the sum of ten percent of the original contract amount up to one million dollars and five percent of the amount in excess of one million dollars))~~ set by board policy. Requests for increases at this phase will take priority over design and construction phase approvals. Such requests shall be reviewed by the director and will not be approved if:

(a) The requested increase is to pay for an expansion of the authorized scope of the work; or

(b) If the request is not substantiated and the director determines that the increased funds should have been anticipated by the local agency at the construction approval phase of the project.

(4) If the director or the board, as the case may be, does not approve the request of a local agency for an increase, the administering agency may:

(a) Proceed with the project, paying for any additional costs with local or other funds; or

(b) Withdraw the request for participation; or, if applicable

(c) Within the authorized amount, and subject to approval by the director, reduce the scope of the project while retaining a usable and functional improvement.

PROPOSED



WSR 01-13-002
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-103—Filed June 6, 2001, 2:41 p.m.]

Date of Adoption: June 5, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 01-10-115 on May 2, 2001.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

June 5, 2001

J. P. Koenings

Director

AMENDATORY SECTION (Amending Order 00-124, filed 7/24/00, effective 8/24/00)

WAC 220-44-050 Coastal bottomfish catch limits. (1) It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear handling or landing requirement, established by the Pacific Fisheries Management Council and published in the *Federal Register*, Volume ((65)) 66, No. ((2)) 8, ((beginning on page 221,)) published January ((4, 2000)) 11, 2001. Therefore, persons must consult the federal regulations, which incorporated by reference and made a part of chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the exclusive economic zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(2) At the time of landing of coastal bottomfish into Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket in the space reserved for dealer's use all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: Midwater trawl, roller trawl and small foot rope trawl

(foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an exempted fishing permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

(4) It is unlawful for an original receiver to receive whiting and whiting by-catch under the authority of an exempted fishing permit (EFP) issued by the National Marine Fisheries Service through the department unless the original receiver has entered into a signed agreement with the department specifying the responsibilities of the original receiver in conjunction with the whiting EFP fishery. Failure to comply with the terms of the agreement shall be cause to remove the original receiver from the list of original receivers allowed to receive unsorted whiting catches from EFP vessels.

WSR 01-13-006
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-105—Filed June 7, 2001, 2:45 p.m.]

Date of Adoption: June 5, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 01-10-108 on May 2, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-24-040(11) changed to read, "Vessels intending to land their catch taken south of Cape Falcon into a Washington port must notify WDFW before traveling north of Cape Falcon by calling 360-902-2181 and report the name of the vessel, the intended port of landing, the estimated time and date of arrival and the catch aboard."

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

June 5, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-24-040 All-citizen troll seasons. It is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section.

(1) SMCRA 1, 2, 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open May 1, 2001, and remain open through June 30, 2001, or until the chinook quota is taken. Unlawful to retain coho. No more than 4 spreads per line beginning June 1. Cape Flattery and Columbia River Control Zones closed.

(2) SMCRA 2, 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open July 1, 2001, and remains open through July 27, 2001, or until the chinook or coho quotas have been taken. Unlawful to retain wild coho. Gear is restricted to plugs with a plug body length of six inches or greater, and no more than 4 spreads per line. Cape Flattery Control Zone closed.

(3) SMCRA 1 opens July 20, 2001, and remains open through September 30, 2001, or until the chinook or coho quotas have been taken. Unlawful to retain wild coho. Columbia River Commercial Control Zone closed.

(4) SMCRA 2 south of the Queets River opens July 28, 2001 or upon closure of the fishery provided for in subsection (2) of this section, and remains open concurrent with the fishery provided for in subsection (3) of this section.

(5) In all fisheries provided for in this section, chinook minimum size 28 inches and coho minimum size 16 inches. No minimum size for pink, sockeye or chum salmon.

(6) Lawful troll gear is restricted to single point, single shank barbless hooks.

(7) It is unlawful for any fisher taking salmon north of the Queets River to fail to land the salmon north of the Queets River and west of Sekiu, or to fail to notify the department before leaving the area. Notification must be made by calling the department at 360-902-2739, and reporting the name of

fisher and boat, the area fished, the day leaving the area, and the port of destination.

(8) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land within the SMCRA fished, or within an adjacent SMCRA closed to all-citizen troll fishing.

(9) The Cape Flattery Commercial Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ; and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(10) The Columbia River Commercial Control Zone is defined as 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. latitude, 124°06'50" W. longitude) and the green lighted Buoy #7 (46°15'09" N. latitude, 124°06'16" W. longitude); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. latitude, 124°03'07" W. longitude 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. latitude, 124°05'20" W. longitude) 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 tip of the south jetty (46°14'03" N. latitude, 124°04'05" W. longitude), and then along the south jetty to the point of intersection with the Buoy #10 line.

(11) Vessels intending to land their catch taken south of Cape Falcon into a Washington port must notify WDFW before traveling north of Cape Falcon by calling 360-902-2181 and report the name of the vessel, the intended port of landing, the estimated time and date of arrival and the catch aboard.

AMENDATORY SECTION (Amending Order 79-43, filed 6/22/79)

WAC 220-24-020 Lawful acts. ~~((+) It shall be lawful to take, fish for or possess salmon other than coho taken for commercial purposes with "troll line" gear in waters of District No. 1 west of a line projected true north from Cape Flattery during the period May 1 through June 14 except as provided in WAC 220-44-020.~~

~~(2) It shall be lawful to take, fish for or possess salmon taken for commercial purposes with "troll line" gear in the waters of District No. 1 west of a line projected true north from Cape Flattery during the period July 1 through September 15 except as provided in WAC 220-44-020.~~

~~(3) It shall be lawful to take, fish for or possess salmon taken for commercial purposes with "troll line" gear in the waters of District No. 1 south of a line projected true west from Point Grenville during the period July 1 through October 31.~~

~~(4)) It shall be lawful for a common or contract carrier to transport during seasons in which the taking, catching, or possession of chinook or silver salmon is unlawful in the state of Washington or in waters over which the state of Washington has jurisdiction, an original package or packages contain-~~

ing either silver or chinook salmon which original package or packages both originate from and are destined for some other state, territory or foreign country: Provided, That for the purpose of this regulation the term "original package" shall mean a package from which fish cannot be extracted without an opening or breaking thereof and which is accompanied by documentary proof that the original point of shipment and the point of destination are another state, territory or foreign country: Provided further, That it shall be unlawful for any such carrier to open or break any such original package while the same is in his possession, except for the purpose of reicing: Provided further, That the waters of the Pacific Ocean shall not be considered a state, territory or foreign country.

WSR 01-13-008
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed June 8, 2001, 8:50 a.m.]

Date of Adoption: June 8, 2001.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-94A-005, 308-94A-010, 308-94A-015, 308-94A-020, 308-94A-025, and 308-94A-030.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 01-08-050 on April 2, 2001.

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 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 6, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 8, 2001

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 99-24-013, filed 11/22/99, effective 12/23/99)

WAC 308-94A-005 Certificates of ownership and registration. (1) **May I apply for a certificate of ownership for my off-road/nonhighway vehicle?** Yes, you may apply for a certificate of ownership at your ~~((hœœt))~~ Washington vehicle licensing office or through the department. If the

vehicle is not eligible for road use, the certificate of ownership will show **not eligible for road use.**

(2) **Do I have to purchase registration ~~((at the time of))~~ when applying for certificate of ownership?** No, if you choose not to purchase registration ~~((at the time of))~~ when titling((;)) your vehicle, the record will be established without a road or off-road/nonhighway vehicle registration.

(3) **What are the different ways I may register my off-road/nonhighway vehicle?** You may register your off-road/nonhighway vehicle in one of the following ways:

(a) ~~((You may purchase registration for off-road/nonhighway use if the manufacturer's statement of origin or certificate of ownership indicates the vehicle is not eligible for road use.))~~ If the manufacturer's statement of origin or certificate of ownership indicates the vehicle is not eligible for road use, you may only purchase an off-road use permit (registration):

(b) If your vehicle ~~((qualifies))~~ is eligible for road use~~((;))~~ under chapter 46.16 RCW you ~~((ean))~~ may purchase registration for road use ~~((on the road as a motorcycle, passenger vehicle, truck, etc.))~~ off-road use or both; or

(c) If ~~((you are going to operate your vehicle where an off-road vehicle use permit or license is required, and))~~ your vehicle is not licensed for off-road use, ~~((then))~~ you may purchase a temporary off-road vehicle permit ~~((for sixty days or annual off-road vehicle use permit (registration) and license without invalidating your regular road license. You are required to carry registrations on your person or on the vehicle and display license plate(s) with validating tabs assigned to those plates, and the decals with assigned validating tabs on the vehicle. The registrations may or may not expire at the same time)).~~

(4) **What information does the department require I apply for an off-road/nonhighway vehicle use permit? An application for an off-road/nonhighway vehicle use permit must include the following:**

(a) Name and address of the applicant;

(b) Off-road or nonhighway vehicle plate or registration number if registered in another state;

(c) Make and year of vehicle;

(d) Expiration date of the foreign state registration;

(e) Vehicle identification number;

(f) Appropriate fees; and

(g) Signature of the registered owner(s).

(5) **Where do I carry the temporary or annual off-road/nonhighway ~~((temporary or annual vehicle))~~ use permit?** ~~((The off-road/nonhighway temporary or annual vehicle use permit must be carried on the vehicle on which it was assigned at all times.))~~ The permit may be carried by the operator ~~((on his or her person))~~ or in a moisture proof protective case attached to the vehicle. The use permit must be made available at all times for inspection by any person having the authority to enforce the provisions of the Off-Road and Nonhighway Vehicle Act.

~~((5))~~ (6) **May I operate my off-road/nonhighway vehicle using a temporary or annual vehicle use permit on any dirt or gravel road, or trail in Washington?** It is recommended you check with local, state, or federal authorities

in the areas you intend to operate to insure you are operating in accordance with their requirements.

AMENDATORY SECTION (Amending WSR 99-24-013, filed 11/22/99, effective 12/23/99)

WAC 308-94A-010 Annual off-road/nonhighway vehicle use permit (registration) period. (1) **How long is ~~((my annual))~~ an off-road/nonhighway vehicle use permit (registration) valid?** The registration year of the off-road/nonhighway ~~((annual use permit starts))~~ use permit (registration) begins the day it is issued ~~((for the first time))~~ and expires the same day of the following year ~~((and is renewable annually on that date))~~.

(2) **Under what circumstances will the registration expiration date be changed?** The ~~((registration))~~ expiration date ~~((shall))~~ of the off-road use permit will change when:

(a) It has been expired for more than one year ~~((and there is no change in ownership))~~;

(b) The registration is expired at the time ownership is transferred and the new owner ~~((applies for an off-road/nonhighway annual use permit))~~ renews the registration;

(c) The registered owner requests a change of registration expiration month. This can only be done at the time of renewal and requires the registered owner to purchase more than twelve months of registration, limited to the vehicle field system constraints and tab availability; or

(d) The vehicle has subsequently been registered, but no certificate of ownership has been issued, in another jurisdiction and:

(i) No change in ownership has occurred; and

(ii) The off-road/nonhighway vehicle is being registered again in Washington; ~~((or))~~ and

(iii) The previous Washington registration has expired ~~((for more than one year))~~.

(3) **Can I get a refund for ~~((my))~~ the unused portion of my off-road/nonhighway ~~((annual))~~ use permit (registration)?** No, there is no refund for the unused portion.

AMENDATORY SECTION (Amending WSR 99-24-013, filed 11/22/99, effective 12/23/99)

WAC 308-94A-015 Off-road/nonhighway vehicle use permit (registration) not required—When. **When ~~((is an))~~ are off-road/nonhighway vehicle(s) ~~((use permit))~~ not required to be registered?** ~~((A vehicle used exclusively within the exceptions set forth))~~ Vehicles exempted in RCW 46.09.050 ~~((is))~~ and 46.09.020 are not required to obtain ~~((an))~~ off-road/nonhighway vehicle use permit (registration). ~~((Owners of off-road/nonhighway vehicles, which have been converted to, and registered as snowmobiles shall not be required to obtain off-road/nonhighway vehicle use permits.))~~

AMENDATORY SECTION (Amending WSR 99-24-013, filed 11/22/99, effective 12/23/99)

WAC 308-94A-020 Display of off-road/nonhighway vehicle use permit decals and validation tabs. (1) **How do**

I display the ~~((assigned))~~ off-road/nonhighway vehicle use permit number and validation tabs on my vehicle? ~~((The))~~ Display off-road/nonhighway use permit number and validation tabs ~~((shall be displayed))~~ by:

(a) Affixing the decals provided by the department to the right and left side or on the ~~((front and))~~ rear of the off-road vehicle. The decals ~~((shall))~~ must be visible at all times; or

(b) Painting the vehicle use permit number in a manner that is readily legible and visible at all times. The characters must be at least one-inch high with a minimum of one-eighth inch stroke and in a color contrasting with the background; and

(c) Reading from left to right; and

(d) Affixing the validation month tab issued by the department no more than two inches in front of the beginning of the annual use permit decal number; and

(e) Affixing the validation year tab no more than two inches following the last digit in the annual use permit decal number.

(2) ~~((If my off-road/nonhighway vehicle is registered for dual use, is the license plate required to be displayed?))~~ Is a license plate required if my off-road/nonhighway vehicle is registered for dual use? Yes, the license plate must be displayed in the same manner as required for highway use.

AMENDATORY SECTION (Amending WSR 99-24-013, filed 11/22/99, effective 12/23/99)

WAC 308-94A-025 Temporary off-road/nonhighway vehicle use permit application. **What information does the department require when I apply for a temporary off-road/nonhighway vehicle use permit?** An application for a temporary off-road/nonhighway vehicle use permit ~~((may))~~ must include the following:

(1) Name and address of the applicant;

(2) Off-road or nonhighway vehicle plate or registration number if registered in another state;

(3) Make and year of vehicle;

(4) Expiration date of the foreign state registration;

(5) Vehicle identification number; ~~((and))~~

(6) Appropriate fees; and

(7) Signature of registered owner(s).

AMENDATORY SECTION (Amending WSR 99-24-013, filed 11/22/99, effective 12/23/99)

WAC 308-94A-030 Off-road vehicle dealer plate—Cost. **What is the cost of an off-road vehicle dealer's plate?** An off-road vehicle dealer ~~((shall))~~ must pay three dollars and fifty cents, plus the reflectorization fee ~~((of))~~ of fifty cents for each dealer plate ordered from the department.

WSR 01-13-009
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed June 8, 2001, 9:32 a.m.]

Date of Adoption: June 7, 2001.

Purpose: The department is amending this WAC to give judicial members benefits that are actuarially equivalent to other retirement plans. The member's estate, rather than the retirement fund, will receive any remaining accumulated contributions.

Citation of Existing Rules Affected by this Order: Amending WAC 415-100-055.

Statutory Authority for Adoption: RCW 41.50.050(5), 2.10.052, 2.10.070(6), 2.10.140 - [2.10.]146, 2.12.030.

Adopted under notice filed as WSR 01-10-081 on May 1, 2001.

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: Thirty-one days after filing.

June 7, 2001

John Charles

Director

AMENDATORY SECTION (Amending WSR 96-01-047, filed 12/14/95, effective 1/14/96)

WAC 415-100-055 Retirement benefit options. RCW 2.10.146, enables the department to provide retiring members with four retirement benefit options. The member must choose an option when applying for service or disability retirement.

(1) **Option One: Benefit option without survivor features (standard allowance).** The department pays the retiree a monthly retirement allowance based solely on the single life of the member, in accordance with RCW 2.10.146. When the retiree dies, all benefits cease. Any remaining balance of the retiree's accumulated contributions~~((;))~~ will be paid to:

~~((a) The member's designated beneficiary; or if none, to (b) The member's surviving spouse; or if none, to (c) The member's legal representative.~~

~~The member must designate a beneficiary at the time of retirement by filing a completed and notarized form provided by the department.)~~ (a) Such person or persons, trust, or

organization as the judge has nominated by written designation duly executed and filed with the department of retirement systems; or

(b) If there is no such designated person or persons still living at the time of the judge's death, then to the surviving spouse; or

(c) The member's estate; or

(d) If there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the judge's legal representative.

(2) **Benefit options with a survivor feature.**

(a) A retiring member is allowed to select from several retirement options which create an actuarially equivalent benefit that includes a survivor feature. The survivor feature entitles the survivor to receive a monthly allowance after the retiree dies. If the member chooses one of the survivor options, the monthly benefit the member will receive is actuarially reduced to offset the cost of the survivor feature. After the retiree dies, the department pays the survivor an allowance for the duration of his or her life. If the retiree and the survivor both die before the retiree's accumulated contributions are exhausted, ~~((the remaining balance is retained in the retirement fund.~~

~~((a)))~~ all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) Such person or persons, trust, or organization as the judge has nominated by written designation duly executed and filed with the department of retirement systems; or

(ii) If there is no such designated person or persons still living at the time of the judge's death, then to the surviving spouse; or

(iii) The member's estate; or

(iv) If there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the judge's legal representative.

(b) Option Two (joint and whole allowance). When the retiree dies, the department pays the survivor a monthly retirement allowance equal to the gross monthly allowance received by the retiree.

~~((b)))~~ (c) Option Three (joint and one-half allowance). When the retiree dies, the department pays the survivor one-half of the amount of the retiree's gross monthly retirement allowance.

~~((e)))~~ (d) Option Four (joint and two-thirds allowance).

(i) ~~((This subsection applies))~~ Option Four is available to members retiring on or after January 1, 1996.

(ii) When the retiree dies, the department pays the survivor two-thirds (66.667%) of the member's gross monthly retirement allowance.

(3) **Benefit increases when survivor predeceases retiree (pop-up provision).**

(a) This ~~((section))~~ subsection applies to members retiring on or after January 1, 1996, who selected Option Two, Three, or Four.

(b) If the survivor dies before the retiree, the retiree's monthly retirement allowance will increase, effective the first day of the following month, to:

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(i) The amount that would have been received had the retiree chosen Option One described in subsection (1) of this section; plus

(ii) Any cost-of-living adjustments received prior to the survivor's death based on original selection.

(c) Pop-up recalculation example.

Agnes retires in 1996 (Year 0). She would like Beatrice, her daughter, to receive a monthly allowance after Agnes dies. Therefore, Agnes selects a retirement benefit option with a survivor feature. As a result her monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Unfortunately, Beatrice dies in January 2001 (Year 5). Under the pop-up provision, Agnes' monthly benefit will increase to the amount she would have received had she chosen Option One (standard allowance) plus her accumulated COLA's:

Year	Option One (Standard Allow.)	Survivor Option (2,3,4) plus COLAs	COLA incr. (3% max)	\$ Increase
0 (1996)	2,000.00	1,750.00	(ineligible)	0.00
1 (1997)		1,750.00	.02	35.00
2 (1998)		1,785.00	.03	53.55
3 (1999)		1,838.55	.025	45.96
4 (2000)		1,884.51	.03	56.54
5 (2001)	2,000.00	1,941.05	—	—
			Total COLA's	191.05
Original Option One Benefit Amount		+ Total COLA's	= New Benefit Amount	
\$2000		+ \$191.05	= \$2,191.05*	

* In the future (i.e., Year 5), Agnes' COLA will be based on the increased benefit amount (\$2,191.05).

(d) If the survivor dies and the retiree's benefit increases under this ((~~section~~)) subsection, and thereafter the retiree also dies before all contributions are exhausted, (~~(the remaining balance is retained by the retirement fund))~~ all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

(a) Such person or persons, trust, or organization as the judge has nominated by written designation duly executed and filed with the department of retirement systems; or

(b) If there is no such designated person or persons still living at the time of the judge's death, then to the surviving spouse; or

(c) The member's estate; or

(d) If there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the judge's legal representative.

(4) **Survivor.** For the purposes of this ((~~provision~~)) section, "survivor" means a person nominated by the member to receive a monthly benefit allowance after the member dies. A member nominates the survivor at the time of retirement by filing a completed and notarized form provided by the department.

system benefit options, defining salary, based on SB 5143 (2001). It is also amending WAC 415-103-215 to ensure that the member's estate, rather than the retirement fund, will receive any remaining accumulated contributions.

Citation of Existing Rules Affected by this Order:
Amending WAC 415-103-215.

Statutory Authority for Adoption: RCW 41.50.050(5), 43.43.142, 43.43.278, 43.43.280.

Adopted under notice filed as WSR 01-10-082 on May 1, 2001.

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 0.

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

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

Effective Date of Rule: Thirty-one days after filing.

June 7, 2001

John Charles

Director

WSR 01-13-010
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed June 8, 2001, 9:37 a.m.]

Date of Adoption: June 7, 2001.

Purpose: The department is adding a new section to chapter 415-103 WAC, Washington State Patrol retirement

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Chapter 415-103 WAC

WASHINGTON STATE PATROL RETIREMENT
SYSTEM (WSPRS) (~~BENEFIT OPTIONS~~)NEW SECTION**WAC 415-103-010 WSPRS definitions. (1) General.**

The definitions in RCW 43.43.120 and 41.50.010 apply to this chapter. In case of conflict between definitions, RCW 43.43.120 will prevail.

(2) "Salary," for members commissioned:

(a) Prior to July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040 or voluntary overtime earned on or after July 1, 2001.

(b) On or after July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040, voluntary overtime, lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, holiday pay, or any form of severance pay.

AMENDATORY SECTION (Amending WSR 00-11-103, filed 5/18/00, effective 6/18/00)

WAC 415-103-215 WSPRS retirement benefit options. (~~RCW 43.43.278 requires the department to provide retiring members with an actuarially equivalent retirement option by July 1, 2000. The option pays the retiree a reduced retirement allowance which, upon the retiree's death, continues throughout the life of the lawful surviving spouse.~~) (1) When retiring for service, (~~the~~) a married member can select either (~~the historic retirement option~~) Option A (historic retirement option) under RCW 43.43.270 (~~Option A~~) or the actuarially equivalent retirement option (~~Option B~~) or Option B under RCW 43.43.278. Both options include a survivor feature that entitles the eligible surviving spouse to receive a monthly allowance after the retiree dies.

~~((+))~~ (2) As used in this section, the terms "spouse," "surviving spouse" and "eligible spouse" mean "lawful surviving spouse."

(3) **Option A (historic retirement option and survivor benefit).** The department pays the retiree a monthly retirement allowance in accordance with RCW 43.43.260 (Benefits). The department pays survivor benefits in accordance with RCW 43.43.270 (Retirement allowances).

(a) When the retiree dies, the department pays the retiree's lawful spouse a monthly retirement allowance equal to the gross monthly allowance received by the retiree, or an allowance equal to fifty percent of the average final salary (AFS) used to determine the retiree's benefit, whichever is less. This allowance is paid for the duration of the spouse's lifetime. The surviving spouse allowance will be adjusted by the annual increase amount as provided by RCW 43.43.272 (Surviving spouse allowance—Annual adjustment).

(b) If a surviving spouse who is receiving benefits under this subsection marries another member of this retirement system and the retiree predeceases the spouse, the spouse can receive only the higher of the two survivor's allowances for

which he or she qualifies. The surviving spouse cannot receive more than one survivor allowance at a time under this subsection.

(c) To be eligible for an allowance, the lawful surviving spouse of a retired member must have been married to the member prior to the member's retirement and continuously thereafter until the date of the member's death, or must have been married to the retired member at least two years prior to the member's death. (~~As used in this section, the terms "spouse," "surviving spouse" and "eligible spouse" mean "lawful surviving spouse."~~)

(d) If the retiree has surviving unmarried children under the age of eighteen years, each child shall be entitled to a benefit equal to five percent of the retiree's AFS at retirement. The combined benefits to the surviving spouse and all children cannot exceed sixty percent of the retiree's AFS.

(e) If there is no surviving spouse or the spouse dies, the child or children will receive a benefit equal to thirty percent of the retiree's AFS for one child and an additional ten percent of AFS for each additional child.

(f) All (~~payments~~) benefits cease upon the death of the surviving spouse or the youngest unmarried child's attainment of age eighteen, whichever occurs last. (~~((2))~~) Any remaining balance of the member's accumulated contributions will be paid to:

(i) Such person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department of retirement systems; or

(ii) The member's estate; or

(iii) If there is neither such designated person or persons still living at the time of death, then to the member's legal representative.

(4) **Option B (actuarially equivalent retirement option and survivor benefit).** The department pays the retiree a monthly benefit that is actuarially reduced by three percent to offset the cost of the survivor feature. The retiree's annual post-retirement increase (PRI) is based upon the amount of the retiree's reduced benefit.

(a) When the retiree dies, the department pays the retiree's eligible spouse a monthly retirement allowance equal to the gross monthly allowance received by the retiree. This allowance is paid for the duration of the spouse's lifetime. The surviving spouse allowance will be increased every July 1 by the amount of the PRI that had been paid to the retiree under the provisions of RCW 43.43.260(5).

(b) Benefits to the surviving spouse cease upon the spouse's death. Any remaining balance of the member's accumulated contributions will be paid to:

(i) Such person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department of retirement systems; or

(ii) The member's estate; or

(iii) If there is neither such designated person or persons still living at the time of death, then to the member's legal representative.

~~((3))~~ (5) **Retiree's benefit increases if spouse ceases to be married to retiree or predeceases retiree (pop-up provision).**

(a) This ~~(section)~~ subsection applies to members retiring on or after July 1, 2000, who select Option B.

(b) If the retiree's spouse ceases to be married to the retiree or dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that would have been received had the retiree chosen Option A; plus

(ii) Any post-retirement increases the retiree received prior to the survivor's death or the termination of marriage.

(c) Pop-up recalculation example:

Option B:

Bob retires on August 1, 2000. He selects Option B so that his spouse Linda, to whom he has been married for 30 years, will receive his monthly allowance and post-retirement increases after he dies. As a result, his monthly allowance is reduced by three percent from \$3,000, the Option A, historic retirement and survivor benefit, to \$2,910. Bob's PRI is \$58.20, two percent of his reduced retirement allowance.

Unfortunately, Linda dies in September 2002. Under the "pop-up" provision, Bob's monthly benefit will increase in October 2002 to a total of \$3,116.40. His new benefit amount is composed of the \$3,000 he would have received had he originally chosen Option A, plus the total of the PRIs he received in 2001 and 2002.

Year	Option A (Historic Survivor Benefit)	Annual PRI Based on Option A Benefit	Option B (Full Survivor Benefit)	Annual PRI Based on Optional B Benefit	Total Benefit
08/01/2000			2,910.00	(not eligible.)	2,910.00
07/01/2001			2,910.00	58.20	2,968.20
07/01/2002			2,968.20	58.20	3,026.40
10/01/2002	3,000.00				3,116.40
07/01/2003	3,000.00	60.00			3,176.40

On July 1, 2003, Bob's PRI will be two percent of the Option A amount (\$60.00) and his benefit will increase to \$3,176.40.

(d) If the retiree whose benefit increases under this section thereafter dies before all contributions are exhausted and there is no surviving spouse or eligible child, ~~((the))~~ all benefits cease. Any remaining balance is ~~((retained by the retirement fund))~~ paid to:

(i) Such person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department of retirement systems; or

(ii) The member's estate; or

(iii) If there is neither such designated person or persons still living at the time of death, then to the member's legal representative.

standards rules (chapter 296-131 WAC) that currently exist in the nonagricultural employment of minors rules (chapter 296-125 WAC) and standards of labor for the protection of the safety, health and welfare of employees for all occupations subject to chapter 49.12 RCW rules (chapter 296-126 WAC). These changes are necessary because the department was not able to determine that these provisions were intended to be exclusive to the nonagricultural industries and these changes will ensure consistency with the department's current enforcement practices.

Statutory Authority for Adoption: RCW 43.22.270 and 49.46.020.

Other Authority: Chapters 43.22, 49.30, and 49.46 RCW.

Adopted under notice filed as WSR 01-09-092 on April 18, 2001.

Changes Other than Editing from Proposed to Adopted Version: Only editing changes were made.

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

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

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

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

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WSR 01-13-012
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed June 11, 2001, 11:55 a.m.]

Date of Adoption: June 11, 2001.

Purpose: Chapter 296-131 WAC, Agricultural employment standards.

In 1989 the department adopted a provision in WAC 296-125-043 and 296-126-020 which allowed employers to pay 85% of the state minimum wage for those workers under sixteen years of age. This provision does not apply to agriculture as these WAC chapters do not apply to agriculture work.

This rule making is necessary to adopt similar minimum wage (including the application of 85% of the minimum wage provision) provisions in the agricultural employment

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Effective Date of Rule: Thirty-one days after filing.
June 11, 2001
Gary Moore
Director

NEW SECTION**WAC 296-131-117 Minimum wages—Minors.**

Except where a higher minimum wage is required by Washington state or federal law:

(1) Every employer shall pay to each employee who has reached their sixteenth or seventeenth year of age a rate of pay per hour which is equal to the hourly rate required by RCW 49.46.020 for employees eighteen years of age or older, whether computed on an hourly, commission, piecework, or other basis, except as may be otherwise provided under this chapter.

(2) Every employer shall pay to each employee who has not reached their sixteenth year of age a rate of pay per hour that is not less than eighty-five percent of the hourly rate required by RCW 49.46.020 for employees eighteen years of age or older, whether computed on an hourly, commission, piecework, or other basis, except as may be otherwise provided under this chapter.

(3) These minimum wage provisions shall not apply when a minor student is in a work place to carry out an occupational training experience assignment directly supervised on the premises by a school official or an employer under contract with a school, and when no appreciable benefit is rendered to the employer by the presence of the minor student.

WSR 01-13-013
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed June 11, 2001, 11:57 a.m.]

Date of Adoption: June 8, 2001.

Purpose: To repeal a rule that provided for some crime victims' compensation survivor benefits to be paid over a period of months rather than in a lump sum. Upon repeal of this rule, the payments will all be paid in a lump sum, as provided by RCW 7.68.070(4).

Citation of Existing Rules Affected by this Order:
Repealing WAC 296-30-130.

Statutory Authority for Adoption: RCW 7.68.030, 7.68.070.

Adopted under preproposal statement of inquiry filed as WSR 01-09-094 on April 18, 2001.

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 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.
June 8, 2001
Gary Moore
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-30-130 How are death benefits paid to a survivor(s) receiving public or private death benefits?

WSR 01-13-026
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Rehabilitative Services Administration)
[Filed June 12, 2001, 3:26 p.m.]

Date of Adoption: June 4, 2001.

Purpose: The department is repealing WAC 388-815-050 through 388-815-250, Drug-free workplace programs (formerly chapter 440-26 WAC) because sections 1 through 16 of chapter 49.82 RCW, Drug-free workplace programs expired January 1, 2001.

Citation of Existing Rules Affected by this Order:
Repealing WAC 388-815-005, 388-815-010, 388-815-020, 388-815-030, 388-815-100, 388-815-110, 388-815-120, 388-815-130, 388-815-140, 388-815-160, 388-815-200, 388-815-205, 388-815-210, 388-815-215, 388-815-220, 388-815-230, 388-815-240 and 388-815-250, Drug-free workplace programs (formerly chapter 440-26 WAC).

Statutory Authority for Adoption: Chapter 70.96A RCW.

Adopted under preproposal statement of inquiry filed as WSR 01-07-019 on March 13, 2001.

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 18.

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.

June 5, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-815-005	Purpose.
WAC 388-815-010	Definitions.
WAC 388-815-020	Eligible employers.
WAC 388-815-030	Certification of employer to L&I.
WAC 388-815-100	Employer certification procedures.
WAC 388-815-110	Certification maintenance.
WAC 388-815-120	Program oversight.
WAC 388-815-130	Denial of certification.
WAC 388-815-140	Decertification.
WAC 388-815-160	Hearings, appeals.
WAC 388-815-200	Program requirements—Policy statement.
WAC 388-815-205	Program requirements—Notifications.
WAC 388-815-210	Program requirements—Substance abuse testing.
WAC 388-815-215	Program requirements—How employers get certified through a clean card program.
WAC 388-815-220	Program requirements—Employee assistance program.
WAC 388-815-230	Supervisor training.
WAC 388-815-240	Employee education.
WAC 388-815-250	Confidentiality.

WSR 01-13-033
PERMANENT RULES
EXECUTIVE ETHICS BOARD

[Filed June 13, 2001, 11:26 a.m.]

Date of Adoption: June 8, 2001.

Purpose: To add new sections and amend the existing rules in chapters 292-100 and 292-130 WAC. The additions and changes establish procedures to allow the board staff to dismiss certain complaints and for complainants to request a review of the board staff's dismissal. To provide guidance to state officials and state employees regarding the function and organization of the office, operations and procedures, and public records information.

Citation of Existing Rules Affected by this Order: Amending chapters 292-100 and 292-130 WAC.

Statutory Authority for Adoption: RCW 42.52.360 (2)(b) and 42.52.425.

Adopted under notice filed as WSR 01-08-080 on April 3, 2001.

Changes Other than Editing from Proposed to Adopted Version: At the time of its public hearing held on May 11, 2001, the Executive Ethics Board received no written comments relating to the proposed amendments of chapters 292-100, 292-110 and 292-130 WAC. The following public comments were received at the hearing:

(1) Gail Swanson, ESD employee, stated that the word "served" in line 5 of WAC 292-100-210 should be changed to "filed." Board Counsel Collins proposed a revised sentence - See amendment (2) below.

(2) Jerri Thomas, Counsel to the Executive Director, stated that the title "Index" in WAC 292-130-060 should be changed to reflect old and new indexes. Executive Director Malarky suggested inserting the word "prior" to 2000 index and the word "after" to indicate which index is old and which one is new.

(3) Ms. Swanson stated that WAC 292-130-020 versus 292-130-080 should reference office hours and hours of operation. She recommended that in WAC 292-130-020 insert "...the public office hours are 9:00 a.m...." Ms. Swanson also noted that in WAC 292-130-130(3) "...would be" should not have been deleted. Ms. Swanson also stated that the Governor's executive order directs that executive branch agency office hours are 8:00 a.m. to 5:00 p.m. Board Member Scarbrough proposed general office hours from 8:00 a.m. to 5:00 p.m. and office hours for public record requests (from "walk-in" individuals) from 9:00 a.m. to 4:00 p.m.

Following the public hearing, the board members voted to adopt the following amendments to the proposed rules:

(1) Add "(See RCW 42.52.425)" to WAC 292-100-045.

(2) Delete paragraphs (2), (3) and (4) of WAC 292-100-210 and add - "(2) Any party may make a motion for reconsideration of a final order of the Board as provided in RCW 34.05.470. The request for reconsideration shall be filed at the office of the board and served on the parties no later than ten days after service of the final order. A request for reconsideration shall specify the grounds therefor."

(3) Add "Prior to January 1, 2001." to the title of WAC 292-130-060 and "After December 31, 2000" to the title of WAC 292-130-065.

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(4) Amend the afternoon office hours in WAC 292-130-020 to 1:00 p.m. to 5:00 p.m. and amend the administrative office location to "2425 Bristol Court SW, 1st Floor, P.O. Box 40149, Olympia, WA 98504-0149."

(5) Add a new section "WAC 292-100-220 Effective date. When WAC 292-100-007 through 292-100-210 go into effect, they will apply to all pending cases."

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 2, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 27, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 27, 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.

June 12, 2001

Brian R. Malarky
Executive Director

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-007 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board staff" shall include the executive (~~(secretary)~~) director, the investigator, attorneys who bring cases before the board, and the (~~board clerk~~) training and information specialist.

(2) "Complainant" means a person who has filed a complaint with the board.

(3) "Employing agency" means the former or current state agency of the respondent during the time the alleged violation occurred.

(4) "Party" includes the board staff and the respondent. The respondent may be represented in any matter filed under chapter 42.52 RCW by an attorney or an exclusive bargaining representative. If the respondent is represented by a person who is not an attorney, the representation shall conform to the standards of ethical conduct required of attorneys before the courts of the state of Washington.

(5) "Preliminary investigation" refers to the confidential fact-finding investigation that occurs before the board's determination of reasonable cause.

(6) "Presiding officer" refers to the board chair, vice chair, a board member designated as presiding officer by the chair or vice chair, or an administrative law judge.

(7) "Respondent" means a current or former state officer or state employee alleged to have violated chapter 42.52 RCW by a complainant.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-010 Initiation of complaint. (1) A complaint alleging a violation of chapter 42.52 RCW may be filed by:

(a) Any person; or

(b) The board(~~(s)~~).

(2) If a member of the board or the board's staff files a complaint in his or her individual capacity, the board member or staff member shall be disqualified from acting in his or her official capacity with regard to the disposition of that complaint.

(3) Other agencies may refer information about possible violations of chapter 42.52 RCW to the board for consideration. The board may file a complaint if appropriate.

(4) Complaints initiated by the board will be signed on behalf of the board by the executive (~~(secretary)~~) director.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-020 Complaint procedures—Status of complainant and others. (1) When a complaint has been filed with the board, neither the complainant, if other than board, nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the board. The complainant is not a party to an ethics case for any purpose; however, the board staff will give notice to the complainant and the employing agency of any open board hearings on the matter.

(2) This section does affect the right to request a review of a board staff decision to dismiss complaint, pursuant to RCW 42.52.425 and WAC 292-100-045.

(3) The person or persons alleged in a complaint to have violated chapter 42.52 RCW, are respondents as to that complaint.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-030 Procedures for filing complaints. (1) A complaint filed with the board shall be in writing on a form provided by the board, or in an appropriate written form that includes the information in subsection (2) of this section, and signed by the complainant(~~(—A complaint signed by the complainant may also be filed))~~ or by the complainant's (~~(attorney))~~ counsel.

(2) A complaint shall include:

(a) The complainant's name; except that the board may choose to issue a complaint based upon information provided by a person who refuses to be identified;

(b) A statement of the nature of the alleged violation(~~s~~) (~~(or violations, date, time and place of each occurrence))~~ and the name of person(s) ((or persons)) responsible and the complaint should also include the date, time, and place of each alleged violation; and

(c) All available documentation and other evidence including any witnesses to the violation which the complainant is able to supply to demonstrate a reason for believing that

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a violation of chapter 42.52 RCW, or the rules adopted under it has occurred.

(3) A complaint which is incomplete, or does not contain enough information to allege a violation of chapter 42.52 RCW, will not be accepted for filing.

(4) The board will not consider allegations in a properly filed complaint that fall outside the jurisdiction of the board. The board or its staff may refer such allegations to an appropriate agency with jurisdiction.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-040 ((Investigation)) Acceptance and preliminary review of complaints. (1) Upon ((acceptance of)) receiving a complaint, the board staff shall ((conduct an investigation

(2) ~~If board staff determine that a complaint alleges conduct which may violate a criminal statute, the staff may refer the complaint to the appropriate prosecuting attorney or the Washington State Patrol and if referred, will suspend their investigation until the prosecuting attorney or the Washington State Patrol responds as to whether criminal charges will be filed. If the prosecuting attorney elects to file criminal charges, no further action will be taken while the criminal case is pending. If the prosecuting attorney elects not to file criminal charges, board staff shall complete their investigation and follow the procedures set forth in these rules.~~

(3) ~~During the course of the preliminary investigation, the board staff will give the respondent(s) a copy of the complaint and an opportunity to present such information as the respondent may desire, provided that if a complainant has requested confidentiality under chapter 42.17 RCW, the complainant's name and identifying information will be deleted from the complaint.~~

(4) ~~It is the intent of the board that board staff who are investigating a complaint will work with the respondent's employing agency, unless in the judgment of the investigator it will impede the investigation. During the course of the investigation, the board staff will provide the employing agency with a copy of the complaint. If a complainant has requested confidentiality under chapter 42.17 RCW, the complainant's name and identifying information will be deleted from the complaint.~~

(5) ~~The board staff may refer a complaint to the employing agency for investigation and recommendation of resolution. The referral will include a copy of the complaint and all supporting documentation and shall include a date for submission of the report and recommendation allowing at least 30 days. The agency receiving the referral may request additional time, if needed. During the course of the agency's investigation, the agency shall contact the respondent and provide the respondent with a copy of the complaint. If a complainant has requested confidentiality under chapter 42.17 RCW, the complainant's name and identifying information will be deleted from the complaint. The agency will provide the respondent with an opportunity to present such information as the respondent may desire.)~~ review the complaint for completeness. If a complaint is complete, it will be accepted for filing. If a complaint is incomplete, the com-

plaint shall be returned to the complainant with a statement of the reasons the complaint has not been accepted.

(2) Once a complaint has been accepted, board staff will review the complaint, determine the extent of investigation required and determine whether the complaint may be dismissed pursuant to RCW 42.52.425 and WAC 292-100-045.

NEW SECTION

WAC 292-100-041 Investigation of complaints. (1) If board staff determines that a complaint should not be dismissed pursuant to RCW 42.52.425 and WAC 292-100-045, the board staff shall conduct a preliminary investigation.

(2) During the course of the preliminary investigation, the board staff will give the respondent(s) a copy of the complaint or a summary thereof, and an opportunity to present such information as the respondent may desire, provided that if a complainant has requested confidentiality under chapter 42.17 RCW, the complainant's name and identifying information shall be deleted from the complaint.

(3) It is the intent of the board that board staff who are investigating a complaint will work with the respondent's employing agency, unless in the judgment of the investigator it will impede the investigation. During the course of the investigation, the board staff shall provide the employing agency with a copy of the complaint or a summary thereof. If a complainant has requested confidentiality under chapter 42.17 RCW, the complainant's name and identifying information shall be deleted from the complaint.

(4) The board staff shall reduce the results of a preliminary review or investigation to writing.

NEW SECTION

WAC 292-100-042 Board staff referral of allegations.

(1) The board staff may refer a complaint or a summary thereof to the employing agency for investigation and recommendation of resolution. The referral will include a copy of the complaint and all supporting documentation and shall include a date for submission of the report and recommendation allowing at least thirty days. If a complainant has requested confidentiality under chapter 42.17 RCW, the complainant's name and identifying information shall be deleted from the complaint. The agency receiving the referral may request additional time, if needed. During the course of the agency's investigation, the agency shall contact the respondent and provide the respondent with a copy of the complaint. The agency will provide the respondent with an opportunity to present such information as the respondent may desire.

(2) If board staff determine that a complaint alleges conduct which may violate a criminal statute, the staff may refer the complaint to the appropriate law enforcement authority and if referred, will suspend their investigation until the law enforcement authority responds as to whether criminal charges will be filed. If the law enforcement authority elects to file criminal charges, no further action will be taken while the criminal case is pending. If the law enforcement authority elects not to file criminal charges, board staff shall complete their investigation and follow the procedures set forth in these rules.

NEW SECTION

WAC 292-100-045 Executive director's dismissal of complaints. (1) If after a preliminary review or investigation the board staff determines that:

(a) Any alleged violation that may have occurred is not within the jurisdiction of the board;

(b) The complaint is obviously unfounded or frivolous; or

(c) The complaint presents a violation of chapter 42.52 RCW, but any violation that may have occurred does not constitute a material violation because it was inadvertent and minor, or has been cured, and, after consideration of all of the circumstances, further proceedings would not serve the purposes of this chapter, the executive director may dismiss the complaint by issuing an order of dismissal.

(2) The preliminary review or investigation report and a written notice of the executive director's order of dismissal shall be provided to the complainant, respondent, and the board. (See RCW 42.52.425.)

NEW SECTION

WAC 292-100-046 Complainant's request for review of executive director's dismissal order. (1) Upon the written request of the complainant, the executive director's order of dismissal will be reviewed by the board.

(2) A request for review must be received at the board's administrative office no later than twenty days after the date the order of dismissal is mailed to the complainant.

(3) A request for review shall state the grounds therefor.

(4) When a request for review is received, the board staff shall prepare a record for the board's review and serve notice upon the respondent that a review has been requested. The record will consist of:

(a) The complaint;

(b) The preliminary review or investigation report, as applicable;

(c) The order of dismissal;

(d) The complainant's request for review;

(e) The executive director's response to the request for review; and

(f) Any additional material requested by the chair.

(5) The board shall review the record and deliberate in closed session, without oral argument, and act on the request at the next meeting at which it may be practicable by:

(a) Affirming the dismissal;

(b) Directing board staff to conduct further investigation;

or

(c) Issuing a determination that there is reasonable cause to believe that a violation has been or is being committed.

(6) In reviewing the executive director's order of dismissal, the board shall base its review on whether the executive director had a rational basis for the decision. The board only shall reverse a decision to the extent that a rational basis is lacking.

(7) The board's decision shall be reduced to writing and provided to the complainant and the respondent.

NEW SECTION

WAC 292-100-047 Board member's request for review of executive director's dismissal order. (1) Upon the written request of a board member, the executive director's order of dismissal will be reviewed by the board.

(2) The preliminary review or investigation report and a written notice of the executive director's order of dismissal shall be provided to the board at the next regular meeting.

(3) A request for review by a board member must be received by the executive director no later than twenty days after the date the order of dismissal is provided to the board.

(4) When a request for review is received, the board staff shall prepare a record for the board's review and serve notice upon the respondent that a review has been requested. The record will consist of:

(a) The complaint;

(b) The preliminary review or investigation report, as applicable;

(c) The order of dismissal;

(d) Any additional material requested by the chair or the board member who requested the review.

(5) The board shall review the record, consider the request in executive session, and act on the request at the next meeting at which it may be practicable by:

(a) Affirming the dismissal;

(b) Directing board staff to conduct further investigation; or

(c) Issuing a determination that there is reasonable cause to believe that a violation has been or is being committed.

(6) The board's decision shall be reduced to writing and provided to the complainant and the respondent.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-050 Determination on reasonable cause. (1) Following the preliminary investigation, the board staff shall prepare a written investigation report and make a recommendation to the board on whether to find reasonable cause, including a recommendation as to whether the penalty may be greater than \$500.

(2) Upon receipt of the board staff's investigation report and recommendation, the board shall determine whether or not there is reasonable cause to believe that a violation of chapter 42.52 RCW has occurred.

(3) The board's reasonable cause determination shall be done in closed session.

(4) If the board finds reasonable cause, the board shall consider whether the penalty and costs for the alleged violation may be greater than \$500. If the board (~~concludes that the potential~~) may wish to impose penalty and costs (~~may be~~) greater than \$500, the respondent shall be given the option to have an administrative law judge conduct the hearing and rule on procedural and evidentiary matters. If the respondent is not given that option, the board may not impose ~~(a)~~ penalty ~~(or)~~ and costs greater than \$500. The board may, on its own initiative, choose to retain an administrative law judge to conduct any hearing.

(5) Upon receipt of an investigation report and recommendation on a complaint referred to the employing agency for investigation, the board shall either:

(a) Reject the report and recommendation and initiate its own investigation; or

(b) Concur with the report and recommendation and either initiate a hearing if the recommended penalty is a monetary fine or refer the matter to the employing agency for implementation of the recommendation if the recommendation is within the agency's authority to implement. The agency shall report implementation to the board and the board shall dismiss the complaint; or

(c) Concur with the report and recommendation, enter a finding of no reasonable cause and dismiss the complaint; or

(d) Concur with the report and recommendation, consider the report an investigative report, enter a finding of reasonable cause, and proceed under this section.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-060 (~~Filing of answer~~) **Notice of hearing—Filing of answer.** (1) Following the board's determination on reasonable cause, the board shall provide the complainant, the respondent and the employing agency with a copy of the written determination on reasonable cause(;) and a copy of the board staff's written investigation report(;) ~~and a copy of the complaint. If a complainant has requested confidentiality under chapter 42.17 RCW, the complainant's name and identifying information will be deleted~~). If reasonable cause is found, the determination of reasonable cause shall include a statement of the alleged violations. Prior to scheduling a public hearing, the board shall provide the respondent with an explanation of the option to request that the hearing be conducted by an administrative law judge if the penalty and costs for the alleged violation may be greater than \$500.

(2) Within 30 days of service of the written determination on reasonable cause, the respondent shall file an answer to the written determination on reasonable cause which shall state his/her response to the alleged violations. The answer shall include either a request for or a waiver of the right to request an administrative law judge if the penalty and costs for the alleged violation may be greater than \$500.

(3) Failure to file an answer to the written determination on reasonable cause within 30 days of service constitutes a default, and the board may proceed to resolve the case without further notice to, or hearing for the benefit of, the respondent.

(4) Within 10 days after service of a default order under subsection (3) of this section, the respondent may file a written motion requesting that the order be vacated, and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the board chair or a designated board member may adjourn further proceedings or conduct them without the participation of the respondent.

(5) Within 30 days of service of the written determination on reasonable cause, the respondent shall ~~(file a request for hearing. The request shall include either a request for or~~

~~a waiver of)~~ have the right to request an administrative law judge if the penalty and costs for the alleged violation may be greater than \$500. If the respondent fails to request an administrative law judge within 30 days, the right to have the matter presided over by an administrative law judge is waived. If the respondent does not request an administrative law judge within 30 days and has not defaulted pursuant to this section, the board staff may, at its option, commence an adjudicative proceeding to resolve the matter.

(6) The respondent shall be notified of the date of the hearing no later than ~~((30))~~ 20 days before the hearing date.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-080 Investigation procedures—Subpoenas. (1) During the course of an investigation, the board, ~~((or any))~~ a board member, or the executive director, may issue a subpoena directed to any person who is likely to possess information which is relevant and material to the investigation. The subpoena shall:

(a) Specifically describe the information which is sought, and

(b) Require the production of information at a reasonable place and time, but no later than ten days from the date it is served, and

(c) Notify the person that if the information is not produced, the board will apply to the superior court for an appropriate order or other remedy. The subpoena may be personally delivered or sent by certified mail, return receipt requested.

(2) The board may issue a subpoena under RCW 42.52.390 to compel persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other documents which the board deems relevant and material.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-100 Prehearing conference—Rule. (1) In any proceeding, the presiding officer upon his/her own motion or upon request by board staff or the respondent or their counsel, may direct the board staff or respondent to appear at a specified time and place for a conference to consider:

(a) Simplification of issues;

(b) The necessity of amendments to the hearing notice;

(c) The possibility of obtaining stipulations, admissions of facts and of documents;

(d) Limitation on the number of witnesses;

(e) Authorizing discovery by any party; ~~((and))~~

(f) Scheduling order; and

(g) Procedural and such other matters as may aid in the disposition of the proceeding.

(2) Prehearing conferences may be held by telephone conference call or at a time and place specified by the presiding officer.

(3) Following the prehearing conference, the presiding officer shall issue an order reciting the action taken and deci-

sions made at the conference. If no objection to the order is filed with the presiding officer within seven days after the date the order is mailed, the order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-110 Hearings—Discovery—Subpoenas. (1) The board, a board member, or the executive (~~(secretary)~~) director may issue subpoenas for discovery, subpoenas to persons to appear and give testimony, and may require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material and the board or presiding officer may issue protective orders as appropriate. Any party may issue subpoenas. All subpoenas for hearings must be filed with the ~~((board))~~ presiding officer, together with proof of proper service, at least five days prior to the date of the hearing for which they are issued. All subpoenas will be issued and may be enforced in the form and manner set forth in RCW 34.05.446 and WAC 10-08-120.

(2) The ~~((board))~~ presiding officer, upon motion and before the time specified in the subpoena for compliance therewith, may:

(a) Quash or modify the subpoena if it is unreasonable and oppressive; or

(b) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(3) The attendance of witnesses and such production of evidence may be required from any place within the state of Washington to any location where a hearing is being conducted.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-130 Hearings—Discovery—Depositions and interrogatories—Notice. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than five ~~((business))~~ days in writing to the presiding officer and all parties. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined. On motion of a party to whom the notice is served, the presiding officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-140 Depositions and interrogatories in hearings—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause

shown, the presiding officer may order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or the ~~((board))~~ presiding officer may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression.

At any time during the taking of the deposition, on motion of any party or the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the presiding officer may order the party conducting the examination to cease forthwith from taking the deposition or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed only upon the order of the ~~((board))~~ presiding officer. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-150 Discovery—Production of documents and use at hearing. (1) Upon request by either party, copies of all materials to be presented at the hearing shall be provided to the requester within seven days of the request but, for good cause shown, not less than three business days prior to the date of the hearing.

(2) When documents are to be offered into evidence at the hearing, the one offering the exhibit shall provide a minimum of ten copies ~~((, for the opposing party, members of the board, the board's legal counsel, and board staff)).~~

(3) If documentary evidence has not been exchanged prior to the hearing, the parties shall arrive at the hearing location or make documents available in sufficient time before the time scheduled for the hearing for the purpose of exchanging and making copies of exhibits to be introduced.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-160 Conduct of hearings. (1) A hearing shall be conducted pursuant to the Administrative Procedure Act (chapter 34.05 RCW) and its supporting regulations (chapter 10-08 WAC), shall be followed unless modified by chapter 292-100 WAC.

(2) A hearing shall be conducted either by the board or by an administrative law judge. If an administrative law judge participates, either by request of a respondent or by request of the board, the board may choose to sit with the administrative law judge to hear the matter and to enter a final order at the conclusions of the proceedings; or to have the administrative law judge hear the matter alone and prepare an initial order for review by the board. If an adminis-

trative law judge sits with the board, he or she shall rule on procedural and evidentiary matters.

(3) After the hearing the board may ~~((find))~~ conclude that:

(a) The respondent(s) did not violate the act, as alleged, and dismiss the case; or

(b) The respondent(s) has (have) violated chapter 42.52 RCW; or

(c) The respondent(s) is (are) in violation of chapter 42.52 RCW, the board's remedy would be inadequate and the matter should be referred to the appropriate law enforcement agency as provided in RCW 42.52.470.

(4) Following a hearing in which the board participates, the board:

(a) Shall set forth in writing its findings of fact, conclusions of law and decision on the merits of the case; and

(b) Shall serve each party, the complainant and the employing agency, a copy of the findings of fact, conclusions of law and decision.

(5) Following a hearing in which the board does not participate, the administrative law judge shall:

(a) Set forth written findings of fact, conclusions of law and decision on the merits of the case in an initial order;

(b) Shall serve each party and board staff a copy of the findings of fact, conclusions of law and decision, including a statement of the right to request review of the initial order by the board.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-170 Review of initial orders by an administrative law judge. (1) An initial order by an administrative law judge shall become the final order of the board within ~~((twenty))~~ forty-five days of the initial order unless:

(a) ~~((The board, upon its own motion,))~~ A board member determines that the initial order should be reviewed as provided in WAC 292-100-175;

(b) A party files a petition for review of the initial order within ~~((twenty))~~ thirty days of the entry of the initial order.

(2) The petition for review will specify the portions of the initial order to which exception is taken and will refer to the evidence of record relied upon to support the petition.

(3) Petitions for review shall be filed with the executive ~~((secretary))~~ director and served on all other parties. The party not filing the petition for review shall have twenty days to reply to the petition for review. The reply shall be filed with the executive ~~((secretary))~~ director and copies of the reply shall be served on all other parties or their counsel at the time the reply is filed, and may cross-petition for review. If the reply contains a cross-petition, it shall specify portions of the initial order to which exception is taken by the replying party, and shall refer to the evidence of the record relied upon to support the reply.

(4) The board shall personally consider the whole record or such portions of it as may be cited by the parties.

(a) The board shall afford each party an opportunity to present written argument and may afford each party an opportunity to present oral argument.

(b) The board shall enter a final order disposing of the proceeding.

(c) The board shall serve copies of the final order on all parties, the complainant, and the employing agency.

NEW SECTION

WAC 292-100-175 A board member's request for review of initial orders. (1) Five days after receiving an initial order by an administrative law judge the executive director shall serve a copy of the initial order upon each board member.

(2) A board member who is requesting review of an initial order shall provide written notice to the executive director within thirty days of service on the board member.

(3) Upon receipt of a board member's notice of review the executive director shall serve the notice of review on all other parties.

(4) The board shall personally consider the whole record or such portions of it as may be required for its deliberation.

(a) The board may afford each party an opportunity to present written argument or afford each party an opportunity to present oral argument.

(b) The board shall enter a final order disposing of the proceeding.

(c) The board shall serve copies of the final order on all parties, the complainant, and the employing agency.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-180 Brief ~~((enforcement hearing))~~ adjudicative proceeding—Authority. Pursuant to RCW 34.05.482 through 34.05.494, after a finding of reasonable cause and notwithstanding the provision of WAC 292-100-050 through 292-100-170, the board may provide a brief ~~((enforcement hearing for))~~ adjudicative proceeding as set forth in WAC 292-100-190 for alleged violations of provisions in chapter 42.52 RCW in which the facts are undisputed, the violations appear to be relatively minor in nature, and ((a)) the penalty and costs no greater than \$500 will be assessed for the violations.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-190 Brief ~~((enforcement hearing))~~ adjudicative proceeding—Procedure. (1) A brief ~~((enforcement hearing))~~ adjudicative proceeding may be presided over by the chair, or a member of the board designated by the chair.

(2) When a violation is alleged, before taking action, the executive ~~((secretary))~~ director shall send the alleged violator notice, which shall include:

(a) ~~((Alleged violation;))~~ The determination of reasonable cause and the investigative report;

(b) The maximum amount of the penalty and costs which can be imposed at the hearing ~~((and the amount of any proposed fine));~~ and

(c) Person's right to respond, within ~~((ten))~~ twenty days, either in writing or in person to explain his/her view of the matter.

(3) At the time of the hearing if the presiding officer believes alleged violations ~~((are of such magnitude as to merit penalties and costs greater than \$500))~~ no longer meet the criteria in WAC 292-100-180, the presiding officer shall immediately adjourn the ~~((hearing))~~ brief adjudicative proceeding and direct the matter to be scheduled for ~~((an enforcement))~~ a public hearing by the full board or an administrative law judge.

(4) At the time any unfavorable action is taken, the presiding officer shall serve upon each party a written statement describing the violation, the reasons for the decision, the penalty and costs imposed and their right to request review by the board ~~((at the next scheduled board meeting))~~.

(5) The written decision of the presiding officer is an initial order. If no review is taken of the initial order, the initial order shall be the final order.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-200 Brief ~~((enforcement hearing))~~ adjudicative proceeding—Administrative review procedures. (1) The board will conduct a review of the initial order upon the written or oral request of a party if the board receives the request within ~~((twenty one))~~ twenty days after the service of the initial order.

(2) If the parties have not requested review, the board may conduct a review of the initial order upon its own motion and without notice to the parties, but it may not take any action on review less favorable to any party than the original order without giving that party notice and an opportunity to explain that party's view of the matter.

(3) The order on review shall be in writing stating the findings made, and the reasons for the decision, and notice that judicial review is available. The order on review shall be entered within twenty-one days after the date of the initial order or of the request for review, whichever is later.

AMENDATORY SECTION (Amending WSR 99-06-073, filed 3/2/99, effective 4/2/99)

WAC 292-100-210 Reconsideration ~~((and review of decisions))~~ of final orders. (1) ~~((For purposes of this rule, "decision" means any findings, conclusions, order, or other action by the board which is reviewable by a court.~~

(2) A decision may be reconsidered only upon:

(a) The written request of a party; or

(b) The motion or written request of a board member who voted on the prevailing side when that decision was made.

(3) ~~Such a request for reconsideration shall be served at the office of the board and on all parties, or motion made, no later than ten days after service of the decision of which reconsideration is sought.~~

~~((4))~~ Within ten days of the service of a final order, any party may file a petition for reconsideration as provided in RCW 34.05.470.

~~((2))~~ Any party may make a motion for reconsideration of a final order of the board as provided in RCW 34.05.470. The request for reconsideration shall be filed at the office of the board and served on the parties no later than ten days after service of the final order. A request or motion for reconsideration shall specify the grounds therefor.

~~((5))~~ When a request for reconsideration is served, or motion made, enforcement of the decision of which reconsideration is sought shall be stayed and the decision shall not be final until the board has acted on the reconsideration. (3) Any party may respond to a request ~~((or motion))~~ for reconsideration. The response is due no later than ten days after the party is served with the request ~~((of motion))~~.

~~((6))~~ The board shall act on the reconsideration, at the next meeting at which it practicably may do so by:

(a) Deciding whether to reconsider its decision; and

(b) If it decides to do so, either affirming or amending its decision. ~~A copy of the board's decision on reconsideration shall be served on all parties, the complainant, and the employing agency.~~

~~((7))~~ Upon being served with a decision, the respondent may treat that decision as final for the purpose of petitioning for judicial review. The board may not reconsider any decision after being served with a petition for judicial review.

NEW SECTION

WAC 292-100-220 Effective date. When WAC 292-100-007 through 292-100-210 go into effect, they will apply to all pending cases.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 292-100-070	Investigation materials not disclosable during investigation.
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AMENDATORY SECTION (Amending WSR 98-22-072, filed 11/3/98, effective 12/4/98)

WAC 292-130-020 Function—Organization—Office. The executive ethics board was created by chapter 42.52 RCW to enforce the state's ethics law and rules adopted under it with respect to statewide elected officers and all other officers and employees in the executive branch, boards and commissions, and institutions of higher education.

The executive ethics board consists of five members, appointed by the governor as follows: One member shall be a classified service employee; one member shall be a state officer or state employee in an exempt position; one member shall be a citizen selected from a list of three names submitted by the attorney general; one member shall be a citizen selected from a list of three names submitted by the state

auditor; and, one member shall be a citizen at large selected by the governor.

The board's administrative office is located at ~~((125 Washington Street SE, 6th Floor, P.O. Box 40100, Olympia, Washington, 98504-0100))~~ 2425 Bristol Court S.W. 1st Floor, P.O. Box 40149, Olympia, WA 98504-0149. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday except legal holidays and during regularly scheduled board meetings.

AMENDATORY SECTION (Amending WSR 98-22-072, filed 11/3/98, effective 12/4/98)

WAC 292-130-030 Operations and procedures. ~~((Board members meet the second Friday of each month, except for the months of August and December, at such times and places as are deemed necessary for the conduct of agency business.))~~ The board holds regular scheduled meetings in accordance with a schedule filed with the code reviser's office and published in the *Washington State Register*. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW). Three members of the board constitute a quorum. Any matter coming before the board may be decided by a majority vote of those members present and voting. Minutes shall be taken at all meetings.

The board issues advisory opinions; develops education and training materials; investigates, hears, and determines complaints; reviews and approves agency ethics policies; and, reviews, approves, or denies contracts between state officers and employees and state agencies.

Written communications intended for board consideration or action shall be filed with the administrative office.

AMENDATORY SECTION (Amending WSR 98-22-072, filed 11/3/98, effective 12/4/98)

WAC 292-130-040 Executive ~~((secretary))~~ director. The executive ~~((secretary))~~ director shall perform the following duties under the general authority and supervision of the board:

(1) Make initial determinations, pursuant to RCW 42.52.425 and WAC 292-100-045, regarding complaints received by the board;

(2) Render informal nonbinding advice, pursuant to RCW 42.52.360 (2)(b) and (c) and WAC 292-110-050;

(3) Make initial determinations, pursuant to RCW 42.52.120 and WAC 292-110-060, regarding approval of certain contracts between state agencies and state officers or employees;

(4) Act as records officer and administrative arm of the board~~((-));~~

~~((2))~~ (5) Coordinate the policies of the board and the activities of board staff~~((-))~~, supervise board staff as appropriate;

~~((3))~~ (6) Act as a liaison between the board and other public agencies~~((-))~~; and

~~((4))~~ (7) Conduct ethics training and information outreach.

AMENDATORY SECTION (Amending WSR 98-22-072, filed 11/3/98, effective 12/4/98)

WAC 292-130-060 Index prior to January 1, 2001. Prior to January 1, 2001, the board ~~((has))~~ indexed by subject matter the advisory opinions of the board. The index is maintained in the administrative office and is accessible at the board's web site located at www.wa.gov/ethics.

The volume of correspondence managed by the office is such that it would be unduly burdensome to formulate and maintain an index of all correspondence. In lieu of an index, the following filing system is utilized at the board's administrative office:

(1) Complaints received by the board are indexed by year, number, and name of the respondent and agency.

(2) Whistleblower referrals from the state auditor are indexed by whistleblower case number.

(3) Contract approvals are filed by year and name of the state employee.

(4) Agency ethics policies are filed by agency name.

NEW SECTION

WAC 292-130-065 Index after January 1, 2001. The board has indexed by subject matter the advisory opinions of the board. The index is maintained in the administrative office and is accessible at the board's web site located at www.wa.gov/ethics.

The volume of correspondence managed by the office is such that it would be unduly burdensome to formulate and maintain an index of all correspondence. In lieu of an index, the following filing system is utilized at the board's administrative office:

(1) Complaints, including referrals from the state auditor, received by the board are indexed by year, month, day, and sequential number. Complaints that are referred for full investigation are indexed by year and sequential case number.

(2) Requests for advisory opinions, including informal staff analysis, are indexed by year, month, day, and sequential number. Advisory opinions issued by the board are indexed by year and sequential opinion number.

(3) Requests for contract approvals, under WAC 292-110-060 are indexed by year, month, day, sequential number and name of the state employee.

(4) Requests for board review of agency ethics policies, filed under RCW 42.52.360(4) are indexed by year, month, day, and sequential number. Agency ethics policies that are approved by the board are indexed by year, month, day, sequential policy number, and agency name.

AMENDATORY SECTION (Amending WSR 98-22-072, filed 11/3/98, effective 12/4/98)

WAC 292-130-070 Public records—Officer. The public records officer for the ~~((administrative office))~~ board shall be the executive ~~((secretary))~~ director to the board.

AMENDATORY SECTION (Amending WSR 98-22-072, filed 11/3/98, effective 12/4/98)

WAC 292-130-080 Hours for seeking public records.

Public records shall be available for inspection and copying from 9:00 a.m. to noon and from 1:00 p.m. to ~~((4:30))~~ 4:00 p.m., Monday through Friday, excluding legal holidays and during regularly scheduled board meetings.

AMENDATORY SECTION (Amending WSR 98-22-072, filed 11/3/98, effective 12/4/98)

WAC 292-130-130 Exemptions. (1) The ~~((administrative office))~~ board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 292-130-060 is exempt under the provisions of RCW 42.17.310.

(2) It is the policy of the board during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.17.310 (1)(d). The investigation is not considered complete until a case is resolved either by a stipulation and settlement that is signed by all parties; or, when the board enters a final order after a public hearing. If a public records request is made following a signed stipulation and settlement or a final order for any such record which implicates the privacy of an individual, written notice of the records request will be provided to the individual in order that such individual may request a protective order from a court under RCW 42.17.330. The following records are not considered part of the investigation file and are releasable upon request:

- (a) Complaints, upon receipt by the respondent;
- (b) The board staff's preliminary review or investigation report;
- (c) The board's findings of reasonable cause or no reasonable cause; and
- (d) Proposed stipulations and settlements, upon receipt by the board.

(3) In addition, pursuant to RCW ~~((42.17.260(1)))~~ 42.17.310, the ~~((office))~~ board reserves the right to ~~((delete identifying details))~~ withhold or delete information when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be ~~((an invasion of personal privacy protected by))~~ otherwise exempt from disclosure under chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

~~((3))~~ (4) Any denial of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

WSR 01-13-039

PERMANENT RULES

**DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

[Filed June 13, 2001, 2:12 p.m.]

Date of Adoption: June 12, 2001.

Purpose: Criteria to analyze project consistency with comprehensive plans and development regulations adopted under chapter 36.70A RCW.

Statutory Authority for Adoption: RCW 36.70B.040.

Adopted under notice filed as WSR 01-03-165 on January 24, 2001.

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 8, 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 8, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 12, 2001

Martha Choe

Director

Chapter 365-197 WAC

PROJECT CONSISTENCY

NEW SECTION

WAC 365-197-010 Purpose of a project consistency rule. The Local Project Review Act (chapter 36.70B RCW) authorizes the department of community, trade, and economic development to develop and adopt by rule criteria to assist local governments planning under RCW 36.70A.040 to analyze the consistency of project actions. These criteria are to be jointly developed with the department of ecology (RCW 36.70B.040(5)).

A basic principle of the Growth Management Act (GMA) and the Local Project Review Act is that land use decisions made in adopting a comprehensive plan and development regulations under chapter 36.70A RCW should not be revisited during project review. When review of a project indicates that it is consistent with earlier land use decisions, that project should not be reevaluated or scrutinized with respect to whether those decisions were appropriate. Given the number of jurisdictions and agencies in the state, it is essential to establish a uniform framework for jurisdictions planning under the GMA to consider the consistency of a proposed project with the applicable development regulations or,

in the absence of applicable regulations, the adopted comprehensive plan.

Consistency should be considered in the project review process by analyzing four factors found in applicable regulations or plans. The four factors are:

- (1) The type of land use allowed;
- (2) The level of development allowed, such as dwelling units per acre or other measures of intensity;
- (3) Infrastructure, such as the adequacy of public facilities and services to serve the proposed project; and
- (4) The characteristics of the proposed development, such as assessment for compliance with specific development regulations or standards. This uniform approach is based upon existing project review practices and should not place a "new" burden on applicants or local government. The intent is that consistency analysis be largely a matter of code checking for most projects, which are simple or routine. More complex projects may require more analysis of these factors, including any required studies. During project review, a question may be raised about whether a project is consistent with applicable regulations or plans after some initial analysis. A project's consistency with applicable development regulations may not initially be clear due to the complexity of the project or the regulations. For example, provision for infrastructure. In these cases, the criteria in the rule are intended to provide guidance to local government, applicants, and reviewers in conducting a consistency analysis. The criteria are not intended for every aspect of the project, only for those aspects where there are still questions of consistency after the initial review.

This rule is advisory in nature. As provided by RCW 36.70B.040, local governments may develop and apply their own procedures for determining project consistency.

NEW SECTION

WAC 365-197-020 Definitions. (1) "GMA" means the Growth Management Act, chapter 36.70A RCW and those statutes codified in other chapters of the Revised Code of Washington that were enacted or amended as part of chapter 17, Laws of 1990 1st ex. sess. and chapter 32, Laws of 1991 sp. sess.

(2) "GMA county/city" means a county or city that is planning under RCW 36.70A.040.

(3) "SEPA" means the State Environmental Policy Act of 1971, chapter 43.21C RCW, and the SEPA rules, chapter 197-11 WAC, as enacted or later amended.

NEW SECTION

WAC 365-197-030 Integrated project review—GMA project consistency analysis and environmental review under SEPA. The GMA is a fundamental building block of regulatory reform. The GMA should serve as an integrating framework for other land use-related laws. (ESHB 1724, Section 1.)

Integration of permit review and environmental review is intended to eliminate duplication in processes and requirements. The legislature recognized that consistency analysis and determinations of whether environmental impacts have

been adequately addressed involve many of the same studies and analyses. SEPA substantive authority should not be used to condition or deny a permit for those impacts adequately addressed by the applicable development regulations.

The primary role of environmental review under SEPA at the project level is to focus on those environmental impacts that have not been addressed by a GMA county's/city's development regulations and/or comprehensive plan adopted under chapter 36.70A RCW, or other local, state, and federal laws and regulations. SEPA substantive authority should only be used when the impacts cannot be adequately addressed by existing laws. As consistency analysis involves the application of development regulations and/or the comprehensive plan to a specific project, it will also help answer the question of whether a project's environmental impacts have been adequately addressed by the regulations and/or plan policies.

During project review, a GMA county/city may determine that some or all of the environmental impacts of the project have been addressed by its development regulations, comprehensive plan, or other applicable local, state, or federal laws or rules (RCW 43.21C.240 and WAC 197-11-158). The GMA county/city may make this determination during the course of environmental review and preparation of a threshold determination (including initial consistency review), if the impacts have been adequately addressed in the applicable regulations, plan policies, or other laws. "Adequately addressed" is defined as having identified the impacts and avoided, otherwise mitigated, or designated as acceptable the impacts associated with certain levels of service, land use designations, development standards, or other land use planning decisions required or allowed under the GMA. Once a determination has been made that an impact has been adequately addressed, the jurisdiction may not require additional mitigation for that impact under its SEPA substantive authority.

Thus, through the project review process:

(1) If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under SEPA will not be necessary on those impacts;

(2) If the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under SEPA; and

(3) If the applicable regulations do not adequately analyze or address a proposal's specific probable adverse environmental impacts, SEPA provides the authority and procedures for additional review. (Note to RCW 43.21C.240.)

NEW SECTION

WAC 365-197-040 Definition and review of project consistency. (1) "Project consistency" refers to whether a project is consistent with adopted and applicable development regulations, or in their absence, comprehensive plans adopted under chapter 36.70A RCW.

(2) Project review for consistency is not subject to the provisions of this chapter for regulations or plans that:

(a) Do not exist or have not been adopted under chapter 36.70A RCW; or

(b) Do not apply to the particular project (e.g., no need to review compliance with floodplain ordinances if the site is not in a floodplain).

(3) The adopted and applicable development regulations/plans that apply to a project fall into four basic categories, which are defined in different levels of detail by GMA counties/cities:

(a) Type of land use;

(b) Level of development (dwelling units per acre or other measures of density);

(c) Infrastructure to support the proposed project (public facilities and services); and

(d) The other characteristics of the development (how the project is sited or otherwise built and operated from a growth management/land use and environmental perspective).

(4) Reviewing consistency in these four categories will be largely a code-checking exercise for relatively simple or routine projects in GMA counties/cities with specific development regulations, while more complex projects or projects that affect critical areas may require more analysis.

NEW SECTION

WAC 365-197-050 Criteria to analyze consistency of project actions. (1) In considering the four basic categories of project consistency, it may not be clear on initial review whether a project is consistent with a particular applicable development regulation, or in its absence, the comprehensive plan. The following criteria, in the form of questions, are intended to assist cities/counties, applicants, and reviewers in analyzing for consistency.

(a) **Type of land use:** Is the project's proposed land use within the range of allowable uses identified for this site in the comprehensive plan/development regulation? This would include uses that may be allowed under certain circumstances if they satisfy approval criteria, for example, planned unit developments, conditional uses, or special uses.

(b) **Level of development:** Is the project's proposed land use within the range of densities, including dwelling units per acre or other measures of intensity, as defined in the comprehensive plan/development regulations? Other measures of intensity may include, but are not limited to, such measures as square footage of nonresidential development, number of employees, or floor area ratio.

(c) **Infrastructure:** Are the system-wide public facilities and services necessary to serve the development available? To make this decision, the local jurisdiction should ask:

(i) Is the system-wide infrastructure sufficient to serve the development? (If yes, no need to ask the next question.)

(ii) Have any system improvements needed for the proposed development and site:

(A) Been identified as necessary to support development in the comprehensive plan; and

(B) Had provision for funding in the comprehensive plan (e.g., capital facilities plan, utilities element, transportation improvement plan)? Alternatively, can the applicant demon-

strate capacity, e.g., through a certificate of concurrency process? (If yes, no need to ask the next question.)

(iii) Will the proposed project use more capacity than the usage or assumptions on which the capital facilities plan, utilities element, or transportation improvement plan were based, or will the project cause current service levels to fall below level of service standards identified in the comprehensive plan? (If yes, does the applicant want to pay for the improvements or allow the GMA county/city to docket the issue for future plan amendment?)

(d) **Characteristics of development:** Does the proposed project:

(i) Meet or fall within the range of numerical standards that apply? (Examples of numerical standards may include, but are not limited to, number of dwelling units per acre, floor area ratio, building setbacks, building height, lot size, lot coverage, minimum width and depth for new lots, parking requirements, and density/intensity bonuses or incentives. In applying some of these standards, some overlap may occur with the analysis for level of development, i.e., units per acre and floor area ratio.)

(ii) Promote or not substantially conflict with narrative standards that apply? (Examples of narrative standards include performance standards, engineering or design criteria, methods for determining compliance such as monitoring or contingency plans, and mandatory policies or criteria.) Analysis of consistency with narrative standards may be contingent upon preparation, completion, and approval of required studies, plans, determinations, or monitoring (e.g., delineation of critical areas, mitigation plans, etc.).

(e) For purposes of this section, "system-wide" infrastructure means those public services or facilities that may be needed to serve a geographic area greater than the specific site on which the project is located. For example, sewer systems, water systems, or transportation systems that serve a geographic area beyond the project site. Public services or facilities that are not system-wide and may be needed on or near a proposed project (such as drainage facilities, utility connections or transportation improvements to primarily serve the project) should be addressed through analysis of the characteristics of development.

(2) Analysis of project consistency should take into consideration regulatory standards and policies that provide a method to reconcile a project's proposed type of development, level of development, infrastructure needs, or characteristics of development with development regulation and/or comprehensive plan requirements. Such provisions include, but are not limited to, variance and conditional use procedures, innovative land use techniques, developer funding for infrastructure construction or improvements, and project-specific mitigation measures.

(3) If the information needed to analyze project consistency does not exist in the applicable development regulations or comprehensive plan, the county or city should determine whether a deficiency exists pursuant to WAC 365-197-060.

NEW SECTION

WAC 365-197-060 Definition of plan "deficiency" identified in project review and how such deficiencies should be docketed. (1) Project review may continue under SEPA and other applicable laws, if, during project review, a GMA county/city identifies a deficiency in the applicable development regulations or the policies in the comprehensive plan. The identified deficiency shall be docketed for possible future development regulation or plan amendments. The applicant may proceed as provided in subsection (4)(c) of this section. The project review process shall not be used as a comprehensive planning process. Docketed deficiencies shall be considered through the normal amendment process for comprehensive plans or development regulations.

(2) "Deficiency" in a development regulation or comprehensive plan refers to the absence of required or potentially desirable¹ contents of a comprehensive plan or development regulation. It does not refer to whether a development regulation adequately addresses a project's probable specific adverse environmental impacts, which the permitting agency could mitigate in the normal project review process. Some project-specific impacts could be identified that the agency will need to or prefer to address at the project level rather than in the comprehensive plan or development regulations.

For purposes of docketing, use of the term "deficiency" shall not mean that a comprehensive plan or development regulation adopted by a county or city under chapter 36.70A RCW is invalid or out of compliance with chapter 36.70A RCW. Docketing is intended to allow and encourage GMA counties/cities to improve their plans and regulations as a result of experience in reviewing projects, but without stopping review of the project that may have disclosed the "deficiency."

(3) A project should not be found to be inconsistent with applicable regulations or the plan if the inconsistency is the result of a deficiency of one of the four criteria for project consistency. The deficiency should be docketed for possible future regulation or plan amendments, and the project proponent can proceed with either of the options provided in subsection (4) of this section.

(4) If all of the information to analyze consistency does not exist in the regulations or plan, the absent policy or regulatory information should be docketed for possible future regulation or plan amendments. At this point the applicant may:

(a) Await docketing and decision on the proposed amendment to address the deficiency before proceeding with the project review process; or

(b) Proceed with the project review process under SEPA and other applicable laws.

NEW SECTION

WAC 365-197-070 Appeals of consistency. (1) When and how appeals of consistency may fit into a GMA county's/city's appeal process depends upon the individual jurisdiction's project review and appeals process. Nothing in this section requires documentation or dictates a GMA county's/city's procedures for considering consistency.

(2) Fundamental land use planning decisions made in comprehensive plans and development regulations should not be revisited at the project level. During project review, the local government or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the planning decisions specified in subsection (3)(a) through (c) of this section, except for issues of code interpretation. The planning decisions in subsection (3)(a) through (c) of this section are a subset of the four basic categories of criteria for analyzing project consistency under WAC 365-197-050 (1)(a) through (d). The planning decisions in subsection (3)(a) through (c) of this section are identified in RCW 36.70B.030(2) as decisions that are determinative and cannot be reexamined at the project level if they have been addressed in the development regulations and/or comprehensive plan. As project review includes environmental review, the local government or subsequent reviewing body shall not reexamine or hear appeals on how the environmental impacts of those planning decisions in subsection (3)(a) through (c) of this section were addressed under chapter 43.21C RCW. However, if environmental information is required to analyze project consistency under subsection (3)(a) through (c) of this section and that information is not available, the decision may still be challenged under SEPA.

(3) During project review, a GMA county/city or any subsequent reviewing body shall determine whether the items listed in (a) through (c) of this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations, the adopted comprehensive plan under chapter 36.70A RCW. At a minimum, such applicable regulations or plans shall be determinative of the:

(a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;

(b) Density of residential development in urban growth areas, including densities that may be allowed under certain circumstances, such as planned unit developments and density bonuses;

(c) Availability and adequacy of public facilities:

(i) That are needed to serve the proposed development;

(ii) That are identified in the comprehensive plan; and

(iii) For which the plan or development regulations identify the probable sources of funding, as required by chapter 36.70A RCW.

(4) Upon a determination of consistency of the project with the planning decisions in subsection (3)(a) through (c) of this section, no further analysis of the project with respect to those items will be required. However, because the planning decisions in subsection (3)(a) through (c) of this section do not include all of the project review criteria in WAC 365-197-050 (1)(a) through (d), further analysis may be required to apply the remaining criteria listed in WAC 365-197-050 (1)(a) through (d) that are not addressed in the planning decisions in subsection (3)(a) through (c) of this section. For example, analysis of residential densities outside the urban growth area or the character of development may still need to be addressed.

(5) For purposes of this section, "code interpretation" includes the correct application of the applicable regulations or plan to the project. As part of its project review process, each GMA county/city must adopt procedures for obtaining a code interpretation pursuant to RCW 36.70B.030(3) and 36.70B.110(11). A GMA county/city may provide a formal or informal process for code interpretation. The GMA county or city or subsequent reviewing body may consider comments on the application of regulations or the plan to the project without requiring a formal code interpretation.

(6) As provided above, agencies should not be revisiting fundamental land use planning decisions made in comprehensive plans and development regulations at the project level. However, nothing in this chapter limits the authority of a permitting agency to approve, condition, or deny a project as provided in its development regulations adopted under chapter 36.70A RCW and in its SEPA substantive policies adopted under RCW 43.21C.060. An agency may still use its authority under adopted development regulations or SEPA substantive policies to condition a project. For example, an agency may condition a project to reduce neighborhood traffic or traffic impacts, which could have the effect of reducing the level of development otherwise permitted by zoning ordinance.

NEW SECTION

WAC 365-197-080 An agency may deny a project based upon consistency analysis. (1) An agency has the authority to deny a project if it:

(a) Is inconsistent and does not comply with the applicable development regulations, or in their absence, the adopted comprehensive plan;

(b) Will result in significant adverse environmental impacts which cannot be mitigated per RCW 43.21C.060 and WAC 197-11-660; or

(c) Does not comply with other local, state, or federal law and rules, and the local jurisdiction has the authority to deny based upon these other laws and rules.

(2) This rule is not intended to modify any criteria developed by a GMA county/city for denying a project.

WSR 01-13-042
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed June 14, 2001, 12:47 p.m.]

Date of Adoption: June 14, 2001.

Purpose: WAC 458-20-13501 Timber harvest operations, is a new rule explaining the business and occupation (B&O), public utility, retail sales, and use tax reporting responsibilities of person performing activities commonly associated with timber harvest operations.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under notice filed as WSR 01-09-035 on April 11, 2001.

Changes Other than Editing from Proposed to Adopted Version: **Subsection (1), Introduction:** Subsection (1) has

been restructured to explain that these persons refer to Rules 122, 209, and 210 for tax-reporting information regarding short-term hardwoods. The following language has been added as subsection (1)(c):

Information regarding short-rotation hardwoods. Effective July 22, 2001, persons cultivating short-rotation hardwoods are considered farmers. Refer to WAC 458-20-122, 458-20-209, and 458-20-210 for tax-reporting information for farmers and persons selling property to or performing horticultural services for farmers. "Short-rotation hardwoods" are hardwood trees, such as but not limited to hybrid cottonwoods, cultivated by agricultural methods in growing cycles shorter than 15 years. Chapter 97, Laws of 2001.

Subsection (2), Timber harvesters: The following language has been added as subsection (2)(a):

Timber purchasers to file information report. A purchaser must report to the department of revenue purchases of privately owned timber in an amount exceeding two hundred thousand board feet, if purchased in a voluntary sale made in the ordinary course of business. The report must contain the purchaser's name and address, purchase information (dates, price, descriptions of land, acreage, and required improvements, the volume purchased, and cruise and thinning data) and all relevant information to the value of the timber purchased.

This report must be filed on or before the last day of the month following the purchase of the timber. A two hundred-fifty dollar penalty may be imposed against a purchaser for each failure to satisfy the requirements for filing this report. These filing requirements become effective July 1, 2001, and are scheduled to expire July 1, 2004. Chapter 320, Laws of 2001.

Subsections (3), Extractors for hire and (12), Logging road construction and maintenance: Subsections (3) and (12) explain the tax-reporting responsibilities of extractors for hire and persons performing logging road construction and maintenance, respectively. We have added the following sentence to these subsections to clarify that income from these activities is not subject to the retail sales tax:

This income is not subject to the retail sales tax.

Subsection (6)(b), Sale of harvested timber (logs): Subsection (6)(b) explains the tax-reporting responsibilities of the seller and other persons associated with the harvesting activity that occur when the seller (landowner or other owner of the rights to standing timber) sells logs. The last sentence of subsection (6)(b) has been revised as follows to clarify that title to the logs passes to the buyer after the logs are scaled:

Seller retains title to the logs until after they are scaled, at which time title transfers to Buyer.

Subsection (7)(a), Seeds and seedlings: We have moved the information from subsection (7)(a) of the proposed rule to a new subsection (8). We have also added the following language to incorporate the new retail sales and use tax exemption for conifer seeds:

(b) **Limited sales and use tax exemptions for conifer seeds.** Chapter 129, Laws of 2001, provides retail sales and use tax exemptions for certain sales and/or uses of conifer seeds. A deferral mechanism is also available if the buyer cannot at the time of purchase determine whether the pur-

chase is in whole or in part eligible for the sales tax exemption.

(i) **Retail sales tax exemption.** Retail sales tax does not apply to the sale of conifer seed that is immediately placed into freezer storage operated by the seller if the seed is to be used for growing timber outside Washington. This exemption also applies to the sale of conifer seed to an Indian tribe or member and is to be used for growing timber in Indian country, again only if the seed is immediately placed into freezer storage operated by the seller. For the purposes of this exemption, "Indian country" has the meaning given in RCW 82.24.010.

This exemption applies only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate to substantiate the exempt nature of these sales.

(ii) **Deferring payment of retail sales tax if unable to determine whether purchase qualifies for the retail sales tax exemption.** If a buyer of conifer seed is normally engaged in growing timber both within and outside Washington and is not able to determine at the time of purchase whether the seed acquired, or the seedlings germinated from the seed acquired, will be used for growing timber within or outside Washington, the buyer may defer payment of the sales tax until it is determined that the seed, or seedlings germinated from the seed, will be planted for growing timber in Washington. A buyer that does not pay sales tax on the purchase of conifer seed and subsequently determines that the sale did not qualify for the tax exemption must remit to the department the amount of sales tax that would have been paid at the time of purchase. It is important to note that the sales tax liability may be deferred only if the seller immediately places the conifer seed into freezer storage operated by the seller.

(iii) **Tax paid at source deduction.** A buyer who pays retail sales tax on the purchase of conifer seed and subsequently determines that the sale qualifies for this tax exemption may claim a tax paid at source deduction on the buyer's tax return. The deduction is allowed only if the buyer keeps and preserves records that show from whom the seed was purchased, the date of the purchase, the amount of the purchase, and the tax that was paid.

(iv) **Use tax exemption.** Use tax does not apply to the use of conifer seed to grow seedlings if the seedlings are grown by a person other than the owner of the seed. This exemption applies only if the seedlings will be used for growing timber outside Washington, or if the owner of the conifer seed is an Indian tribe or member and the seedlings will be used for growing timber in Indian country. If the owner of conifer seed is not able to determine at the time the seed is used in a growing process whether the use of the seed qualifies for this exemption, the owner may defer payment of the use tax until it is determined that the seedlings will be planted for growing timber in Washington. For the purposes of this exemption, "Indian country" has the meaning given in RCW 82.24.010.

Subsection (8)(f), Transporting logs by water: The following changes to the first paragraph of subsection (8)(f) of the proposed rule (subsection (9)(f) of the adopted rule)

have been made to explain the taxability of income from log patrols:

Transporting logs by water. ~~The business of Gross income received for~~ transporting logs by water (e.g., log booming and rafting) ~~or log patrols~~ is subject to the "other public service business" classification of the public utility tax.

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 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 14, 2001

Claire Hesselholt

Rules Manager

Legislation and Policy Division

NEW SECTION

WAC 458-20-13501 Timber harvest operations. (1)

Introduction. Timber harvest operations generally consist of a variety of different activities. These activities are subject to different tax rates and/or classifications under the Revenue Act, depending on the nature of the activity.

(a) **Scope of rule.** This rule explains the application of the business and occupation (B&O), public utility, retail sales, and use taxes to persons performing activities associated with timber harvest operations. This rule explains how the public utility tax deduction available for the transportation of commodities to an export facility (RCW 82.16.050) applies to the transportation of logs (subsection (13)). It also explains how the B&O tax exemption provided by RCW 82.04.333 for small timber harvesters applies (subsection (14)).

(b) **Additional information sources for activities associated with timber harvest operations.** In addition to the taxes addressed in this rule, the forest excise and real estate excise taxes often apply to certain activities or sales associated with timber harvest operations. Persons engaged in timber harvest operations should refer to the following rules for additional information:

(i) WAC 458-20-135 (Extracting natural products);

(ii) WAC 458-20-136 (Manufacturing, processing for hire, fabricating);

(iii) WAC 458-20-13601 (Manufacturers and processors for hire—Sales and use tax exemption for machinery and equipment);

(iv) Chapter 458-40 WAC (Taxation of forest land and timber); and

(v) Chapter 458-61 WAC (Real estate excise tax).

(c) **Information regarding short-rotation hardwoods.** Effective July 22, 2001, persons cultivating short-rotation hardwoods are considered farmers. Refer to WAC 458-20-122, 458-20-209, and 458-20-210 for tax-reporting information for farmers and persons selling property to or performing horticultural services for farmers. "Short-rotation hardwoods" are hardwood trees, such as, but not limited to, hybrid cottonwoods, cultivated by agricultural methods in growing cycles shorter than 15 years. Chapter 97, Laws of 2001.

(2) **Timber harvesters.** Timber harvesters may engage in business activities that require them to report under the extracting, manufacturing, and/or wholesaling or retailing B&O tax classifications.

The definition of "extractor" (RCW 82.04.100) as it relates to the harvesting of trees (other than plantation Christmas trees) is generally identical to the definition of "harvester" (RCW 84.33.035). An exception is the specific provisions in the definition of "harvester" relating to trees harvested by federal, state, and local government entities. Both definitions include every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts (severs), or takes timber for sale or for commercial or industrial use. Both definitions exclude persons performing under contract the necessary labor or mechanical services for the extractor/harvester.

(a) **Timber purchasers to file information report.** A purchaser must report to the department of revenue purchases of privately owned timber in an amount exceeding two hundred thousand board feet, if purchased in a voluntary sale made in the ordinary course of business. The report must contain the purchaser's name and address, purchase information (dates, price, descriptions of land, acreage, and required improvements, the volume purchased, and cruise and thinning data) and all relevant information to the value of the timber purchased.

This report must be filed on or before the last day of the month following the purchase of the timber. A two hundred fifty dollar penalty may be imposed against a purchaser for each failure to satisfy the requirements for filing this report. These filing requirements become effective July 1, 2001, and are scheduled to expire July 1, 2004. Chapter 320, Laws of 2001.

(b) **Extracting.** The felling, cutting (severing from land), or taking of trees is an extracting activity. RCW 82.04.100. The extracting B&O tax applies to the value of the products, which is the value of the severed trees prior to any manufacturing activity.

(c) **Manufacturing.** The cutting into length (bucking), delimiting, and measuring (for bucking) of felled, cut (severed), or taken trees is a manufacturing activity. RCW 82.04.120. The manufacturing B&O tax applies to the value of the products, which is generally the gross proceeds of sale, whether the manufactured product is sold at retail or whole-

sale. Refer also to RCW 82.04.450 and WAC 458-20-112 for more information regarding the value of products.

If the product is delivered to a point outside the state, transportation costs incurred by the seller from the last point at which manufacturing takes place within Washington may be deducted from the gross proceeds of sale when determining the value of the product. For example, in each situation below presume that the timber harvester delivers the product to the customer at a point outside the state:

(i) If there is no further manufacturing subsequent to manufacturing conducted at the harvest site, the measure of tax is the gross proceeds of the sale of the logs less transportation costs incurred by the seller from the harvest site to delivery to the customer;

(ii) If logs are hauled to a facility for processing into lumber, poles, or piles, the measure of tax is the gross proceeds of sale of the lumber, poles, or piles less transportation costs incurred by the seller from the facility to delivery to the customer; and

(iii) If logs are hauled to a facility that only removes the bark, the measure of tax is the gross proceeds of sale of the logs less transportation costs incurred by the seller from the harvest site to the customer. This is because the mere removal of bark is not a manufacturing activity.

However, if at that facility the debarking is a part of a manufacturing process (e.g., cutting the logs into lumber), the entire process, including the debarking, is a manufacturing activity. In such a case, the measure of tax is the gross proceeds of sale of the products manufactured from the logs less transportation costs incurred by the seller from the facility to the customer.

(d) **Selling.** The sale of the logs is subject to either the wholesaling or retailing B&O tax, as the case may be, unless exempt by law. The measure of tax is the gross proceeds of sale without any deduction for transportation costs.

(i) When determining the gross proceeds of sale, the timber harvester may not deduct amounts paid to others. For example, a timber harvester enters into a contract with another person to perform the necessary labor and mechanical services for the harvesting of timber. The harvester is to receive sixty percent of the log sale proceeds, and the person contracting to perform the services is to receive forty percent. The log buyer purchases the logs for five hundred thousand dollars. The buyer pays three hundred thousand dollars to the harvester and two hundred thousand dollars to the person performing the harvesting services. The harvester's gross proceeds of sale is five hundred thousand dollars.

(ii) Retail sales tax must be collected and remitted on all sales to consumers, again unless exempt by law. Sellers must obtain resale certificates from their customers to document the wholesale nature of any transaction. (Refer to WAC 458-20-102 on resale certificates.)

(e) **Multiple activities tax credit (MATC).** An extractor and/or manufacturer who sells the product he or she extracts and/or manufactures must report under each of the appropriate "production" (extracting and/or manufacturing) and "selling" (wholesaling or retailing) classifications of the B&O tax. RCW 82.04.440. The extractor and/or manufacturer may then claim a multiple activities tax credit (MATC)

for the extracting tax (RCW 82.04.230) or manufacturing tax (RCW 82.04.240), provided the credit does not exceed the wholesaling or retailing tax liability. See WAC 458-20-19301 (Multiple activities tax credits) for a more detailed explanation of the MATC reporting requirements.

(3) **Extractors for hire.** Persons performing extracting activities (labor or mechanical services) for timber harvesters are subject to the extracting for hire B&O tax upon the gross income from those services. RCW 82.04.280(3). For example, a person severing trees owned by a timber harvester is performing an extracting activity, and is considered an extractor for hire with respect to those services. (See also WAC 458-20-135 for more information regarding extractors for hire.) The measure of tax is the gross income from the services. This income is not subject to the retail sales tax.

Extracting activities commonly performed by extractors for hire include, but are not limited to:

- (a) Cutting or severing trees;
- (b) Logging road construction or maintenance;
- (c) Activities related to and performed on timber-producing property that are necessary and incidental to timber operations, such as:
 - (i) Slash cleanup and burning;
 - (ii) Scarification;
 - (iii) Stream and pond cleaning or rebuilding;
 - (iv) Restoration of logging roadways to a natural state;
 - (v) Restoration of wildlife habitat; and
 - (vi) Fire trail work.

(4) **Processors for hire.** Persons performing labor or mechanical services for timber harvesters during the manufacturing portion of a timber harvest operation are subject to the processing for hire B&O tax. RCW 82.04.280(3). (See also WAC 458-20-136 for more information regarding processors for hire.) For example, a person delimiting and bucking severed trees at the harvest site is a processor for hire if another person owns the severed trees. A person transporting logs by helicopter from where the logs were severed to a landing from which the logs will be transported to a mill is generally a processor for hire. However, if the manufacturing process on those logs has not yet begun the helicopter operator is an extractor for hire. The measure of tax is the gross income from the services.

Persons performing processing for hire activities for consumers must collect retail sales tax on those services unless otherwise exempt by law.

(5) **Hauling activities.** Persons performing services for timber harvesters are often required to haul logs by motor vehicle from the harvest site exclusively or in part over public roads. The income attributable to this hauling activity is subject to the public utility tax. While the appropriate tax rate will generally be the motor transportation tax rate, refer to WAC 458-20-180 for more information regarding the distinction between the motor and urban transportation tax rates and classifications. If the hauling is exclusively performed over private roads, the service and other activities B&O tax applies. For example, Hauler A hauls logs over private roads from the harvest site to transfer site, at which the logs are unloaded. Hauler B hauls these logs over both private and public roads from the transfer site to a mill. The income

received by Hauler A is subject to the service and other activities B&O tax. The income received by Hauler B is subject to the appropriate classification of the public utility tax.

(a) **Subcontracting hauls to a third party.** If the person subcontracts all of the hauling to a third party, the amount paid to the third party is subject to the appropriate tax classification for the hauling activity. If the hauling is subject to the public utility tax, a deduction for the amount paid to the third party may be claimed as jointly furnished services. RCW 82.16.050(3). The law provides no similar deduction for hauls subject to the service and other activities B&O tax.

For example, EFH is hired by a timber harvester to perform the necessary labor and services to fell trees, delimit and buck these trees to length, and haul the logs to a mill. EFH is paid two hundred fifty thousand dollars. EFH hires Trucking to haul all of the logs from the woods to the mill, in part over public roads. Trucking is paid one hundred thousand dollars. The amount of income received by EFH attributable to felling the trees is fifty-five thousand dollars, while ninety-five thousand dollars is attributable to delimiting and bucking the trees. EFH will report fifty-five thousand dollars and ninety-five thousand dollars under the extracting for hire and processing for hire B&O tax classifications, respectively. EFH will report one hundred thousand dollars under the appropriate public utility tax classification, and claim a deduction for the full one hundred thousand dollars as "jointly furnished services."

(b) **Hauls using own equipment.** If the person hauls the product using his or her own equipment, and has established hauling rates that he or she pays to third-parties for comparable hauls, these rates may be used to establish the measure of tax for the hauling activity. Otherwise, the measure of the tax should be all costs attributable to the hauling activity including, but not limited to, the following costs relative to the hauling equipment: Depreciation; repair parts and repair labor; and wages and benefits for employees or compensation to contractors driving or maintaining the equipment. If appropriate records are not maintained to document these costs, the department will accept one-third of the gross income derived from a contract for all labor or mechanical services beginning with the cutting or severance of trees through the hauling services as the measure of the motor transportation tax.

(c) **Deduction for hauls to export facilities.** Refer also to subsection (13) below for information regarding the deduction available for certain log hauls to export facilities.

(6) **Common timber sale arrangements.** Persons who sell and/or take timber may incur either a B&O, timber excise, or real estate excise tax liability, or possibly both a B&O and a timber excise tax liability. There are a number of ways in which harvesting activities are conducted and timber is sold. The timing of the transfer of ownership of or the contractual right to sever standing timber determines which taxes are due and who is liable for remitting tax.

The following examples briefly identify two common types of timber sale arrangements and then state a conclusion as to the taxes that apply. These examples are not an all-inclusive list of the different types of timber sale arrangements, or the variations that may occur. This information should only be used as a general guide. The tax results of

other types of arrangements must be determined only after a review of all the facts and circumstances. These examples presume that the trees being harvested are not Christmas trees, and that no participant is a federal, state, or local government entity.

(a) **Sale of standing timber (stumpage sales).** In this type of arrangement, Seller (landowner or other owner of the rights to standing timber) sells standing timber to Buyer. Buyer receives title to the timber from Seller before it is severed from the stump. Buyer may hire Contractor to perform the harvesting activity.

The tax consequences are:

(i) Seller is liable for real estate excise tax. A sale of real property has occurred under RCW 82.45.060. Refer to chapter 458-61 WAC for information on remitting the real estate excise tax.

(ii) Buyer is liable for both timber excise tax and B&O tax. Buyer is a "harvester" under RCW 84.33.035 and an "extractor" under RCW 82.04.100 because Buyer "from the . . . land of another under a right or license . . . fells, cuts (severs), or takes timber for sale or for commercial or industrial use." (See subsection (2).)

(iii) Contractor is liable for B&O tax and possibly public utility tax because Contractor "is performing under contract the necessary labor or mechanical services for the extractor/harvester." (See subsections (3), (4), and (5).)

(b) **Sale of harvested timber (logs).** In this type of sales transaction, Seller (landowner or other owner of the rights to standing timber) hires Contractor to perform the harvesting activity. Contractor obtains all the necessary cutting permits, performs all of the harvesting activities from severing the trees to delivering the logs for scaling, and makes all the arrangements for the sale of the logs. Contractor, in effect, is performing the harvesting and marketing services for Seller. Seller retains title to the logs until after they are scaled, at which time title transfers to Buyer.

The tax consequences are:

(i) Seller is liable for both timber excise tax and B&O tax. Seller is a "harvester" under RCW 84.33.035 and an "extractor" under RCW 82.04.100 because Seller is "the person who from the person's own land or from the land of another under a right or license granted by lease or contract . . . fells, cuts (severs), or takes timber for sale or for commercial or industrial use." (See subsection (2).)

(ii) Contractor is liable for B&O tax and possibly public utility tax because Contractor "is performing under contract the necessary labor or mechanical services for the extractor/harvester." (See subsections (3), (4), and (5).)

(iii) There is no real estate excise tax liability because there is no sale of real property under chapter 82.45 RCW.

(7) **Equipment and supplies used in timber harvest operations.** The retail sales tax applies to all purchases of equipment, component parts of equipment, and supplies by persons engaging in timber operations unless a specific exemption applies. Purchases of fertilizer and spray materials (e.g., pesticides) for use in the cultivating of timber are also subject to the retail sales tax, unless purchased for resale as tangible personal property. If the seller fails to collect the appropriate retail sales tax, the buyer is required to remit the

retail sales tax (commonly referred to as "deferred retail sales tax") or use tax directly to the department.

If a person using property in Washington incurs a use tax liability, and prior to that use paid a retail sales or use tax on the same property to another state or foreign country (or political subdivision of either), that person may claim a credit for those taxes against the Washington use tax liability.

(a) **Exemption available for certain manufacturing equipment.** RCW 82.08.02565 and 82.12.02565 provide a retail sales and use tax exemption for certain machinery and equipment used by manufacturers. Persons engaged in both extracting and manufacturing activities should refer to WAC 458-20-13601 for an explanation of how these exemptions may apply to them.

(b) **Property manufactured for commercial use.** Persons manufacturing tangible personal property for commercial or industrial use are subject to both the manufacturing B&O and use taxes upon the value of the property manufactured, unless a specific exemption applies. (See also WAC 458-20-134 on commercial or industrial use and WAC 458-20-112 on the value of products.) If the person also extracts the product, the extracting B&O tax is also due and a MATC may be taken.

For example, ABC Company severs trees, manufactures the logs into lumber, and then uses the lumber to construct an office building. The use of the lumber by ABC in constructing its office building is a commercial or industrial use. ABC is subject to the extracting and manufacturing B&O taxes and may claim a MATC. ABC is also responsible for remitting use tax on the value of the lumber incorporated into the office building.

(8) **Seeds and seedlings.** Persons cultivating timber often purchase or collect tree seeds that are raised into tree seedlings. The growing of the seed may be performed by the person cultivating timber, or through the use of a third-party grower. In the case of a third-party grower, the seed is provided to the grower and tree seedlings are received back after a specified growing period.

(a) **Responsibility to remit retail sales or use tax.** The purchase of seeds or seedlings by a person cultivating timber is subject to the retail sales tax. If the seller fails to collect retail sales tax, the buyer must remit retail sales tax (commonly referred to as "deferred sales tax") or use tax, unless otherwise exempt by law. The use of seed collected by a person cultivating timber is subject to use tax. In the case of seed provided to third-party growers in Washington, the seed owner, and not the third-party grower, incurs any use tax liability upon the value of the seed. The value of seedlings brought into and used in Washington is subject to the use tax, unless retail sales or use tax was previously paid on the seedlings or on the seed from which the seedlings were grown.

(b) **Limited sales and use tax exemptions for conifer seeds.** Chapter 129, Laws of 2001, provides retail sales and use tax exemptions for certain sales and/or uses of conifer seeds. A deferral mechanism is also available if the buyer cannot at the time of purchase determine whether the purchase is in whole or in part eligible for the sales tax exemption.

(i) **Retail sales tax exemption.** Retail sales tax does not apply to the sale of conifer seed that is immediately placed into freezer storage operated by the seller if the seed is to be used for growing timber outside Washington. This exemption also applies to the sale of conifer seed to an Indian tribe or member and is to be used for growing timber in Indian country, again only if the seed is immediately placed into freezer storage operated by the seller. For the purposes of this exemption, "Indian country" has the meaning given in RCW 82.24.010.

This exemption applies only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate to substantiate the exempt nature of these sales.

(ii) **Deferring payment of retail sales tax if unable to determine whether purchase qualifies for the retail sales tax exemption.** If a buyer of conifer seed is normally engaged in growing timber both within and outside Washington and is not able to determine at the time of purchase whether the seed acquired, or the seedlings germinated from the seed acquired, will be used for growing timber within or outside Washington, the buyer may defer payment of the sales tax until it is determined that the seed, or seedlings germinated from the seed, will be planted for growing timber in Washington. A buyer that does not pay sales tax on the purchase of conifer seed and subsequently determines that the sale did not qualify for the tax exemption must remit to the department the amount of sales tax that would have been paid at the time of purchase. It is important to note that the sales tax liability may be deferred only if the seller immediately places the conifer seed into freezer storage operated by the seller.

(iii) **Tax paid at source deduction.** A buyer who pays retail sales tax on the purchase of conifer seed and subsequently determines that the sale qualifies for this tax exemption may claim a tax paid at source deduction on the buyer's tax return. The deduction is allowed only if the buyer keeps and preserves records that show from whom the seed was purchased, the date of the purchase, the amount of the purchase, and the tax that was paid.

(iv) **Use tax exemption.** Use tax does not apply to the use of conifer seed to grow seedlings if the seedlings are grown by a person other than the owner of the seed. This exemption applies only if the seedlings will be used for growing timber outside Washington, or if the owner of the conifer seed is an Indian tribe or member and the seedlings will be used for growing timber in Indian country. If the owner of conifer seed is not able to determine at the time the seed is used in a growing process whether the use of the seed qualifies for this exemption, the owner may defer payment of the use tax until it is determined that the seedlings will be planted for growing timber in Washington. For the purposes of this exemption, "Indian country" has the meaning given in RCW 82.24.010.

(9) **Activities and/or income incidental to timber operations.** The following activities or income, and the applicable tax classifications are often associated with timber operations. These tax-reporting requirements apply even if

these activities are incidental to the person's primary business activity.

(a) **Taking other natural products from timberland.**

The taking of natural products such as boughs, mushrooms, seeds, and cones for sale or commercial or industrial use is subject to the extracting B&O tax. The sale of these products is subject to the wholesaling or retailing B&O tax, as the case may be. Persons both extracting and selling natural products should refer to WAC 458-20-19301 (Multiple activities tax credit) for an explanation of the MATC reporting requirements. The retail sales tax applies to sales to consumers, unless a specific exemption applies.

(b) **Timber cruising, scaling, and access fees.** Charges for timber cruising, scaling services, and to allow others to use private roads are subject to the service and other activities B&O tax. This tax classification also applies to access fees for activities such as hunting, taking firewood, bough cutting, mushroom picking, or grazing. Charges to allow a person to take an identified quantity of tangible personal property are considered sales of that property (see subsection (9)(d) below).

(c) **Planting, thinning, and spraying.** The service and other activities B&O tax applies to the gross proceeds of sale received for planting trees or other vegetation, precommercial thinning, and spraying or applying fertilizers, pesticides, or herbicides.

(d) **Sales of firewood and Christmas trees.** Sales of firewood, Christmas trees, and other tangible personal property are either wholesale (subject to the wholesaling B&O tax) or retail (subject to the retailing B&O and retail sales taxes) sales, depending on the nature of the transaction. (See WAC 458-20-102 for an explanation of the documentation requirements for wholesale sales.) These sales are often made in the nature of charges allowing the buyer to select and take an identified quantity of the property (e.g., six cords of firewood or two Christmas trees).

(e) **Unloading logs from logging trucks.** The unloading of logs from logging trucks onto rail cars at transfer points is subject to the retailing B&O and retail sales taxes when the activity is a rental of equipment with operator. RCW 82.04.050. (See also WAC 458-20-211 for more information regarding the rental of equipment with an operator.) If this activity is not a rental of equipment with operator, the activity is subject to the service and other activities B&O tax. The unloading of logs from logging trucks is subject to the stevedoring B&O tax if performed at an export facility as a part of or to await future movement in waterborne export. (See also WAC 458-20-193D for additional tax-reporting information regarding services associated with interstate or foreign commerce.)

(f) **Transporting logs by water.** Gross income received for transporting logs by water (e.g., log booming and rafting) or log patrols is subject to the "other public service business" classification of the public utility tax.

This tax classification applies to the gross income from this activity even if the person segregates a charge for boomsticks used while transporting the logs. In many cases logs will be towed to a location specified by the customer for storage. Any charges for boomsticks while the logs are stored are

rentals of tangible personal property and subject to the retailing B&O and retail sales tax if to a consumer. (See also WAC 458-20-211 for more information regarding the rental of tangible personal property.)

(g) **Export sorting yard operations.** Export sorting yard operations generally consist of multiple activities. These activities can include, but are not necessarily limited to, services such as weighing, tagging, banding, appraising, and sorting of logs. Other incidental activities, such as the debarking, removal of imperfections such as crooks, knots, splits, and seams, and trimming of log ends to remove defects, are also performed as needed. Income received by persons performing the export sorting yard activities as identified in this subsection is subject to the service and other activities B&O tax.

(10) **Harvesting Christmas trees.** Persons growing, producing, or harvesting Christmas trees are either farmers or extractors under the law, as explained below. Activities generally associated with the harvesting of Christmas trees, such as cutting, trimming, shearing, and baling (packaging) are not manufacturing activities because they are not the "cutting, delimiting, and measuring of felled, cut, or taken trees" under RCW 82.04.120.

(a) **Plantation Christmas tree operations.** Persons growing or producing plantation Christmas trees on their own lands or upon lands in which they have a present right of possession are farmers. RCW 82.04.213. Plantation Christmas trees are Christmas trees that are exempt from the timber excise tax under RCW 84.33.170. This requires that the Christmas trees be grown on land prepared by intensive cultivation and tilling, such as irrigating, plowing, or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising Christmas trees. RCW 82.04.035, 84.33.170, and 84.33.035.

(i) Wholesale sales of plantation Christmas trees by farmers are exempt from B&O tax. RCW 82.04.330. Retail sales of plantation Christmas trees by farmers are subject to the retailing B&O and retail sales taxes. See also WAC 458-20-210 (Sales of agricultural products by farmers.)

(ii) Farmers growing or producing plantation Christmas trees may purchase seeds, seedlings, fertilizer, and spray materials at wholesale. RCW 82.04.050 and 82.04.060. See also WAC 458-20-122 (Sales of feed, seed, fertilizer, spray materials, and other tangible personal property for farm use).

(iii) Persons performing cultivation or harvesting services for farmers are generally subject to the service and other activities B&O tax upon the gross income from those services. See also WAC 458-20-209 (Farming for hire and horticultural services performed for farmers).

(b) **Other Christmas tree operations.** Persons who either directly or by contracting with others for the necessary labor or mechanical services fell, cut, or take Christmas trees other than plantation Christmas trees are extractors. RCW 82.04.100. The tax-reporting instructions regarding extracting and extracting for hire activities provided elsewhere in this rule apply.

(11) **Timber harvest operations in conjunction with other land clearing or construction activities.** Persons sometimes engage in timber harvest operations in conjunc-

tion with the clearing of land for and/or the construction of residential communities, golf courses, parks, or other development. In such cases, these persons are engaging in separate business activities, each of which may be subject to different tax liabilities. Income attributable to the timber harvest operations is subject to the tax classifications as described elsewhere in this rule. Income attributable to the clearing of land for and/or the construction of the residential community, golf course, park, or other development is subject to the wholesaling, retailing, retail sales, or public road construction taxes, as the case may be. Refer to WAC 458-20-170, 458-20-171, and/or 458-20-172 for tax-reporting information regarding these construction activities. Persons cutting and/or trimming trees after the land is developed should refer to WAC 458-20-226 (Landscape and horticultural services).

(12) **Logging road construction and maintenance.** Constructing or maintaining logging roads (whether active or inactive) is considered an extracting activity. Income derived from this activity is subject to the extracting or extracting for hire B&O tax, as the case may be. This income is not subject to the retail sales tax. A person constructing or maintaining a logging road is a consumer of all materials incorporated into the logging road. The purchase and/or use of these materials is subject to either the retail sales or use tax.

(a) **Logging road materials provided without charge.** Landowners/timber harvesters may provide materials (e.g., crushed rock) without charge to persons constructing or maintaining logging roads. In such cases, while both the person providing the materials without charge and the person applying the materials to the road are consumers under the law, tax is due only once on the value of the materials. The person constructing or maintaining the roads is responsible for remitting use tax on the value of the materials, unless that person documents that the landowner and/or timber harvester previously remitted the appropriate retail sales or use tax.

Alternatively, the person may take a written statement from the landowner/timber harvester certifying that the landowner/timber harvester has remitted (for past periods) and/or will remit (for future periods) all applicable retail sales or use taxes due on materials provided without charge. This statement must identify the period of time, not to exceed four years, for which it is effective. The statement must identify the landowner/timber harvester's tax reporting account number and must be signed by a person who is authorized to make such a representation.

(b) **Extracted and/or manufactured logging road materials.** Persons constructing or maintaining logging roads are subject to the B&O and use taxes on the value of applied materials they extract and/or manufacture from private pits, quarries, or other locations. The measure of tax is the value of the extracted or manufactured products, as the case may be. See WAC 458-20-112 for additional information regarding how to determine the "value of products."

(i) If the person either directly or by contracting with others extracts and crushes, washes, screens, or blends materials to be incorporated into the road, extracting B&O tax is due on the value of the extracted product before any manufacturing. The manufacturing B&O and use taxes are also due upon the value of manufactured product. If the "cost

basis" is the appropriate method for determining the value of products under WAC 458-20-112, this value includes the cost of transportation to a processing point, but does not include any transportation from the processing point to the road site. A MATC may be taken under the B&O tax classification as explained in WAC 458-20-19301.

(i) In the case of fill dirt, sand, gravel, or rock that is extracted from a location away from the logging road site, but not further processed, extracting B&O and use taxes are due upon the value of the extracted product. If the "cost of production basis" is the appropriate method for determining the value of products under WAC 458-20-112, this value does not include transportation costs to the road site.

(ii) The mere severance of fill dirt, sand, gravel, or rock from outcroppings at the side of a logging road for placement in the road is a part of the logging road construction or maintenance activity. The person incorporating these materials into the road does not incur an extracting and/or use tax liability with respect to these materials.

(13) **Deduction for hauling logs to export yards.** RCW 82.16.050 provides a public utility tax deduction for amounts derived from the transportation of commodities from points of origin within this state to an export elevator, wharf, dock, or shipside ("export facility") on tidewater or navigable tributaries of tidewaters. The commodities must be forwarded from the facility, without intervening transportation, by vessel and in their original form, to an interstate or foreign destination. No deduction is allowed when the point

of origin and the point of delivery are located within the corporate limits of the same city or town.

(a) **Conditions for deduction.** This deduction is available only to the person making the last haul, not including hauls within the export facility, before the logs are put on the ship. This deduction is not available if the haul starts in the same city or town where the export facility is located.

The deduction is available only if:

(i) The logs eventually go by vessel to another state or country; and

(ii) The form of the logs does not change between the time the logs are delivered to the export facility and the time the logs are put on the ship. The mere removal of bark from the logs (debarking) and/or the incidental removal of imperfections (see subsection (9)(g), above) while the logs are at the export facility is not itself a manufacturing activity, nor does it result in a change in the "original form" of the logs as contemplated by RCW 82.16.050.

(b) **Documentation requirements for deduction.** The log hauler must prove entitlement to the deduction. Delivery tickets that show delivery to an export facility are not, alone, sufficient proof. A certificate from the export facility operator is acceptable additional proof if it is substantially in the following form. Rather than a certificate covering each haul, a "blanket certificate" may be used for a one-year period of time if no significant changes in operation will occur within this period of time.

Exemption certificate for logs delivered to an export facility

The undersigned export facility operator hereby certifies:

That _____ percentage or more of all logs hauled to the storage facilities at _____, the same located on tidewater or navigable tributaries thereto, will be shipped by vessel directly to an out-of-state or foreign destination and the following conditions will be met:

1. The logs will not go through a process to change the form of the logs before shipment to another state or country.
2. There will be no intervening transportation of these logs from the time of receipt at the export facility until loaded on the vessel for the interstate or foreign journey.

Trucking Firm _____
 Trucking Firm Address _____
 Trucking Firm UBI# _____
 Export Facility Operator _____
 Operator UBI# _____
 Person Giving Statement _____
 Title of Person Giving Statement _____
 Date _____

(c) **Examples.** The following examples identify a number of facts and then state a conclusion regarding the deductibility of income derived from hauling logs to export facilities. Unless specifically provided otherwise, presume that the logs are shipped directly to another country from the export facility. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) Logs are hauled from the harvest site to an export facility. While the bark will be removed from fifty percent of

the logs, no other processing takes place. Because the mere removal of bark is not considered a change in the form of the logs, the export facility may provide a certificate in the above form indicating that all logs at this facility will ultimately be shipped to another country. The hauler may then claim a deduction for one hundred percent of this haul.

(ii) Logs are hauled from the harvest site to an export sorting area. At this location further sorting takes place and eighty percent of the logs are hauled approximately one mile on public roads to shipside and shipped to another country.

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The other twenty percent of the logs are sold to local sawmills. The haul to the sorting yard is subject to tax because there is another haul from the sorting yard to shipside. It is immaterial that the hauler may be paid based on an "export" rate.

The haul from the sorting yard to shipside is deductible if it does not start and end within the corporate limits of the same city or town, and the hauler obtains the appropriate exemption certificate. The haul to the local sawmills is not deductible.

(iii) Logs are hauled from the harvest site to an export facility. The hauler is aware that all logs will need to be hauled a distance of approximately one-half mile across the export facility yard to reach the ship when it arrives at the dock. The dock is located next to the export facility. The hauler may take the deduction, provided the appropriate exemption certificate is obtained. Movement of the logs within the export facility is not an intervening haul.

(14) Small timber harvesters—Business and occupation tax exemption. RCW 82.04.333 provides a limited exemption from B&O tax for small harvesters whose value of product harvested, gross proceeds of log sales, or gross income of the timber harvesting business is less than one hundred thousand dollars per year.

A "small harvester" is a harvester who takes timber in an amount not exceeding two million board feet in a calendar year. It is important to note that whenever the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein, fells, cuts, or takes timber for sale or for commercial or industrial use, not exceeding these amounts, the small harvester is the first person other than the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein, who acquires title to or a possessory interest in such timber. RCW 84.33.073.

(a) Registration - tax return. A person whose only business activity is as small harvester of timber and whose gross income in a calendar year from the harvesting of timber is less than one hundred thousand dollars, is not required to register with the department for B&O tax purposes. This person must nonetheless register with the forest tax division of the department for payment of the timber excise tax. (See also chapters 84.33 RCW and 458-40 WAC for more information regarding the timber excise tax.)

An unregistered small harvester of timber is required to register with the department for B&O tax purposes in the month when the gross proceeds received during a calendar year from the timber harvested exceed the exempt amount. The harvester must then file and report on a return all proceeds received during the calendar year to the time when the filing of a return is required.

(b) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all facts and circumstances. In each example, the harvester must register with the department's forest tax division for the payment

of timber excise tax, and must report under the appropriate tax classifications as described above in this rule.

(i) A small harvester not currently registered with the department for B&O tax purposes harvests timber in June and again in August, receiving fifty thousand dollars in June and two hundred thousand dollars in August from the sale of the logs harvested.

B&O tax is due on the entire two hundred fifty thousand dollars received from the sale of logs. The small harvester must register with the department in August when the receipts from the timber harvesting business exceed the one hundred thousand dollars exemption amount. A tax return is to be filed in the appropriate period as provided in WAC 458-20-22801.

(ii) A person is primarily engaged in another business that is currently registered with the department for B&O tax purposes and has monthly receipts of two hundred fifty thousand dollars. The person is a small harvester under RCW 84.33.073 and receives sixty thousand dollars from the sale of the timber harvested.

B&O tax remains due on two hundred fifty thousand dollars from the other business activities. The sixty thousand dollars received from the sale of logs is exempt and is not reported on the person's combined excise tax return. The exemption applies to the activity of harvesting timber and receipts from the sale of logs are not combined with the receipts from other business activities to make the sale of logs taxable.

(iii) A small harvester not otherwise registered with the department for B&O tax purposes contracts with a logging company to provide the labor and mechanical services of the harvesting. The small harvester is to receive sixty percent and the logging company forty percent of the log sale proceeds. The log purchaser pays two hundred fifty thousand dollars for the logs during the calendar year, paying one hundred fifty thousand dollars to the small harvester and one hundred thousand dollars to the logging company.

For the small harvester, B&O tax is due on the entire two hundred fifty thousand dollars paid for the logs. The small harvester is taxed upon the gross sales price of the logs without deduction for the amount paid to the logging company. RCW 82.04.070. The small harvester must register with the department for B&O tax purposes in the month when, for the calendar year, the proceeds from all timber harvested exceed one hundred thousand dollars. The logging company is taxed on the one hundred thousand dollars it received under the appropriate business tax classification(s). The logging company is not a small harvester as defined in RCW 84.33.073.

WSR 01-13-046

PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Employment and Assistance Programs)

[Filed June 14, 2001, 4:11 p.m., effective July 1, 2001]

Date of Adoption: June 12, 2001.

PERMANENT

Purpose: To amend WAC 388-400-0035 Refugee medical assistance—Summary of eligibility requirements, to bring it in compliance with new WAC 388-466-0130 Refugee medical assistance.

Citation of Existing Rules Affected by this Order: Amending WAC 388-400-0035.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.08A.320, and 74.20A.310.

Adopted under notice filed as WSR 01-10-066 on April 27, 2001.

Changes Other than Editing from Proposed to Adopted Version: Prohibition against the provision of RMA to refugees who have been denied or terminated from refugee cash assistance due to noncompliance with employment and training requirements of WAC 388-466-0150 (2)(b), has been removed based on Final Rule Subpart G, Section 400.100(a).

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

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

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

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

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

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Because we must bring WAC in compliance with change in federal law that is in effect beginning March 22, 2000 (45 C.F.R. Part 400, Final Rule), we need the new WAC to be in effect as soon as possible.

Effective Date of Rule: July 1, 2001.

June 12, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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

WAC 388-400-0035 Refugee medical assistance—Summary of eligibility requirements. (1) To be eligible for refugee medical assistance (RMA), ~~((persons))~~ you must:

(a) Provide the name of the voluntary agency (VOLAG) which resettled ~~((them; and))~~ you;

(b) Meet the immigration status requirements of WAC 388-466-0005(~~(-~~

~~(2) Except for a person who is not eligible under subsection (3) of this section, a person is eligible for RMA if the person:~~

~~(a) Receives));~~

(c) Meet monthly income standards up to two hundred percent of Federal Poverty Level (FPL). Spenddown is avail-

able for applicants whose income exceeds two hundred percent of FPL (see WAC 388-519-0110);

~~(d) Receive refugee cash assistance (RCA); or~~
~~((b) Is)) (e) Be eligible for, but choose(s) not to apply for or receive RCA.~~

~~((3) Persons))~~

(2) You are not eligible to receive RMA if ~~((they))~~ you are:

(a) Eligible for Medicaid; or

~~(b) ((Are not eligible for RCA because they have not met the employment and training requirements of WAC 388-466-0015; or~~

~~(e) Are))~~ A full-time student(s) in institution(s) of higher education unless the educational activity is part of a department-approved employability plan.

~~((4))~~ (3) Refugee families, including families with children who are United States citizens, ~~((will be))~~ are treated as single assistance units according to chapter 388-408 WAC.

~~((5) A person))~~

(4) If you are meeting the requirements of this section ~~((is)), you are~~ eligible for RMA only during the eight-month period beginning in the first month ~~((the person))~~ you entered the United States (see WAC 388-466-0130).

~~((6))~~ (5) A recipient of ~~((RCA and))~~ RMA ~~((who becomes ineligible for RCA due to an increase in income))~~ whose earned income goes above the income standard remains eligible for ~~((extended))~~ RMA benefits until the end of the ~~((eighth month period following entry into the United States))~~ RMA eligibility period.

~~((7) A person will have his or her eligibility for RMA determined based on the rules for the medically needy program if the person is:~~

~~(a) Not eligible for Medicaid; or~~

~~(b) Not eligible for RCA because of excess income, unless the person is eligible for extended RMA under subsection (6) of this section))~~

(6) A refugee recipient of Medicaid, whose eligibility ended due to excess earned income, is transferred to RMA without eligibility determination for the remainder of the RMA eligibility period.

WSR 01-13-055

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 01-104—Filed June 15, 2001, 3:02 p.m.]

Date of Adoption: June 5, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-36-021, 220-36-023, 220-40-021, and 220-40-027.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 01-10-116 on May 2, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-36-023 and 220-40-027, clarify drift gill nets only, no set nets. WAC 220-40-027, standardize north

of North Entrance marker by adding, "a true east-west line drawn through;" fishery beginning October 16 change east of marker 10 to west of marker 10; change "nets must be unstrung" to, "Net must hang straight from top to bottom. Strings may only be used to secure breakaway panels."

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

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

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

Effective Date of Rule: Thirty-one days after filing.

June 13, 2001

J. P. Koenings
Director

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-36-021 Salmon—Grays Harbor—Summer fishery. July 5 through August 15 (~~of 1998,~~) it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 00-240, filed 11/15/00, effective 12/16/00)

WAC 220-36-023 Grays Harbor salmon—Fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

Fishing periods

Gill net gear may be used to fish for salmon:

Time	Areas
6:00 p.m. (August 22) <u>September 4</u> through 6:00 p.m. (August 25) <u>September 6</u> , and	2A and 2D
6:00 p.m. October (3) <u>4</u> through 6:00 p.m. October (3, 2000) <u>5, 2001</u>	
(7:00 a.m. October 30 through 5:00 p.m. October 30, 2000)	(2B)

Gear

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) Gill net gear shall be used as provided for in WAC 220-36-015, except no maximum mesh restriction (~~August 22~~) September 4 through (~~August 25, 2000~~) September 6, 2001.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-40-021 Willapa Bay salmon—Summer fishery. July 5 through August 15 (~~of 1998,~~) it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 00-240, filed 11/15/00, effective 12/16/00)

WAC 220-40-027 Salmon—Willapa Bay fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon:

Time	Area
6:00 p.m. August (24) <u>27</u> through 6:00 p.m. (August 22 and 6:00 p.m. August 27 through 6:00 p.m.) August 28, (2000) <u>2001</u>	Areas 2G east of a line drawn true north-south through Willapa Channel entrance buoy 12, 2M, 2H west of Willapa Channel Marker 35, and 2J north of a <u>true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)</u>
<u>6:00 p.m. September 9 through 6:00 p.m. September 10, 2001</u>	<u>Area 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line drawn true north-south from the most waterward exposed end of the rock jetty located near Washaway Beach and excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point.</u>

PERMANENT

PERMANENT

6:00 p.m. September ~~((47))~~ 16 through 6:00 p.m. September 30, ~~((2000))~~ 2001

Areas 2G east of a line drawn true north-south through Willapa Channel entrance buoy 12, 2M, 2H west of Willapa Channel Marker 40 and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)

6:00 p.m. September ~~((47))~~ 16 through 6:00 p.m. September ~~((48))~~ 17 and 6:00 p.m. September ~~((24))~~ 23 through 6:00 p.m. September ~~((25, 2000))~~ 24, 2001

Area 2K

7:30 a.m. October ~~((5))~~ 3 through 6:30 p.m. October ~~((5))~~ 3 and 7:30 a.m. October ~~((12))~~ 11 through 6:30 p.m. October ~~((12, 2000))~~ 11, 2001

Areas 2G east of a line drawn true north-south through Willapa Channel entrance buoy 12, 2M, 2H ~~((west of Willapa Channel Marker 40)),~~ and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)

6:00 p.m. October ~~((48))~~ 16 through 6:00 p.m. October ~~((49))~~ 18 and 6:00 p.m. October ~~((25))~~ 23 through 6:00 p.m. October ~~((26, 2000))~~ 25, 2001

Areas 2G ~~((east))~~ west of a line drawn true north-south through Willapa Channel ~~((entrance buoy 12 and west of Willapa Channel))~~ Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and westerly of a line from Island Sands Light to Ramsey Point, 2M and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)

Noon, November 6 through noon November 30, 2001

Areas 2G, 2H, 2J and 2M

(2) ~~((During the fisheries provided for in this section, it is unlawful for fishers to fish between Willapa Channel Markers 35 and 40 or in Area 2K unless the fisher has registered in writing on a department approved form by September 8, 2000, and the fisher agrees to allow a department observer to be on board during the fishing trip to monitor the catch.~~

~~((3))~~ (3) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

~~((4))~~ (3) Gill net gear ~~((shall be used as provided in WAC 220-40-015 except no maximum mesh size before 6:00 p.m. September 22, 2000))~~ restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) Prior to September 1, 2001 - No maximum mesh restrictions.

(c) September 1 through October 14, 2001 - 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break away panels.

(d) October 15 through October 31, 2001 - 6-1/2 inch maximum mesh.

(e) November 1 through November 30, 2001 - 9-inch minimum mesh.

**WSR 01-13-056
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-106—Filed June 15, 2001, 3:07 p.m.]

Date of Adoption: June 5, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-304; and amending WAC 220-47-311, 220-47-401, 220-47-411, and 220-47-428.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 01-10-118 on May 2, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-47-311, after 7/7A add, "Note: It is unlawful to retain coho salmon taken with purse seine gear in Areas 7 and 7A." In 12/12B, change "6AM - 5PM 10/31" to "6AM - 5PM 10/30."

WAC 220-47-401, amend last paragraph to read, "It is unlawful to retain chinook or wild coho salmon taken with reef net gear. It is unlawful to retain chum salmon taken with reef net gear prior to October 1. All other saltwater and freshwater areas - closed."

WAC 220-47-411, delete species column. After 8, change note from, "In Area 8 pink directed fisheries..." to, "In Area 8 August 28 and 29 fisheries...." After 10, 11, change note to read, "During the Area 10, 11 openings it is unlawful for fishers to fish with gill net gear unless the fisher has registered in writing on a department-approved form by October 8, 2001, and the fishery agrees to allow a department observer to be on board during each fishing trip to monitor

the catch." In 12, 12B, change the 7AM-8PM 10/15 opening to be Area 12 only. After 12C, change the mesh restriction language to read, "Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown and the new mesh size restriction remains in effect until changed."

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 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.

June 13, 2001

J. P. Koenings
Director

AMENDATORY SECTION (Amending Order 00-172, filed 8/28/00, effective 9/28/00)

WAC 220-47-311 Purse seine—Open periods. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

((AREA	TIME	DATE	TIME	DATE
7, 7A:	7AM	-	5PM	10/30, 10/31, 11/1, 11/2, 11/6, 11/7, 11/8, 11/9
7B:	6AM	9/11	8PM	9/13
	6AM	9/18	7PM	9/20
	6AM	9/24	4PM	10/28
	6AM	10/30	4PM	11/3
	6AM	11/6	4PM	11/10
	6AM	11/13	4PM	11/17
	6AM	11/20	4PM	11/24
	6AM	11/27	4PM	12/4
	6AM	12/4	4PM	12/8
8:	7AM	-	5PM	10/30
	7AM	-	5PM	11/7
	7AM	-	5PM	11/13
	7AM	-	5PM	11/21
8A:	7AM	-	5PM	10/31, 11/1, 11/9
	7AM	-	4PM	11/10
	7AM	-	5PM	11/14, 11/15, 11/20, 11/21, 11/22, 11/27, 11/28, 11/29, 11/30

((AREA	TIME	DATE	TIME	DATE
	7AM	-	4PM	12/1
8D:	7AM	-	7PM	9/28, 10/3, 10/4, 10/12
	7AM	-	4PM	10/13
	7AM	-	6PM	10/17, 10/18, 10/26
	7AM	-	4PM	10/27
	7AM	-	5PM	10/31, 11/1, 11/9
	7AM	-	4PM	11/10
	7AM	-	5PM	11/14, 11/15, 11/20, 11/21, 11/22
10, 11:	7AM	-	6PM	10/24
	7AM	-	5PM	10/30, 10/31
	7AM	-	5PM	11/7
	7AM	-	5PM	11/13
	7AM	-	5PM	11/21
12, 12B:	7AM	-	6PM	10/16
	7AM	-	6PM	10/24
	7AM	-	5PM	10/30, 10/31
	7AM	-	5PM	11/8, 11/9
	7AM	-	5PM	11/13
12C:	7AM	-	5PM	11/13
	7AM	-	5PM	11/21

AREA	TIME	DATE
7, 7A:	6AM - 5PM	10/30
	6AM - 5PM	11/5, 11/6, 11/7, 11/8
	7AM - 5PM	11/12, 11/13, 11/14, 11/15

Note: It is unlawful to retain coho salmon taken with purse seine gear in Areas 7 and 7A.

7B:	6AM 9/10	=	8PM 9/12
	6AM 9/17	=	8PM 9/19
	6AM 9/23	=	8PM 10/27
	6AM 10/29	=	4PM 11/2
	6AM 11/5	=	4PM 11/9
	6AM 11/12	=	4PM 11/16
	6AM 11/19	=	4PM 11/23
	6AM 11/26	=	4PM 11/30
	6AM 12/3	=	4PM 12/7
8:	5AM - 9PM	=	8/27, 8/28
	6AM - 5PM	=	11/5
8A:	5AM - 9PM	=	8/21

Note: It is unlawful to fish for pink salmon on August 21, 2001, south of a line from the Mukilteo ferry dock to the Clinton ferry dock on Whidbey Island.

	5AM - 9PM	=	8/27
	7AM - 7PM	=	10/8
	7AM - 7PM	=	10/17
	7AM - 6PM	=	10/22, 10/23
	6AM - 5PM	=	10/31, 11/1
	6AM - 5PM	=	11/5, 11/6
	7AM - 5PM	=	11/14, 11/15
	7AM - 5PM	=	11/19, 11/20
	7AM - 5PM	=	11/26, 11/27, 11/28
8D:	7AM - 7PM	=	9/25, 9/26, 9/27
	7AM - 7PM	=	10/2, 10/3, 10/4
	7AM - 7PM	=	10/8, 10/9, 10/10, 10/11
	7AM - 7PM	=	10/17

PERMANENT

	TIME	DATE(S)
	7AM - 6PM	10/22, 10/23
	6AM - 5PM	10/31, 11/1
	6AM - 5PM	11/5, 11/6
	7AM - 5PM	11/14, 11/15
	7AM - 5PM	11/19, 11/20
	7AM - 5PM	11/26, 11/27, 11/28
10, 11:	7AM - 7PM	10/16
	7AM - 6PM	10/22
	6AM - 5PM	10/30, 10/31
	6AM - 5PM	11/5
	7AM - 5PM	11/13
12:	7AM - 7PM	10/16
12, 12B:	7AM - 6PM	10/22
	6AM - 5PM	10/30
	6AM - 5PM	11/5, 11/6
	7AM - 5PM	11/13
12C:	7AM - 5PM	11/13

It is unlawful to retain chinook salmon taken with purse seine gear in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B and 12C. ~~((It is unlawful to retain coho salmon taken with purse seine gear in Areas 7, 7A, 8, 8A, 10, 11, 12, 12B and 12C.))~~ It is unlawful to retain chum salmon taken with purse seine gear in Areas 7 and 7A prior to October 1. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 00-172, filed 8/28/00, effective 9/28/00)

WAC 220-47-401 Reef net open periods. It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for hereinafter in each respective area:

AREA	TIME	DATE(S)
7, 7A	7AM - 7PM Daily	((9/10 - 11/14)) 9/23 - 11/10

It is unlawful to retain chinook or wild coho salmon taken with reef net gear ~~((in Areas 7 and 7A)).~~ ~~((It is unlawful to retain coho salmon taken with reef net gear in Areas 7 and 7A while the Fraser River Panel of the Pacific Salmon Commission maintains regulatory control of fisheries in Area 7.))~~ It is unlawful to retain chum salmon taken with reef net gear prior to October 1. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 00-172, filed 8/28/00, effective 9/28/00)

WAC 220-47-411 Gill net—Open periods. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

(AREA)	TIME	DATE(S)
6D	7AM - 7PM	9/21, 9/22, 9/25, 9/26, 9/27, 9/28, 9/29, 10/2, 10/3, 10/4, 10/5, 10/6, 10/9, 10/10, 10/11, 10/12, 10/13, 10/16, 10/17, 10/18, 10/19, 10/20, 10/23, 10/24, 10/25, 10/26, 10/27

Note: In Area 6D it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook or pink salmon captured at any time, or any chum salmon captured prior to October 16, must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	7AM - 8PM	10/30, 10/31, 11/1, 11/2, 11/6, 11/7, 11/8, 11/9
7B:	7PM-9AM NIGHTLY	8/16, 8/21, 8/22, 8/28, 9/4
	6AM 9/11 - 8PM	9/13
	6AM 9/18 - 7PM	9/20
	6AM 9/24 - 4PM	10/28
	6AM 10/30 - 4PM	11/3
	6AM 11/6 - 4PM	11/10
	6AM 11/13 - 4PM	11/17
	6AM 11/20 - 4PM	11/24
	6AM 11/27 - 4PM	12/4
	6AM 12/4 - 4PM	12/8
7C:	7PM-9AM NIGHTLY	8/16, 8/21, 8/22, 8/28, 9/4
8:	7AM - 8PM	10/31, 11/6, 11/14, 11/20
8A:	7AM - 8PM	11/2
	7AM - 4PM	11/3
	7AM - 8PM	11/7, 11/8, 11/16
	7AM - 4PM	11/17
	7AM - 8PM	11/20, 11/21, 11/22
	7AM - 8PM	11/27, 11/28, 11/29, 11/30
	7AM - 4PM	12/1
8D:	7AM-8PM DAILY	9/27
	6PM 10/4 - 8AM	10/6
	6PM 10/10 - 8AM	10/12
	6PM 10/18 - 8AM	10/20
	6PM 10/24 - 8AM	10/26
	7AM - 8PM	11/2
	7AM - 4PM	11/3
	7AM - 8PM	11/7, 11/8, 11/16
	7AM - 4PM	11/17
	7AM - 8PM	11/20, 11/21, 11/22
9A:	7AM 9/17 through 8PM	10/28

It is unlawful to retain chum salmon taken in Area 9A prior to October 1. Any chum salmon netted prior to October 1 must be released from the net by cutting the meshes ensnaring the fish.

10, 11:	5PM-8AM NIGHTLY	10/23
	4PM-8AM NIGHTLY	10/30, 10/31, 11/6, 11/13, 11/20
12, 12B:	7AM - 8PM	10/17, 10/23, 11/1, 11/2, 11/6, 11/7, 11/14
12C:	7AM - 8PM	11/14, 11/20

All other saltwater and freshwater areas - closed.
Nightly openings refer to the start date.))

PERMANENT

AREA	TIME	:	DATE(S)	MINIMUM MESH
6D:	7AM	:	7PM <u>9/21, 9/24, 9/25, 9/26, 9/27, 9/28, 10/1, 10/2,</u> <u>10/3, 10/4, 10/5, 10/8, 10/9, 10/10, 10/11,</u> <u>10/12, 10/15, 10/16, 10/17, 10/18, 10/19, 10/22,</u> <u>10/23, 10/24, 10/25, 10/26</u>	5"

Note: In Area 6D it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook or pink salmon captured at any time, or any chum salmon captured prior to October 16, must be removed from the net by cutting the meshes ensnaring fish.

7A:	7AM	:	8PM <u>10/29, 11/5, 11/6, 11/7, 11/8, 11/12, 11/13,</u> <u>11/14, 11/15</u>	6 1/4"
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7B:	7PM	:	9AM <u>NIGHTLY 8/22, 8/27, 8/28, 9/3, 9/4</u>	7"
	6AM 9/10	:	8PM 9/12	5"
	6AM 9/17	:	8PM 9/19	
	6AM 9/23	:	8PM 10/27	
	6AM 10/29	:	4PM 11/2	6 1/4"
	6AM 11/5	:	4PM 11/9	
	6AM 11/12	:	4PM 11/16	
	6AM 11/19	:	4PM 11/23	
	6AM 11/26	:	4PM 11/30	
	6AM 12/3	:	4PM 12/7	

7C:	7PM	:	9AM <u>NIGHTLY 8/22, 8/27, 8/28, 9/3, 9/4</u>	7"
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8:	6AM	:	11PM <u>8/29, 8/30</u>	5"
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Note: In Area 8 openings on August 28 and 29, it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh, no greater than 60 meshes in depth.

8A:	7AM	:	8PM <u>11/6</u>	6 1/4"
	6AM	:	11PM <u>8/20, 8/28</u>	5"

Note: In Area 8A, on August 20, 2001, it is unlawful to fish for pink salmon south of a line drawn from the Mukilteo ferry dock to the Clinton ferry dock on Whidbey Island.

	7AM	:	8PM <u>10/9, 10/16</u>	5"
	7AM	:	8PM <u>10/24, 10/25</u>	6 1/4"
	7AM	:	8PM <u>10/29, 10/30</u>	
	7AM	:	8PM <u>11/7, 11/8</u>	
	7AM	:	8PM <u>11/12, 11/13</u>	
	7AM	:	8PM <u>11/19, 11/20</u>	
	7AM	:	8PM <u>11/26, 11/27, 11/28</u>	
8D:	6PM	:	8AM <u>9/25, 9/26, 9/27</u>	5"
	6PM	:	8AM <u>10/1, 10/2, 10/3</u>	
	6PM	:	8AM <u>10/8, 10/9, 10/10, 10/11</u>	
	7AM	:	8PM <u>10/16</u>	
	7AM	:	8PM <u>10/24, 10/25</u>	
	7AM	:	8PM <u>10/29, 10/30</u>	
	7AM	:	8PM <u>11/7, 11/8</u>	
	7AM	:	8PM <u>11/12, 11/13</u>	6 1/4"
	7AM	:	8PM <u>11/19, 11/20</u>	
	7AM	:	8PM <u>11/26, 11/27, 11/28</u>	

9A:	6AM 9/16 through 8PM 10/27	:		5"
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Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1. Any chum salmon netted prior to October 1 must be released from the net by cutting the meshes ensnaring the fish.

10,11:	6PM	:	8AM <u>10/15</u>	6 1/4"
	5PM	:	8AM <u>10/22</u>	
	4PM	:	8AM <u>10/29, 10/30</u>	
	4PM	:	8AM <u>11/5</u>	
	4PM	:	8AM <u>11/12</u>	

Note: During the Area 10, 11 openings it is unlawful for fishers to fish with gill net gear unless the fisher has registered in writing on a department-approved form by October 8, 2001, and the fisher agrees to allow a department observer to be on board during each fishing trip to monitor the catch.

12:	7AM	:	8PM <u>10/15</u>	6 1/4"
12, 12B:	7AM	:	8PM <u>10/23</u>	6 1/4"
	7AM	:	8PM <u>10/29</u>	

PERMANENT

<u>AREA</u>	<u>TIME</u>	<u>DATE(S)</u>	<u>MINIMUM MESH</u>
	7AM	8PM	11/7, 11/8
	7AM	8PM	11/12
12C:	7AM	8PM	11/12

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

AMENDATORY SECTION (Amending Order 00-172, filed 8/28/00, effective 9/28/00)

WAC 220-47-428 Beach seine—Open periods. It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

<u>(AREA)</u>	<u>TIME</u>	<u>DATE(S)</u>
12A:	7AM-7PM Daily	8/28, 8/29, 8/30, 8/31, 9/1, 9/4, 9/5, 9/6, 9/7, 9/8, 9/11, 9/12, 9/13, 9/14, 9/15, 9/18, 9/19, 9/20, 9/21, 9/22, 9/25, 9/26, 9/27, 9/28, 9/29, 10/2, 10/3, 10/4, 10/5, 10/6, 10/9, 10/10, 10/11, 10/12, 10/13))

Beach seine closed in 2001.

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 17, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 17, 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 0, Repealed 0.

Effective Date of Rule: November 9, 2001.

June 18, 2001

Jim Jesernig

Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-304	Puget Sound—All citizen salmon species seasons and gill net mesh sizes.
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WSR 01-13-063

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed June 18, 2001, 1:53 p.m., effective November 9, 2001]

Date of Adoption: June 18, 2001.

Purpose: To clarify rules and address issues and concerns raised since implementation of the original fertigation rules. These rule revisions address the proper operation and system configuration required to protect the environment and human health from fertigation applications.

Statutory Authority for Adoption: Chapters 15.54, 15.58, and 17.21 RCW.

Adopted under notice filed as WSR 01-11-130 on May 22, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 16-202-2000, 16-202-2002, 16-202-2003, 16-202-2005, and 16-202-2006 are not included in this filing.

PART 1

GENERAL PROVISIONS

NEW SECTION

WAC 16-202-2001 What is the purpose of this chapter? The purpose of this chapter is to establish performance standards for fertigation that are protective of existing and future uses of surface water and ground water quality.

PART 2

GENERAL REQUIREMENTS FOR FERTIGATION OPERATIONS

NEW SECTION

WAC 16-202-2004 What are the identification requirements for application tanks? The purpose of identification requirements is to minimize the potential for human exposure and to facilitate remediation in the event of component malfunction or a contamination event.

(1) An application tank must:

(a) List tank contents;

(b) Display its maximum net capacity;

(c) Display a contact name and telephone number; and

(d) Display an owner-derived numeric or alphanumeric tank identifier.

PERMANENT

(2) This information must be visibly recorded and securely affixed to each application tank. The distinguishing information shall be designed to remain intact and legible throughout the active use of the container.

(3) Lettering that displays the contact name, telephone number, and tank identifier shall be a minimum of two inches in height and in a color contrasting to the background.

NEW SECTION

WAC 16-202-2007 How should rinsate from equipment or backflush water from a filtration device be handled? (1) Water used to rinse, flush, or clean equipment or containers is considered rinsate. It must be applied onto a target site or disposed of properly.

(2) Contaminated backflush water from a filtration device cannot contaminate ground water or surface water, or adversely impact sensitive areas.

PART 3

SAFETY REQUIREMENTS FOR FERTIGATION SYSTEMS

NEW SECTION

WAC 16-202-2008 What are the general antipollution safety device requirements for a fertigation system? All systems must have antipollution safety devices that include a backflow prevention system, a metering device, injection device, and system interlock to prevent backflow into the irrigation water source or chemical supply system.

NEW SECTION

WAC 16-202-2009 What measures must be used to prevent backflow into the irrigation water source? Backflow prevention is a requirement on all irrigation systems used for fertigation except when alternative technology is applied.

(1) Pressurized irrigation system.

(a) At least one irrigation mainline check valve must be correctly installed, properly operated, and adequately maintained to prevent contamination of the water source. The check valve must be located upstream from the injection point. The check valve must be automatic, quick-closing, and capable of forming and maintaining a watertight seal.

(b) An inspection port or a direct access point must be positioned immediately upstream of the check valve to allow visual and manual inspection of the check valve and the low pressure drain. The inspection port or access point must have a minimum diameter of four inches. If a four-inch inspection port or access point is not feasible, an alternative system must be devised.

(c) An inspection port or access point is not required with an approved backflow prevention assembly.

(d) A vacuum relief valve must be located upstream of the irrigation line check valve, installed at the top of the irrigation pipeline and adequately sized to prevent backsiphon-

ing. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(e) An automatic low pressure drain or similar mechanism must be placed upstream of the irrigation line check valve and at the lowest point in the bottom of the pipeline. The low pressure drain must be of adequate size and properly positioned to intercept and purge leakage away from the water source.

(f) Product-treated water cannot be discharged through a water outtake.

(2) Nonpressurized water delivery system.

(a) System design must prevent the introduction of treated water into the water source.

(b) Backflow prevention may be achieved with a hydraulic discontinuity in source water flow or by a sufficient hydraulic gradient.

(c) Backflow devices for nonpressurized systems may include a weir box, drop structure, ASAE approved air gap, batch tank, or similar device that can function to prevent backflow into the source water.

(d) Injection must occur downstream from the water diversion point.

(3) Cross-connection to municipal or public water system. Backflow prevention devices must be approved by the Washington state department of health in accordance with WAC 246-290-490.

NEW SECTION

WAC 16-202-2010 What alternative methods may be used to prevent backflow into the irrigation water source? The application of alternative technology in achieving backflow prevention must be accomplished either by a backflow system or by system design to fulfill the provisions of this chapter. The operator must be able to demonstrate that backflow cannot occur. Alternative technology must provide substantially equal or greater protection than the provisions of this chapter.

(1) System design. If a system's configuration will provide substantially equal or greater protection due to the physical laws of gravity and water hydraulics, components of a backflow prevention system may be waived by the department.

(2) Barometric pipe loop.

(a) Barometric loops can only be used on systems pumping from a surface water source.

(b) The barometric pipe loop must be located in the main water line immediately downstream of the irrigation water pump.

(c) A barometric pipe loop must be designed with sufficient elevation differential to compensate for backflow.

(d) The bottom of the barometric loop apex must be at least thirty inches above the highest water-emitting device or of any portion of the irrigation application system.

(e) The barometric loop must contain a vacuum relief device at the loop apex that allows air into the pipeline immediately upon loss of pressure. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(f) The chemical injection port must be located downstream of and at least thirty inches below the bottom of the pipe loop apex.

(3) The department will recognize alternative backflow devices, providing they are as restrictive as the provisions of this chapter.

NEW SECTION

WAC 16-202-2011 What are the prevention requirements for backflow into or seepage from application tanks? All irrigation and injection systems used for fertigation must prevent backflow into the application tank. Leakage or siphonage from the application tank through the injection system into the irrigation system must also be prevented.

(1) Injection into a pressurized section of an irrigation system must include:

(a) An automatic, quick-acting injection line check valve must be used to prevent leakage from the application tank into irrigation water and to prevent irrigation water from entering the chemical injection line. The injection line check valve must maintain, at a minimum, 10 psi opening (cracking) pressure or adequate opening pressure to prevent gravity flow due to hydraulic head pressure from the application tank. The check valve must be located at the point of product injection into the irrigation water; and

(b) Where siphon action induced by an irrigation system could compromise the cracking (opening) pressure of an injection line check valve, a vacuum relief valve must be installed in the irrigation line downstream of the injection point. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(2) Injection into nonpressurized (e.g., open surface, gated pipe, or spigotted pipe) portion of irrigation system must include a hydraulic discontinuity in source water flow or a sufficient hydraulic gradient such that chemicals or treated water cannot contaminate the water source. Backflow devices for nonpressurized systems may include a weir box, drop structure, air gap, batch tank, or similar device whose intended function is to prevent backflow into the application tank.

(3) Venturi or other passive injection systems.

(a) If backpressure or backsiphonage can occur, the chemical injection line must contain an automatic, quick-closing check valve. The valve must be located immediately adjacent to the chemical inlet side of the venturi.

(b) If product can potentially siphon or seep into the water supply, the chemical injection line must contain a normally closed solenoid operative valve connected to the system interlock, or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. The valve must be installed adjacent to the product outlet on the application tank.

(c) With a bypass system, as an alternative to (a) and (b) of this subsection, the automatic, quick-closing check valve must be installed in the bypass immediately upstream of the venturi water inlet. In addition, either the normally closed solenoid or the hydraulic solenoid may be installed immediately downstream of the venturi water outlet.

(d) Bypass systems with a booster pump must have the normally closed solenoid interlocked with the source pump for the irrigation system.

NEW SECTION

WAC 16-202-2012 What alternative methods may be used to prevent backflow into or seepage from application tanks? Alternative technology used for backflow prevention must be accomplished by system design to fulfill the provisions of this chapter.

(1) In lieu of a normally closed solenoid with the injection system.

(a) A normally open valve must be located in the chemical injection line between the application tank and a positive displacement injection pump. The normally open valve must be spring-loaded, and must close upon a vacuum and open at atmospheric pressure. It must be elevated at least twelve inches above the maximum fluid level in the application tank and must be the highest point in the injection line.

(b) The mechanism described in (a) of this subsection cannot be used in conjunction with a venturi injection system.

(2) In lieu of a 10 psi opening (cracking) pressure check valve.

(a) An automatic, quick-acting, spring-loaded check valve must be attached at or positioned immediately adjacent to the injection point to prevent irrigation water from entering the chemical injection line.

(b) A normally closed solenoid must be installed immediately adjacent to the product outlet on the application tank. If electric, it must be interlocked with the injection pump or, if hydraulic, with the irrigation system.

(c) In place of (b) of this subsection, a normally open valve must be located in the chemical injection line between the application tank and a positive displacement injection pump as described in subsection (1)(a) of this section. This alternative cannot be used with venturi injection systems.

NEW SECTION

WAC 16-202-2013 What are the requirements for metering devices? Metering devices must be capable of being accurately calibrated. Metering devices must control the rate of product injection into irrigation water and discontinue product delivery when the predetermined application quantity has been dispensed. All metering systems must be functionally interlocked with the source irrigation pump or irrigation water delivery system.

(1) Injecting product with a pressurized metering pump.

(a) The metering pump must be of a positive displacement design.

(b) Water-powered injection pumps can only be used when no other power source is available to operate the injection unit.

(c) The metering pump must be interlocked to the irrigation system in the event of an irrigation system malfunction or failure.

(2) Injection into nonpressurized section of an irrigation system.

(a) Application rate may be accomplished with an adjustable valve, flow control device, or other metering mechanism.

(b) The metering device must also control application quantity by employing a slide metering device or by placing a predetermined quantity into a batch tank.

(3) Venturi system as a metering device.

(a) A venturi system may be used as a metering device, except where variable pressure may contribute to a variable injection rate.

(b) The chemical injection line must contain either a normally closed, solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. The valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(c) The chemical injection line between the application tank and the venturi must contain an automatic, quick-closing check valve to prevent the flow of liquid back toward the application tank. The check valve must be placed immediately adjacent to the venturi chemical inlet.

(d) In bypass systems, the check valve may be installed immediately upstream of the venturi water inlet. Either the normally closed solenoid or hydraulically operated valve may be installed immediately downstream of the venturi water outlet.

(e) If a booster or auxiliary pump is used in conjunction with a venturi system, the normally closed solenoid must be electrically interlocked with the source pump for the irrigation system.

NEW SECTION

WAC 16-202-2014 What are alternative methods for metering? Alternative technology used for metering product must fulfill the provisions of this chapter.

A person may function as a metering device with a non-pressurized irrigation delivery system. However, the individual must remain on-site to continuously monitor the application and be immediately available to terminate the application in the event of equipment malfunction. The person must be knowledgeable about the operation of the irrigation and injection systems.

NEW SECTION

WAC 16-202-2015 What are the requirements for product injection devices? The irrigation water source and application tank must be protected from backflow and from siphonage.

(1) Pressurized injection or injection into pressurized irrigation system.

(a) An injection line check valve must be used whenever injection occurs in a pressurized section of an irrigation system or with a pressurized injection system.

(b) The injection line check valve must inject product directly into the irrigation water and must be installed downstream of the irrigation mainline check valve.

(c) The point of injection into an irrigation system cannot be located within ten feet of a wellhead, public waterway, off-farm irrigation supply ditch or conveyance system, or sensitive area.

(d) The injection line check valve mechanism must prevent leakage due to hydraulic head pressure from the application tank and must prevent backflow from the irrigation water source into the supply tank. The injection line check valve must maintain, at a minimum, 10 psi opening (cracking) pressure or adequate opening pressure to prevent gravity flow from the application tank.

(e) In instances where siphoning action induced by an irrigation system could compromise the opening (cracking) pressure of a injection line check valve, a vacuum relief valve must be installed in the irrigation line downstream of the injection point.

(2) Injection into nonpressurized section of irrigation system.

(a) If injection occurs in a nonpressurized portion of the irrigation system, an air gap or other hydraulic discontinuity must exist between the pressurized or nonpressurized irrigation water source and the point of product injection.

(b) When an air gap is used in conjunction with a public water supply, injection may only occur downstream of the air gap.

(3) Venturi systems.

(a) The chemical injection line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. The valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(b) The chemical injection line between the application tank and the metering device must contain an automatic, quick-closing check valve. The check valve must be placed immediately adjacent to the venturi chemical inlet.

NEW SECTION

WAC 16-202-2016 What alternative methods may be used for product injection? Alternative technology used for injection must fulfill the provisions of this chapter. With a surface supplied water source, the injection point must occur downstream from the point of diversion. With a pressurized water source, the injection point must be located such that product backflow cannot occur.

(1) Injection with barometric loops.

(a) Barometric loops can only be used on systems pumping from a surface water source.

(b) The barometric loop must be located in the water line immediately downstream of the irrigation water pump.

(c) A barometric pipe loop must be designed with sufficient elevation differential to compensate for backflow.

(d) The bottom of the barometric loop apex must be at least thirty inches above the highest water-emitting device or of any portion of the irrigation application system.

(e) The barometric loop must contain a vacuum relief device at the loop apex that allows air into the pipeline immediately upon loss of pressure. The orifice size must comply

with current American Society of Agricultural Engineers (ASAE) standards.

(f) The injection point on a barometric loop must be located downstream of and at least thirty inches below the bottom of the barometric pipe loop apex.

(2) Solenoid and check valve.

(a) The chemical injection line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. A normally closed, solenoid-operated valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(b) The chemical injection line between the application tank and the metering device and the injection point must contain an automatic, quick-closing check valve to prevent the flow of liquid back toward the application tank. The check valve must be placed immediately adjacent to the venturi chemical inlet.

NEW SECTION

WAC 16-202-2017 What are the requirements for a system interlock? A system interlock must automatically shut off the injection system if the irrigation pump stops operating or if variation in water flow adversely affects product injection rate or product distribution uniformity. The operator must be able to demonstrate that backflow cannot occur.

(1) Pressurized injection systems or injection into a pressurized portion of the irrigation system requires either an electrical, hydraulic, or mechanical system interlock device.

(2) When the injection point is at a nonpressurized section of the irrigation application system, a slide metering scale or batch tank may function as the system interlock.

(3) With venturi systems.

(a) Booster or auxiliary water pumps must be connected with the system interlock such that when pressure in the mainline changes to the point where product distribution is adversely affected automatic shutoff of product supply will occur.

(b) The supply line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. If a booster or auxiliary pump is used in conjunction with a venturi system, the normally closed solenoid must be electrically interlocked with the source pump for the irrigation system.

NEW SECTION

WAC 16-202-2018 What alternative methods can be used as a system interlock? Alternative technology used for injection must fulfill the provisions of this chapter.

(1) Human interlock. In lieu of an automatic interlock, a person may serve as a system interlock. The individual must continuously monitor the application, be alert throughout the application process, be immediately available to terminate the application in the event of equipment malfunction, and be knowledgeable about the operation of the irrigation and injection systems.

(2) Solenoid and check valve.

(a) The chemical injection line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. A normally closed, solenoid-operated valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(b) The chemical injection line between the application tank and the metering device must contain an automatic, quick-closing check valve to prevent the flow of liquid back toward the application tank. The check valve must be placed immediately adjacent to the venturi chemical inlet.

NEW SECTION

WAC 16-202-2019 What is an appropriate monitoring schedule? A fertigation application must be visually inspected at least daily to ensure that system components are functioning properly. Specific applications due to location or product characteristics may require more frequent monitoring.

NEW SECTION

WAC 16-202-2020 Public water system cross-connections or connection to a potable water supply intended for human use. If the irrigation system is cross-connected to a public water system, Washington state department of health (DOH) rules (WAC 246-290-490) apply to backflow prevention.

Cross-connections of a fertigation system to any potable water system intended for human use must have either a department of health-approved reduced pressure backflow assembly or reduced pressure detector assembly installed for backflow prevention. Otherwise, a physical separation in the form of an air gap may be used to protect the water source.

PART 4

PENALTIES AND PENALTY ASSIGNMENT SCHEDULE

NEW SECTION

WAC 16-202-2021 Penalties. (1) Any person who fails to comply with any provision of this chapter shall be subject to imposition of a civil penalty as provided in RCW 15.54.-474.

(2) The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter or any rule made pursuant to this chapter in a court of competent jurisdiction of the county in which such violation occurs or is about to occur.

WSR 01-13-065
PERMANENT RULES
SHORELINE COMMUNITY COLLEGE

[Filed June 18, 2001, 2:32 p.m.]

Date of Adoption: June 15, 2001.

Purpose: To update chapter 132G-120 WAC, Student conduct code, which has not been revised since 1968, and does not address current conduct issues at institutions of higher education.

Citation of Existing Rules Affected by this Order: Repealing WAC 132G-120-020 and 132G-120-120; and amending WAC 132G-120-010 Student conduct code—Preamble, 132G-120-030 Jurisdiction, 132G-120-040 The use of disciplinary authority, 132G-120-060 Possible actions, 132G-120-061 Initiation of summary suspension proceedings, 132G-120-062 Permission to enter or remain on campus, 132G-120-063 Notice of summary suspension proceedings, 132G-120-064 Decision by the vice-president for student services, 132G-120-065 Suspension for failure to appear, 132G-120-070 College discipline committee, 132G-120-080 Discipline committee procedural guidelines and safeguards, 132G-120-090 The president's review, 132G-120-100 Appeals, 132G-120-110 Disciplinary terms, 132G-120-130 Readmission after expulsion, and 132G-120-140 Reporting, recording and maintenance of records.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Adopted under notice filed as WSR 01-08-082 on April 4, 2001.

Changes Other than Editing from Proposed to Adopted Version: Under WAC 132G-120-015 (1)(c) the following sentence was added: "Copies of the college catalog, the student guidebook and the college policy manual are available at the college library during normal business hours." Under subsection (2)(i), the word "college" was added before "Policy 5033." In WAC 132G-120-110(5) the word "additional" was deleted before "disciplinary action(s)."

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 16, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 16, Repealed 2.

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

Effective Date of Rule: Thirty-one days after filing.

June 15, 2001

S. James Perez
Vice-President for
Student Services

AMENDATORY SECTION (Amending Order 49:83, filed 3/11/83)

WAC 132G-120-010 Student conduct code—Preamble. Admission to the college carries with it the expectation that ~~((the))~~ students will conduct ~~((himself/herself))~~ themselves as ~~((a))~~ responsible members of the academic community. This includes the expectation that ~~((the))~~ students will obey the law; comply with the rules and regulations of the college; maintain high standards of integrity and honesty; respect the rights, privileges, and property of other members of the college community; and will not interfere with ~~((legitimate))~~ college ~~((affairs))~~ operations.

~~((The student will assume responsibility for his/her own conduct. Sanctions for violations of college rules and regulations or for conduct which interferes with legitimate college affairs will be dealt with by the college. In the case of student conduct which involves an alleged or proven violation of criminal law, the disciplinary authority of the college will not be used to duplicate the function of civil authority. Disciplinary action may be taken if the conduct also involves a violation of college standards and if the interests of the academic community are distinct from those of the civil authority.~~

~~Sanctions, up to and including expulsion from the college, may be imposed for failure to satisfy the expectations stated in this section or for misconduct of the kinds indicated. These sanctions will determine whether, and under what conditions, the violator may continue at the college.~~

~~Most disciplinary proceedings will be conducted informally between the student and a division chairman, in matters relating to the student's academic work, and between the student and the vice president for student services in other matters.~~

~~More formal procedures are provided, however, including an impartial hearing before a college discipline committee; these procedures may be invoked either by the officer dealing with the case or by the student involved. In all situations, whether handled formally or informally, basic standards of fairness will be observed in the determination of (1) the truth or falsity of the charges against the student, (2) whether the alleged misconduct calls for sanctions, and, if so, (3) what those sanctions should be.)~~

NEW SECTION

WAC 132G-120-015 Grounds for discipline. Student activity or behavior which violates any provision of the college conduct code is not acceptable; yet, an individual who enrolls at the college can rightfully expect that the instructors and administrators will exercise with restraint the power of the college to regulate student behavior, and that rules and regulations will be adopted only when the education process clearly and directly requires such legislation. However, restrictive rules and regulations will not be made without showing relevance to those conditions toward which they apply. The enforcement of these rules and regulations shall be fair and shall be pursued in accordance with regulations governing student conduct. Sanctions, up to and including expulsion from the college, may be imposed for failure to satisfy the expectations stated above. These sanctions will

determine whether, and under what conditions, the violator may continue at the college.

(1) Upon enrollment, students assume responsibilities that include, but are not limited to:

(a) Respecting the rights, privileges, and property of other members of the campus community and refraining from any conduct that would interfere with college functions or endanger the health, welfare, or safety of other persons;

(b) Maintaining high standards of academic and personal honesty and integrity; and

(c) Complying with the rules, regulations, procedures, policies, standards of conduct, and orders of Shoreline Community College, as outlined in various college publications such as the college catalog, the student guidebook and the college policy manual. Copies of the college catalog, the student guidebook and the college policy manual are available at the college library during normal business hours.

(2) Specific instances of misconduct for which the college will impose sanctions include, but are not limited to:

(a) Acts of dishonesty, including, but not limited to:

(i) Cheating, plagiarism or other forms of academic dishonesty as outlined in college Policy 5033;

(ii) Furnishing false information to any college official, faculty member, or office;

(iii) Forgery, alteration or misuse of any college document, record or instrument of identification;

(iv) Tampering with the election process or outcome of any recognized student organization; and

(v) Violations of copyright laws.

(b) Conduct constituting a sexual offense or sexual harassment as defined by law. Sexual harassment includes, but is not limited to, unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

(i) Such conduct implicitly or explicitly suggests that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations or permission to participate in a college activity; or

(ii) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating or hostile academic or work environment.

(c) Malicious damage to or malicious misuse of college property or the property of any person where such property is located on the college campus.

(d) The intentional obstruction or disruption of teaching, learning, research, administration, disciplinary proceedings, or other campus activities, including public service functions and other authorized activities on campus premises.

(e) Possession, use or furnishing on campus premises of intoxicating beverages or controlled substances or unlawful drugs (as defined in Washington State Uniform Controlled Substances Act, chapter 69.50 RCW, a copy of which may be obtained in the office of the vice-president for human resources and employee relations, room 1019 of the administration building, Shoreline Community College).

(f) Failure to comply with the direction of campus officials acting in the performance of their duties.

(g) Intentionally inciting others to engage in any unlawful activity when the incitement leads directly to such unlawful conduct on the college campus.

(h) Possession or use of unlawfully possessed firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the college campus, except for authorized college purposes (legal defense sprays are exempt in this section).

(i) Conduct which is disorderly, lewd, indecent, obscene, verbally abusive or which carries a threat or perception of a threat of bodily harm.

(j) Theft or other abuse or misuse of computer account privileges, equipment, software, network resources or time, including, but not limited to:

(i) Unauthorized entry into an account, file or network, to use, read or change the contents, or for any other purpose;

(ii) Unauthorized transfer or copying of accounts, programs or files;

(iii) Unauthorized use of another individual's account, identification or password, or sending anonymous messages without clearly and correctly identifying the sender;

(iv) Use of computer facilities to interfere with the work of another student, faculty member, college official or computer network operations;

(v) Use of computer facilities to send or receive obscene, abusive, or harassing messages;

(vi) Use of college e-mail accounts to disseminate viruses, destructive or malicious programs;

(vii) Use of college computer facilities to introduce or send viruses or other destructive or invasive software programs.

Violations of the student conduct code will lead to disciplinary action; however, nothing herein will be construed to deny students their legally and/or constitutionally protected right(s) to due process.

AMENDATORY SECTION (Amending Order 49:83, filed 3/11/83)

WAC 132G-120-030 Jurisdiction. The vice-president for student services and the division (~~chairmen are hereby delegated the responsibility~~) deans are responsible for initiating disciplinary proceedings (~~in accordance with these rules~~) for infractions of the rules and regulations of the college (~~and~~) or for alleged misconduct in academic work.

The division (~~chairman~~) dean is the primary agent for disciplinary matters arising solely out of scholarship. The vice-president for student services is the primary agent for the administration of discipline for unacceptable conduct or infraction of college rules in all matters except those which are the responsibilities of divisions and instructors. Division (~~chairmen~~) deans shall give written notice to the vice-president for student services of any disciplinary action which they take.

Instructors (~~are hereby delegated~~) have the authority to take such summary actions as may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course, and to maintain academic integrity. Such actions may be appealed to the (~~chairman~~) dean of the divi-

sion offering the course (~~before the end of the next succeeding~~) no later than the end of the next regular academic quarter, excluding summer quarter.

The provisions of these sanctions do not apply to the evaluation of a student's academic performance.

AMENDATORY SECTION (Amending Order 49:83, filed 3/11/83)

WAC 132G-120-040 The use of disciplinary authority. All disciplinary proceedings will be initiated by either the vice-president for student services or a division (~~(chairman)) dean.~~ The vice-president for student services or a division (~~(chairman)) dean,~~ may, however, delegate this responsibility to others. In cases (~~(referred))~~ appealed to it, the college discipline committee (see WAC 132G-120-070) assumes the responsibility for making a recommendation to the president of the college.

AMENDATORY SECTION (Amending Order 49:83, filed 3/11/83)

WAC 132G-120-060 Possible actions. (~~(After considering the evidence in the case and interviewing the students involved,))~~ The initiating authority may take one of the following actions.

(1) Terminate the proceedings, exonerating the student or students.

(2) Dismiss the case after whatever counseling and advice may be appropriate.

(3) Impose minor sanctions directly (disciplinary warning or disciplinary probation) subject to the student's right of appeal (see WAC 132G-120-100). The student shall be notified of the action taken(~~(;))~~. This notification must be in writing when a disciplinary warning or disciplinary probation is imposed. ((In the case of an unmarried student under 18 years of age being placed on disciplinary probation, written notice shall also be sent to the parents or the guardian of the student.

~~(4) Recommend to the college discipline committee that the student be denied registration or be expelled. The student shall be advised of his/her rights by reference to the appropriate sections of chapter 132G-120 WAC. If the denial of registration or expulsion is approved, the vice-president for student services shall notify the student in writing that he/she has been denied registration or that he/she has been expelled. In the case of an unmarried student under 18 years of age, written notice of this action shall be sent to the parents or guardian of the student.~~

~~(5) Refer the matter to the college discipline committee. The student shall be notified in writing that the matter has been referred to the committee.~~

~~In all cases, the student shall be advised of his/her rights by reference to the appropriate section of chapter 132G-120 WAC.)~~

The initiating authority will notify parent(s) or legal guardian(s) of a dependent student under the age of eighteen of the disciplinary probation. The initiating authority will notify parent(s) or legal guardian(s) of students under the age of twenty-one of any determination that the student violated col-

lege rules against the use or possession of alcohol or controlled substances.

(4) The vice-president for student services, or his/her designee, will have the responsibility of imposing major sanctions such as denial of registration or expulsion. The student shall be advised of his/her rights by reference to the appropriate sections of this document. If the denial of registration or expulsion is approved, the vice-president for student services, or his/her designee, shall notify the student in writing that he/she has been denied registration or that he/she has been expelled. The vice-president of student services, or his/her designee, will notify parent(s) or legal guardian(s) of a dependent student under the age of eighteen of the disciplinary action. The vice-president for student services, or his/her designee, will notify parent(s) or legal guardian(s) of students under the age of twenty-one of any determination that the student violated college rules against the use or possession of alcohol or controlled substances.

AMENDATORY SECTION (Amending Order 49:83, filed 3/11/83)

WAC 132G-120-061 Initiation of summary suspension proceedings. The vice-president for student services or his/her designee may summarily suspend any student from the college for not more than (~~(ten academic))~~ fourteen calendar days pending investigation, action or prosecution of charges of an alleged chapter 132G-120 WAC violation or violations, if the vice-president for student services or his/her designee has (~~(reason))~~ probable cause to believe that the student's physical or emotional safety (~~(and well-being)), health, or welfare,~~ or the safety (~~(and well-being))~~ or welfare of other college community members, or the protection of property requires such suspension. If the emergency situation requires a lesser sanction, the vice-president for student services or his/her designee shall narrowly tailor the sanction to address the emergency situation.

AMENDATORY SECTION (Amending Order 49:83, filed 3/11/83)

WAC 132G-120-062 Permission to enter or remain on campus. During the period of summary suspension, the suspended student shall not enter the campus other than to meet with the vice-president for student services, or his/her designee, or to attend the summary suspension hearing. However, the vice-president for student services, or his/her designee, may grant the student special permission to enter for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

AMENDATORY SECTION (Amending Order 49:83, filed 3/11/83)

WAC 132G-120-063 Notice of summary suspension proceedings. If the vice-president for student services or his/her designee finds it necessary to exercise the authority to summarily suspend or restrict a student, he/she shall:

(1) Give an oral or written notice of the alleged misconduct and violation(s) of any provision(s) of chapter 132G-120 WAC to the student;

(2) Give an oral or written explanation of the evidence in support of the charge(s) to the student;

(3) Give an oral or written explanation of the corrective action or punishment (up to a maximum of ~~((ten academic))~~ fourteen calendar days suspension) which may be imposed ~~((; to))~~ on the student; and

(4) The student shall be provided an opportunity to present his or her explanation of the conduct alleged to be violative of the college student rights and responsibilities policy.

AMENDATORY SECTION (Amending Order 49:83, filed 3/11/83)

WAC 132G-120-064 Decision by the vice-president for student services. If the vice-president for student services, or his/her designee, at the conclusion of the ~~((summary suspension))~~ emergency adjudicative proceedings, finds that there is ~~((probable))~~ cause to believe that:

(1) The student against whom specific violations of law or of provisions of chapter 132G-120 WAC are alleged has committed one or more of such violations; and

(2) Such violation(s) ~~((or violations))~~ of the law or of provisions of chapter 132G-120 WAC constitute grounds ~~((for))~~ of disciplinary action; and

(3) Summary suspension of the student is necessary; then, the vice-president for student services or his/her designee, may immediately suspend such student from the college for up to ~~((ten academic))~~ fourteen calendar days if summary suspension of the student or other summary action is necessary.

AMENDATORY SECTION (Amending Order 49:83, filed 3/11/83)

WAC 132G-120-065 Suspension for failure to appear. If the student against whom specific violations of provisions of chapter 132G-120 WAC have been alleged has been instructed by the vice-president for student services or his/her designee to appear for summary suspension proceedings and then fails to appear at the time designated for the summary suspension proceedings, the vice-president for student services or his/her designee may suspend the student from the college and shall give written notice of suspension to the student at his/her last address of record on file with the college.

AMENDATORY SECTION (Amending Order 49:83, filed 3/11/83)

WAC 132G-120-070 College discipline committee. A ~~((standing))~~ college discipline committee will hear ~~((de novo, and make recommendations on))~~ all disciplinary cases ~~((referred))~~ appealed to it by ~~((the appropriate authority or appealed to it by))~~ students who have ~~((been disciplined))~~ received disciplinary sanctions and shall either approve the actions of the vice-president for student services or his/her

designee, or give directions as to what other disciplinary action should be taken, or exonerate the student. The committee will ~~((be established each fall. It will))~~ be composed of the following persons:

(1) A member appointed by the president of the college ~~((;))~~;

(2) ~~((A))~~ Two members of the faculty, appointed by the president of the Shoreline Community College Federation of Teachers ~~((;))~~ (SCCFT); and

(3) Two ~~((students. The two))~~ students ~~((will be))~~ appointed by the president of the student body association ~~((; but at the option of the student being disciplined, they may not hear the case)).~~

None of the above-named persons shall sit in any case in which he/she is a complainant or witness, in which he/she has a direct or personal interest, or in which he/she has acted previously in an advisory capacity. Decisions in this regard, including the selection of alternates, shall be made by the discipline committee as a whole.

The discipline committee ~~((chairman))~~ chair will be elected by the members of the discipline committee.

In hearings before the discipline committee, at the discretion of the committee, an assistant attorney general will be requested to ~~((take the case))~~ assist the committee. This action may be considered necessary in order to have a fair hearing.

AMENDATORY SECTION (Amending Order 49:83, filed 3/11/83)

WAC 132G-120-080 Discipline committee procedural guidelines and safeguards. ~~((The))~~ A student has a right to a fair and impartial hearing before the discipline committee on any ~~((charge of misconduct))~~ matter appealed to it. ~~((His/her))~~ Failure to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, conclusions and recommendations as provided below. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.

(1) The student shall be given written notice at least seven calendar days in advance of the date, time, and place of the hearing, the charge(s) against him/her, a list of witnesses who ~~((will))~~ may appear, and a description of any documentary and/or ~~((either))~~ physical evidence that ~~((will))~~ may be presented at the hearing. ~~((This notice shall be given to the student in writing and shall be provided in sufficient time to permit him/her to prepare his/her defense. The notice may be amended at any time prior to the hearing, but, if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date.))~~ The student may waive the seven-day notice requirement by requesting a prompt hearing to contest an order of summary suspension or other summary action.

(2) The student shall be entitled to hear and examine the evidence against him/her ~~((and be informed of the identity of its sources;))~~. Also, he/she shall be entitled to present evidence in his/her own behalf ~~((and to question witnesses testifying against him/her as to factual matters. The student shall have all authority possessed by the college to obtain informa-~~

tion or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing).

(3) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining (~~whether he/she is guilty~~) guilt or innocence of the alleged misconduct (~~charged~~), but the student's past record of conduct may be taken into account in formulating the committee's (~~recommendation for~~) determination of appropriate disciplinary action.

(4) The student may be represented by counsel and/or accompanied by an advisor of his/her choice.

(5) No one will be required to give self-incriminating evidence.

(6) Hearings conducted by the committee may be held in closed session at the discretion of the committee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of a hearing invited guests are disruptive of the proceedings, the (~~chairman~~) chair of the committee may exclude such persons from the hearing room.

(7) All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(8) An adequate summary of the proceedings will be kept. As a minimum, such a summary would include a tape recording of testimony. The presiding officer or court reporter will require all witnesses and interpreters to give testimony under oath.

(9) The student will be provided with a copy of the findings of fact and with the conclusions and the recommendations of the committee(;-), and he/she will also be advised of ((his/her)) the right to ((present)) file, within seven calendar days, a written statement of further appeal to the president of the college before action is taken on the recommendation.

(10) If discipline is to be imposed after the review provided by this section, the officer who initiated the proceedings shall notify the student in writing of the discipline imposed. (~~In the case of an unmarried student under 18 years of age, written notice of any action involving expulsion or disciplinary probation also will be sent to the parents or guardian of the student.)) The initial order will notify the parent(s) or legal guardian(s) of a dependent student under the age of eighteen of any expulsion or disciplinary probation of a student. The initial order will also notify the parent(s) or legal guardian(s) of students under the age of twenty-one, if the discipline is for violation of college rules against the use or possession of alcohol or controlled substance.~~

The committee shall establish general rules of procedure consistent with the foregoing procedural safeguards. A copy of any such rules of procedure shall be given to the student in advance of his/her hearing.

AMENDATORY SECTION (Amending Order 49:83, filed 3/11/83)

WAC 132G-120-090 The president's review. The president of the college, or his/her designated representative, shall review all cases (~~heard by the college discipline committee, including the report of the committee~~) appealed by the student to the discipline committee. Upon review of the

committee's report, relevant portions of the record and any statement filed by the student, ((and)) the president of the college, or his/her designee, shall either approve the recommendations of the committee ((or)), give directions as to what other disciplinary action should be taken, ((and he/she shall)) or exonerate the student and notify the initiating authority.

AMENDATORY SECTION (Amending Order 49:83, filed 3/11/83)

WAC 132G-120-100 Appeals. Any disciplinary action may be appealed (~~to the college discipline committee~~), in succession, following the steps as outlined below. An appropriate appeal ((by a student)) shall be made in writing ((and addressed to the chairman of the committee)) within ((15)) fifteen days after the student has been notified of the action taken. In all proceedings wherein the student is not exonerated, there shall be one automatic review by a reviewing authority.

(1) Disciplinary action by a division (~~chairman~~) dean may be appealed to, and shall be reviewed by, the vice-president for student services.

(2) Disciplinary action by the vice-president for student services may be appealed to, and shall be reviewed by, the discipline committee.

(3) Disciplinary action by the discipline committee may be appealed to, and shall be reviewed by, the college president(;-)

(~~4~~), who shall have final authority in all disciplinary action ((shall rest with the board of trustees of the college)).

AMENDATORY SECTION (Amending Order 49:83, filed 3/11/83)

WAC 132G-120-110 Disciplinary terms. The following definitions of disciplinary terms have been established to provide consistency in the application of penalties.

(1) **Disciplinary warning:** Formal action censuring a student for violation of college rules or regulations or for failure to satisfy the expectations of the college regarding conduct. Disciplinary warnings are always made in writing to the student by the officer or agency taking the action, with copies to the vice-president for student services' office. A disciplinary warning indicates to the student that continuation of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions (see WAC 132G-120-110 (2) through (6)).

(2) **Hold:** Attachment of a student's academic record to encourage the fulfillment of the student's obligations to the college, particularly financial. Holds are always made in writing, including a detailed list of the obligations to be met, and are sent to the student. Requests for transcripts of the student's academic record will not be honored until the initiating authority is satisfied that the obligations have been met and provides the registrar with written notification of the release of the hold.

(3) **Registration denied:** Formal action refusing to allow a student to register for subsequent quarters(;-) for violation of college rules or regulations, ((or)) failure to satisfy

the expectations of the college regarding conduct, or failure to fulfill obligations to the college. ~~((Students may be denied registration only on the approval of the president and on the recommendation of the college discipline committee.))~~ The initiating authority, in his/her written notification to the student, will detail the reasons for the denial of registration and the conditions to be met before registration will be allowed. Registration may be denied for a fixed or indefinite period. Future registration will not be allowed until the initiating authority is satisfied that the conditions have been met.

(4) **Disciplinary probation:** Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or failure to satisfy the expectations of the college regarding conduct. The office placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions. Disciplinary probation warns the student that any further misconduct will make him/her liable to suspension or expulsion from the college. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(5) **Academic penalties:** Consequences of any breach of academic integrity may include withholding of credit, lowering of grade, and/or failure (0.0) for the assignment and/or course, or lesser sanctions. Matters involving academic dishonesty may be referred to the vice-president for student services for disciplinary action(s).

(6) **Suspension:** Formal action by an authorized disciplinary agency dismissing a student temporarily from the college for unacceptable conduct or violation of college rules or regulations. ~~((Suspension))~~ Denial of registration or expulsion may be for a stated or for an indefinite period, but the implication of the action is that the student may eventually return if evidence or other assurance is presented that the unacceptable conduct will not be repeated.

~~((6) **Expulsion:** Students may be expelled only on the approval of the president of the college and on the recommendation of the vice president for student services and the college discipline committee. The notification expelling a student will indicate, in writing, the term of the expulsion and any special conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.))~~

AMENDATORY SECTION (Amending Order 1-35:72, filed 11/29/72, effective 1/1/73)

WAC 132G-120-130 Readmission after expulsion. Any student expelled from the college may be readmitted only on written petition to the office which initiated the action resulting in his expulsion. Such petitions must indicate how specified conditions have been met and, if the term of the expulsion has not expired, any reasons which support a reconsideration of the matter. ~~((Because the president of the college participates in all disciplinary actions expelling students from the college, decisions on such petitions for readmission must be reviewed and approved by the president before readmission is granted.))~~

AMENDATORY SECTION (Amending Order 1-35:72, filed 11/29/72, effective 1/1/73)

WAC 132G-120-140 Reporting, recording and maintenance of records. Records of all disciplinary cases shall be kept by the office taking or initiating the action. Except in proceedings wherein the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved insofar as possible, for not more than five years in accordance with the record retention schedule. ~~((No))~~ Any record of proceedings wherein the student is exonerated, ((other than)) except the fact of exoneration, shall be ((maintained in the student's file or other college repository after the date of the student's graduation)) destroyed as expeditiously as possible in accordance with the appropriate record retention schedule.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132G-120-020	Student conduct.
WAC 132G-120-120	Lowering of grades.

WSR 01-13-066

PERMANENT RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed June 18, 2001, 2:34 p.m., effective June 18, 2001]

Date of Adoption: June 14, 2001.

Purpose: To establish a Grays Harbor pilotage district annual tariff for pilotage services.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 01-10-072 on April 30, 2001.

Changes Other than Editing from Proposed to Adopted Version: The adopted tariff is 51.8% less than the 66.8% increase that was proposed.

The adopted tariff is a 15% increase over the current tariff in all categories except transportation.

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

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

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

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

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

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The drastic decrease in shipping activity in the Grays Harbor area has resulted in the need to immediately increase the tariff to provide revenue to sustain pilotage services.

Effective Date of Rule: Upon filing [June 18, 2001].
 June 15, 2001
 Peggy Larson
 Administrator

AMENDATORY SECTION (Amending WSR 00-13-097, filed 6/21/00, effective 8/1/00)

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective ~~((0001 hours on 8-1-00))~~ immediately upon filing through 2400 hours ~~((7-31-04))~~ July 31, 2002.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be ~~(((\$70.43))~~ \$80.99 per meter (or ~~(((\$21.43))~~ \$24.64 per foot) and the tonnage charge shall be ~~(((\$0.2246))~~ \$0.2583 per net registered ton. The minimum net registered tonnage charge is ~~(((\$785.90))~~ \$903.79. The charge for an extra vessel (in case of tow) is ~~(((\$449.11))~~ \$516.48.

Boarding fee:

Per each boarding/deboarding from a boat ~~(((\$338.84))~~ \$389.67

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage ~~(((\$563.37))~~ \$647.88

Delays per hour ~~(((\$134.34))~~ \$154.49

Cancellation charge (pilot only) ~~(((\$224.54))~~ \$258.22

Cancellation charge (pilot boat only) ~~(((\$673.64))~~ \$774.69

Travel allowance:

Transportation fee per assignment \$55.00

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid ~~(((\$785.93))~~ \$903.82 for each day or fraction thereof, and the travel expense incurred ~~(((\$785.93))~~ \$903.82

Bridge transit:

Charge for each bridge transited ~~(((\$246.62))~~ \$283.61

Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam. ~~(((\$682.80))~~ \$785.22

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

WSR 01-13-073

PERMANENT RULES

WENATCHEE VALLEY COLLEGE

[Filed June 18, 2001, 3:34 p.m.]

Date of Adoption: June 6, 2001.

Purpose: Repeal obsolete rules, chapters 132W-140, 132W-149, 132W-129, and 132W-164 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapters 132W-140, 132W-149, 132W-129, and 132W-164 WAC.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Adopted under notice filed as WSR 01-10-016 on April 23, 2001.

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 11.

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.

PERMANENT

Effective Date of Rule: Thirty-one days after filing.

June 5, 2001

William Martin

Dean of Administrative Services
Rules Coordinator

WSR 01-13-074
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed June 18, 2001, 3:53 p.m.]

Date of Adoption: June 18, 2001.

Purpose: Title 175 WAC implemented chapter 43.31A RCW, the Economic Assistance Act of 1972. This act created the Economic Assistance Authority to foster development through the stimulation of investment and job opportunity. The act provided sales and use tax deferrals for eligible investment projects, and loans or grants to political subdivisions of the state and federally recognized Indian tribes for the construction of public facilities.

Chapter 76, Laws of 1981, abolished the Economic Assistance Authority effective June 30, 1982. This legislation provided that no new tax investment deferrals under the program could be approved after March 1, 1982, and no new grants or loans could be made after June 30, 1982. Any remaining duties of the authority were transferred to the Department of Revenue. The rules provided in Title 175 WAC are being repealed because they no longer serve any useful purpose.

Citation of Existing Rules Affected by this Order: Repealing **Chapter 175-08 WAC, Uniform procedural rules**, WAC 175-08-010 Uniform procedural rules and 175-08-990 Appendix A—Relating to chapter 117, Laws of 1972 1st ex. sess. as codified in chapter 43.31A RCW.

Chapter 175-12 WAC, General operating rules, WAC 175-12-005 Appearance and practice before agency—Who may appear, 175-12-010 Authority organization, 175-12-015 Definitions, 175-12-020 Notice of pending authority action, 175-12-025 Consistency with local and state government policies, plans and programs, 175-12-030 Intervention, 175-12-035 Private hearings, 175-12-040 Petition for reconsideration, 175-12-045 Contested case hearings, and 175-12-050 Judicial review.

Chapter 175-16 WAC, Investment tax deferrals applications and procedures, WAC 175-16-010 Application, 175-16-030 Definitions, 175-16-020 Application processing, 175-16-040 Deferral period and repayment schedule, 175-16-050 Responsibility of department of revenue, 175-16-060 Official forms and instruction materials applied on request, and 175-16-990 Appendix A—Application form and instructions—Investment tax deferral for manufacturers.

Chapter 175-20 WAC, Grants and loans application and procedures, WAC 175-20-010 Public facilities loans and grants, 175-20-020 Eligibility for public facilities grants or loans, 175-20-030 Division of funding between economic assistance areas and other areas, 175-20-040 Loan terms, 175-20-050 Project funding priorities, 175-20-060 Applica-

tion dates, 175-20-070 Application for grants or loans, 175-20-080 Appearance before the authority, 175-20-090 General conditions of aid, 175-20-100 Special conditions of aid, 175-20-110 Offer of aid, 175-20-120 Refusal or acceptance of offer of aid, 175-20-130 Contract, 175-20-140 Disbursement of grant and/or loan funds, 175-20-145 Investment of authority funds, 175-20-150 Cost overruns, 175-20-155 Final inspection, 175-20-160 Audits, 175-20-170 Decisions of authority final, 175-20-990 Appendix A—Application form and instructions public facilities grant/loan program, 175-20-99001 Appendix B—Sample form—Attorney's certificate public facilities grant/loan program, 175-20-99002 Appendix C—Sample ordinance and resolution public facilities grant/loan program, 175-20-99003 Appendix D—Offer of financial aid and instructions public facilities grant/loan program, and 175-20-99004 Appendix E—Final contractual agreement public facilities grant/loan program.

Statutory Authority for Adoption: RCW 82.32.300.

Other Authority: RCW 43.21A.400.

Adopted under preproposal statement of inquiry filed as WSR 01-10-111 on May 2, 2001.

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 43.

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 43.

Effective Date of Rule: Thirty-one days after filing.

June 18, 2001

Claire Hesselholt

Rules Manager

Legislation and Policy Division

WSR 01-13-077
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY
[Filed June 19, 2001, 10:13 a.m.]

Date of Adoption: June 14, 2001.

Purpose: To delete the reference to the board meeting time; and to increase fees for the registration and operating permit programs.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Sections 3.02, 5.07, and 7.07.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 01-10-113 on May 2, 2001.

Changes Other than Editing from Proposed to Adopted Version: In Section 7.07 (b)(2), the \$15 fee category was amended to \$20; and the \$35 categories were amended to \$40 (to be consistent with the fees in Section 5.07). In Section 7.07(c), a new (2) was added (to address minor permit modifications); and under (3), the word 'significant' was added before the word 'modification' (to distinguish from a minor modification).

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.

June 18, 2001

James L. Nolan

Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 3.02 MEETINGS OF THE BOARD OF DIRECTORS

(a) **Regular Meetings.** The Agency Board of Directors shall meet at least ten (10) times per year. All Board of Director meetings are open to the public. Regular meetings of the Board shall be held on the second Thursday of each month (~~at 9:00 a.m.~~) at the Agency's offices. The Agency's offices are located at 110 Union Street, Suite 500, Seattle, WA 98101-2038. The Agency may be reached by telephone at (206) 343-8800 or 1-800-552-3565, or by facsimile at (206) 343-7522.

Notice of the meetings shall be published in the State Register, as well as in the local newspapers of general circulation of the largest city within each member county. The notices shall state the time, date, and place of each meeting. Notice shall be provided at least ten (10) days prior to each meeting. The agenda for any meeting may be obtained by contacting the Agency directly.

During any meeting, the Board may retire to Executive Session, at which time all members of the public shall be excluded from the meeting.

Written communications to the Board or individual Board members may be made by contacting the Agency at the above address and facsimile number.

(b) **Special Meetings.** The Chair or majority of the members of the Board may call a special meeting at any time. Notice of such meetings shall be provided as required by the Open Public Meetings Act, chapter 42.30 RCW.

(c) **Public Records.** All minutes and records of all regular and special Board meetings, including written communications provided to the Board, shall be available for public inspection and copying as provided in the Public Disclosure Law, chapter 42.17 RCW. Any person wishing to review or copy such records should contact the Agency's records administrator.

AMENDATORY SECTION

REGULATION I SECTION 5.07 REGISTRATION FEES

(a) The Agency shall levy annual fees as set forth in Section 5.07(c) below for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the program. Registration fees do not apply to sources subject to Article 7 of Regulation I.

(b) Upon assessment by the Agency, registration fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days.

(c) Annual registration fees are assessed either by the emission reporting thresholds or, if below emission thresholds, by the primary Standard Industrial Classification (SIC) of the source:

(1) Emission reporting sources under Section 5.05(d) that equal or exceed any of the emission thresholds in this paragraph shall be charged an annual registration fee of ~~(\$1,000)~~ \$1,200 plus an additional emission rate fee of:

~~(\$15)~~ \$20 for each ton of CO when the CO emissions are equal to or exceed 100 tons in the previous calendar year, and

~~(\$35)~~ \$40 for each ton of NO_x when the NO_x emissions are equal to or exceed 25 tons in the previous calendar year, and

~~(\$35)~~ \$40 for each ton of PM₁₀ when the PM₁₀ emissions are equal to or exceed 25 tons in the previous calendar year, and

~~(\$35)~~ \$40 for each ton of SO_x when the SO_x emissions are equal to or exceed 25 tons in the previous calendar year, and

~~(\$35)~~ \$40 for each ton of VOC when the VOC emissions are equal to or exceed 25 tons in the previous calendar year, and

~~(\$35)~~ \$40 for each ton of HAP when the facility total HAP emissions are equal to or exceed 6 tons in the previous calendar year or when any single individual HAP emissions are equal to or exceed 2 tons in the previous calendar year.

(2) Emission reporting sources under Section 5.05(d) that equal or exceed any of the emission thresholds in this paragraph shall be charged the annual registration fee of ~~(\$2,000)~~ \$2,500 plus an additional emission rate fee of:

~~(\$15)~~ \$20 for each ton of CO when the CO emissions are equal to or exceed 200 tons in the previous calendar year, and

~~(\$35)~~ \$40 for each ton of NO_x when the NO_x emissions are equal to or exceed 50 tons in the previous calendar year, and

PERMANENT

~~(\$35)~~ \$40 for each ton of PM10 when the PM10 emissions are equal to or exceed 50 tons in the previous calendar year, and

~~(\$35)~~ \$40 for each ton of SOx when the SOx emissions are equal to or exceed 50 tons in the previous calendar year, and

~~(\$35)~~ \$40 for each ton of VOC when the VOC emissions are equal to or exceed 50 tons in the previous calendar year, and

~~(\$35)~~ \$40 for each ton of HAP when the facility total HAP emissions are equal to or exceed 12 tons in the previous calendar year or when any single individual HAP emissions are equal to or exceed 4 tons in the previous calendar year.

(3) Automobile body repair and painting (SIC = 7532, NAICS = 811121)

without EnviroStar rating of 4 or 5 stars \$250

with EnviroStar rating of 4 or 5 stars \$50

(4) Perchloroethylene (~~(D)~~) dry-cleaning plants, except rug cleaning (SIC = 7216, NAICS = 812322)

~~(without refrigerated condenser)~~ vented \$500

~~(with refrigerated condenser)~~ unvented ~~(\$150)~~ \$50

(5) Gasoline service stations with gasoline annual throughput during the last calendar year (as certified at the time of annual fee payment) of:

(i) more than 1,200,000 gallons \$400

(ii) 840,001 to 1,200,000 gallons in Kitsap County \$250

(iii) 600,001 to 1,200,000 gallons in King, Pierce, or Snohomish County \$250

(iv) 600,001 to 840,000 gallons in Kitsap County \$150

(v) 200,000 to 600,000 gallons \$150

(vi) less than 200,000 gallons \$100

(6) Sources having 10 or more full-time employees at the facility site (as certified at the time of annual fee payment) and requiring registration under Section 5.03 in the following North American Industry Classification System (NAICS) codes (*North American Industry Classification System Manual*, U.S. Executive Office of the President, Office of Management and Budget, 1997) or Standard Industrial Classification (SIC) codes (*Standard Industrial Classification Manual*, Executive Office of the President, Office of Management and Budget, 1987) shall be charged an annual registration fee of ~~(\$1,000)~~ \$1,200:

NAICS	SIC	NAICS Description
212312	1422	Crushed and Broken Limestone Mining and Quarrying
212319	1429	Other Crushed and Broken Stone Mining and Quarrying
212321	1442	Construction Sand and Gravel Mining
212322	1446	Industrial Sand Mining
221122	4911	Electric Power Distribution
22132	4952	Sewage Treatment Facilities
23411	1611	Highway and Street Construction
311421	2035	Fruit and Vegetable Canning

311613	2077	Rendering and Meat Byproduct Processing
311999	2099	All Other Miscellaneous Food Manufacturing
321114	2491	Wood Preservation
324121	2951	Asphalt Paving Mixture and Block Manufacturing
324122	2952	Asphalt Shingle and Coating Materials Manufacturing
325311	2873	Nitrogenous Fertilizer Manufacturing
325314	2875	Fertilizer (Mixing Only) Manufacturing
325412	2834	Pharmaceutical Preparation Manufacturing
325612	2842	Polish and Other Sanitation Good Manufacturing
32591	2893	Printing Ink Manufacturing
326291	3061	Rubber Product Manufacturing for Mechanical Use
327211	3211	Flat Glass Manufacturing
32731	3241	Cement Manufacturing
32732	3273	Ready-Mix Concrete Manufacturing
32739	3272	Other Concrete Product Manufacturing
32742	3275	Gypsum Product Manufacturing
32791	3291	Abrasive Product Manufacturing
327992	3295	Ground or Treated Mineral and Earth Manufacturing
327999	3292, 3299	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing
331111	3312	Iron and Steel Mills
331222	3315	Steel Wire Drawing
331312	3334	Primary Aluminum Production
331492	3341	Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)
331511	3321	Iron Foundries
331512	3324	Steel Investment Foundries
331513	3325	Steel Foundries (except Investment)
331524	3365	Aluminum Foundries (except Die-Casting)
331525	3366	Copper Foundries (except Die-Casting)
331528	3369	Other Nonferrous Foundries (except Die-Casting)
332811	3398	Metal Heat Treating
332812	3479	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers

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332813	3471	Electroplating, Plating, Polishing, Anodizing, and Coloring	311822	2045	Flour Mixes and Dough Manufacturing from Purchased Flour
333414	3433	Heating Equipment (except Warm Air Furnaces) Manufacturing	311823	2098	Dry Pasta Manufacturing
333999	3599	All Other Miscellaneous General Purpose Machinery Manufacturing	311919	2096	Other Snack Food Manufacturing
334413	3674	Semiconductor and Related Device Manufacturing	31192	2095	Coffee and Tea Manufacturing
334418	3679	Printed Circuit Assembly (Electronic Assembly) Manufacturing	312111	2086	Soft Drink Manufacturing
335312	7694	Motor and Generator Manufacturing	31212	2082	Breweries
336611	3731	Ship Building and Repairing	321113	2421, 2429	Sawmills
42251	5153	Grain and Field Bean Wholesalers	321213	2439	Engineered Wood Member (except Truss) Manufacturing
42269	5169	Other Chemical and Allied Products Wholesalers	321219	2493	Reconstituted Wood Product Manufacturing
48691	4613	Pipeline Transportation of Refined Petroleum Products	32191	2431	Millwork
48821	4013	Support Activities for Rail Transportation	321912	2426	Cut Stock, Resawing Lumber, and Planing
562111	4953	Solid Waste Collection	32192	2441, 2448	Wood Container and Pallet Manufacturing
62221	8063	Psychiatric and Substance Abuse Hospitals	321992	2452	Prefabricated Wood Building Manufacturing
62231	8069	Specialty (except Psychiatric and Substance Abuse) Hospitals	32213	2631	Paperboard Mills
81391	8611	Business Associations	322211	2653	Corrugated and Solid Fiber Box Manufacturing
		(7) Other sources having 10 or more full-time employees at the facility site (as certified at the time of annual fee payment) and requiring registration under Section 5.03 in the following North American Industry Classification System (NAICS) codes or Standard Industrial Classification (SIC) codes shall be charged an annual registration fee of (\$500) \$600:	322212	2657	Folding Paperboard Box Manufacturing
NAICS	SIC	NAICS Description	322213	2652	Setup Paperboard Box Manufacturing
115112	0711	Soil Preparation, Planting, and Cultivating	322231	2675	Die-Cut Paper and Paperboard Office Supplies Manufacturing
212325	1459	Clay and Ceramic and Refractory Minerals Mining	32311	2759	Printing
22132	4952	Sewage Treatment Facilities	323110	2752	Commercial Lithographic Printing
22133	4961	Steam and Air-Conditioning Supply	325188	2819	All Other Basic Inorganic Chemical Manufacturing
23321	1521	Single-Family Housing Construction	325199	2869	All Other Basic Organic Chemical Manufacturing
23499	1629	All Other Heavy Construction	325211	2821	Plastics Material and Resin Manufacturing
23531	1731	Electrical Contractors	32551	2851	Paint and Coating Manufacturing
311111	2047	Dog and Cat Food Manufacturing	326112	2671	Unsupported Plastics Packaging Film and Sheet Manufacturing
311119	2048	Other Animal Food Manufacturing	326199	3089	All Other Plastics Product Manufacturing
311211	2041	Flour Milling	326212	7534	Tire Retreading
311422	2032	Specialty Canning	327331	3271	Concrete Block and Brick Manufacturing
311612	2013	Meat Processed from Carcasses	332112	3463	Nonferrous Forging
311711	2091	Seafood Canning	332116	3469	Metal Stamping
311821	2052	Cookie and Cracker Manufacturing	332312	3441, 3449	Fabricated Structural Metal Manufacturing
			332322	3444	Sheet Metal Work Manufacturing

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332323	3446	Ornamental and Architectural Metal Work Manufacturing	42193	5093	Recyclable Material Wholesalers
33242	3443	Metal Tank (Heavy Gauge) Manufacturing	42261	5162	Plastics Materials and Basic Forms and Shapes Wholesalers
332618	3496	Other Fabricated Wire Product Manufacturing	42271	5171	Petroleum Bulk Stations and Terminals
332993	3483	Ammunition (except Small Arms) Manufacturing	422720	5172	Petroleum and Petroleum Products Wholesalers (except Bulk Stations and Terminals)
332996	3498	Fabricated Pipe and Pipe Fitting Manufacturing	42299	5199	Other Miscellaneous Nondurable Goods Wholesalers
332999	3499	All Other Miscellaneous Fabricated Metal Product Manufacturing	44419	5039	Other Building Material Dealers
333294	3556	Food Product Machinery Manufacturing	454312	5984	Liquefied Petroleum Gas (Bottled Gas) Dealers
333515	3545	Cutting Tool and Machine Tool Accessory Manufacturing	481111	4512	Scheduled Passenger Air Transportation
333994	3567	Industrial Process Furnace and Oven Manufacturing	48411	4212	General Freight Trucking, Local
334111	3571	Electronic Computer Manufacturing	48819	4581	Other Support Activities for Air Transportation
33422	3663	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing	48832	4491	Marine Cargo Handling
334412	3672	Bare Printed Circuit Board Manufacturing	48833	4492	Navigational Services to Shipping
334513	3823	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables	48849	4173	Other Support Activities for Road Transportation
334518	3873	Watch, Clock, and Part Manufacturing	49312	4222	Refrigerated Warehousing and Storage
335129	3648	Other Lighting Equipment Manufacturing	51111	2711	Newspaper Publishers
335228	3639	Other Major Household Appliance Manufacturing	51112	2721	Periodical Publishers
335911	3691	Storage Battery Manufacturing	51113	2731	Book Publishers
335999	3629	All Other Miscellaneous Electrical Equipment and Component Manufacturing	51421	7374	Data Processing Services
336211	3713	Motor Vehicle Body Manufacturing	53111	6513	Lessors of Residential Buildings and Dwellings
336411	3721	Aircraft Manufacturing	54171	8731	Research and Development in the Physical, Engineering, and Life Sciences
336413	3728	Other Aircraft Parts and Auxiliary Equipment Manufacturing	56121	8744	Facilities Support Services
33651	3743	Railroad Rolling Stock Manufacturing	61131	8221	Colleges, Universities, and Professional Schools
33711	2434	Wood Kitchen Cabinet and Countertop Manufacturing	62211	8062	General Medical and Surgical Hospitals
337122	5712	Nonupholstered Wood Household Furniture Manufacturing	62431	8331	Vocational Rehabilitation Services
42132	5032	Brick, Stone, and Related Construction Material Wholesalers	712190	8422	Nature Parks and Other Similar Institutions
42151	5051	Metal Service Centers and Offices	81221	7261	Funeral Homes and Funeral Services
42169	5065	Other Electronic Parts and Equipment Wholesalers	81222	7261	Cemeteries and Crematories
			812331	7219	Linen Supply
			812332	7218	Industrial Launderers
			922120	9221	Police Protection
			92214	9223	Correctional Institutions
			92811	9711	National Security

(8) All other sources, not listed above in Sections (1) through (7), requiring registration under Section 5.03, shall be charged an annual registration fee of (~~(\$250)~~) \$300.

AMENDATORY SECTION

REGULATION I SECTION 7.07 OPERATING PERMIT FEES

(a) The Agency shall levy annual operating permit fees as set forth in Section 7.07(b) below to cover the cost of administering the operating permit program.

(b) Upon assessment by the Agency, the following operating permit fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days.

(1) Facility Fees:

(i) Operating permit sources with the following North American Industry Classification System (NAICS) codes (*North American Industry Classification System Manual*, U.S. Executive Office of the President, Office of Management and Budget, 1997) or Standard Industrial Classification (SIC) codes:

NAICS	SIC	NAICS Description	
32411	2911	Petroleum Refineries	
32731	3241	Cement Manufacturing	
331111	3312	Iron and Steel Mills	
336411	3721	Aircraft Manufacturing	
336413	3728	Other Aircraft Parts and Auxiliary Equipment Manufacturing	
92811	9711	National Security	
		((\$21,000)) \$25,000

(ii) Operating permit sources with the following NAICS/SIC codes:

NAICS	SIC	NAICS Description	
23521	1721	Painting and Wall Covering Contractors	
311812	2051	Commercial Bakeries	
321114	2491	Wood Preservation	
32191	2431	Millwork	
321999	2499	All Other Miscellaneous Wood Product Manufacturing	
322222	2672	Coated and Laminated Paper Manufacturing	
32614	3086	Polystyrene Foam Product Manufacturing	
32615	3086	Urethane and Other Foam Product (except Polystyrene) Manufacturing	
327121	3251	Brick and Structural Clay Tile Manufacturing	
332313	3443	Plate Work Manufacturing	
332996	3498	Fabricated Pipe and Pipe Fitting Manufacturing	
333415	3585	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing	

33711	2434	Wood Kitchen Cabinet and Counter-top Manufacturing	
81142	7641	Reupholstery and Furniture Repair	
		((\$3,500)) \$5,000

(iii) Operating permit sources with NAICS/SIC codes other than listed above(~~(\$7,000)~~) **\$10,000**

(2) Additional emission rate fees shall be paid in addition to the annual operating permit fees of Section 7.07 (b)(1):

(~~(\$15)~~) **\$20** for each ton of CO when the CO emissions are equal to or exceed 100 tons in the previous calendar year, and

(~~(\$35)~~) **\$40** for each ton of NOx when the NOx emissions are equal to or exceed 25 tons in the previous calendar year, and

(~~(\$35)~~) **\$40** for each ton of PM10 when the PM10 emissions are equal to or exceed 25 tons in the previous calendar year, and

(~~(\$35)~~) **\$40** for each ton of SOx when the SOx emissions are equal to or exceed 25 tons in the previous calendar year, and

(~~(\$35)~~) **\$40** for each ton of VOC when the VOC emissions are equal to or exceed 25 tons in the previous calendar year, and

(~~(\$35)~~) **\$40** for each ton of HAP when the facility total HAP emissions are equal to or exceed 6 tons in the previous calendar year or when any single individual HAP emissions are equal to or exceed 2 tons in the previous calendar year.

(c) In addition to the fees under Sections 7.07 (b)(1) and (b)(2) above, the Agency shall, on a source-by-source basis, levy the following fees:

(1) **\$500 for administrative permit amendments, and**
 (2) **for minor permit modifications, a fee equal to 10% of the annual operating permit fee, not to exceed \$5,000, and**

(~~((+))~~) (3) for the issuance, (~~(reissuance)~~) **significant modification**, or renewal of an operating permit, a fee equal to 20% of the annual operating permit fee, not to exceed (~~(\$5,000.00)~~) **\$10,000**, and

(~~((2))~~) (4) to cover the cost of public involvement under WAC 173-401-800, and

(~~((3))~~) (5) to cover the cost incurred by the Washington State Department of Health in enforcing 40 CFR Part 61, Subpart I and Chapter 246-247 WAC.

(d) In addition to the fees described under Sections 7.07 (b) and (c) above, the Agency shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology under WAC 173-401 to cover the Department of Ecology's program development and oversight costs.

(e) Continued payment to the Agency of the annual operating permit fee maintains the operating permit and the status of the source as an operating facility.

PERMANENT

WSR 01-13-078
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 19, 2001, 10:46 a.m., effective August 6, 2001]

Date of Adoption: June 19, 2001.

Purpose: Changes to chapter 296-62 WAC, General occupational health standards, Part J biological agents (bloodborne pathogens).

Changes to chapter 296-62 WAC, General occupational health standards, Part J, biological agents (bloodborne pathogens), on January 18, 2001, OSHA filed changes to 29 C.F.R. 1910.1030 bloodborne pathogens standard. These changes were to meet requirements identified in House Bill H.R. 5178. The purpose of these adopted amendments relating to bloodborne pathogens is to incorporate into WISHA rules those changes from the Federal Register notice, Volume 66, Number 12, published on January 18, 2001 (Occupational Exposure to Bloodborne Pathogens; Needle Sticks and Other Sharps Injuries; Final rule).

The adopted WISHA amendments include: New examples of engineering controls, two new definitions for "Sharps with Engineered Sharps Injury Protections" and "Needleless Systems," and an additional requirement for exposure control plans to reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens. Employers are required to solicit input from nonmanagerial employees responsible for direct patient care when selecting engineering and work practice controls, and employers must establish and maintain a log of injuries from contaminated sharps. The Department of Labor and Industries is required to have standards at least as effective as the federal OSHA rule and to assure appropriate worker protection throughout the state. This adoption will meet those requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 296-62-08001 Bloodborne pathogens.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 01-09-089 on April 18, 2001.

Changes Other than Editing from Proposed to Adopted Version: The adopted amendments were identical to those proposed in the CR-102 filing on April 18, 2001. All changes proposed have been adopted without any revisions from the proposed to the adopted amendments. All are adopted as proposed and are identified below:

Amended section WAC 296-62-08001 has the following subsections proposed for amendment:

WAC 296-62-08001(2), definitions, the filing permanent adoption makes several changes to definitions by:

- Adding additional examples of safer medical devices, such as sharps with engineered sharps injury protections and needleless systems to "Engineering controls;"
- Adds the definition of "Needleless systems;" and
- Adds the definition of "Sharps with engineered sharps injury protection."

WAC 296-62-08001 (3)(a)(iv), exposure control plans, the adoption adds three new requirements for exposure control plans:

- They must reflect changes in technology to reduce or eliminate bloodborne pathogen exposures, and
- Document annually consideration and implementation of commercially available safer medical devices.

WAC 296-62-08001 (3)(a)(v), exposure control plans- documentation, the plans must document input from employees in direct patient care settings with potential for exposure to contaminated sharps on the identification, evaluation and selection of:

- Effective engineering controls, and
- Work practice controls.

The following identifies the proposed addition of a new subdivision to WAC 296-62-08001(8):

WAC 296-62-08001 (8)(e), sharps injury log, the adoption adds this new subdivision.

WAC 296-62-08001 (8)(e)(i), sharps injury log, the sharps injury log. The log is to be recorded and maintained in such a way that protects the confidentiality of injured employees.

WAC 296-62-08001 (8)(e)(i)(A), (B), (C), sharps injury log, the adoption adds the requirement that sharps injury logs contain the following information:

- The type and brand of device involved in the incident;
- The department or work area where the incident occurred; and
- How the incident occurred.

WAC 296-62-08001 (8)(e)(ii), sharps injury log, the adoption adds a new requirement that sharps injury logs be required of employers who must maintain a log of occupational injuries and illnesses per chapter 296-27 WAC, Recordkeeping and reporting.

WAC 296-62-08001 (8)(e)(iii), sharps injury log, the adoption adds a requirement that sharps injury logs be maintained as identified in WAC 296-27-070 Retention of records.

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

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

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

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

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

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: August 6, 2001.

June 19, 2001
Gary Moore
Director

AMENDATORY SECTION (Amending Order 92-15, filed 12/11/92, effective 1/15/93)

WAC 296-62-08001 Bloodborne pathogens. (1) Scope and application. This section applies to all occupational exposure to blood or other potentially infectious materials as defined by subsection (2) of this section.

(2) Definitions. For purposes of this section, the following shall apply:

"Blood" means human blood, human blood components, and products made from human blood.

"Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

"Clinical laboratory" means a workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.

"Contaminated" means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

"Contaminated laundry" means laundry which has been soiled with blood or other potentially infectious materials or may contain contaminated sharps.

"Contaminated sharps" means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

"Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

"Director" means the director of the Washington state department of labor and industries; the state designee for the Washington state plan.

"Engineering controls" means controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.

"Exposure incident" means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

"Handwashing facilities" means a facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

"Licensed healthcare professional" is a person whose legally permitted scope of practice allows him or her to independently perform the activities required by subsection (6) of

this section, entitled Hepatitis B vaccination and post-exposure evaluation and follow-up.

"HBV" means hepatitis B virus.

"HIV" means human immunodeficiency virus.

"Needleless systems" means a device that does not use needles for:

• The collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established;

• The administration of medication or fluids; or

• Any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps.

"Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

"Other potentially infectious materials" means:

(a) The following human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;

(b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and

(c) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

"Parenteral" means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.

"Personal protective equipment" is specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

"Production facility" means a facility engaged in industrial-scale, large-volume or high concentration production of HIV or HBV.

"Regulated waste" means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

"Research laboratory" means a laboratory producing or using research-laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

"Sharps with engineered sharps injury protections" means a nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

"Source individual" means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

"Sterilize" means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

"Universal precautions" are an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

"Work practice controls" means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

(3) Exposure control.

(a) Exposure control plan.

(i) Each employer having an employee(s) with occupational exposure as defined by subsection (2) of this section shall establish a written exposure control plan designed to eliminate or minimize employee exposure.

(ii) The exposure control plan shall contain at least the following elements:

(A) The exposure determination required by (b) of this subsection;

(B) The schedule and method of implementation for subsection (4) of this section, Methods of compliance; subsection (5) of this section, HIV and HBV research laboratories and production facilities; subsection (6) of this section, Hepatitis B vaccination and post-exposure evaluation and follow-up; subsection (7) of this section, Communication of hazards to employees; and subsection (8) of this section, Recordkeeping; and

(C) The procedure for the evaluation of circumstances surrounding exposure incidents as required by subsection (6)(c)(i) of this section.

(iii) Each employer shall ensure that a copy of the exposure control plan is accessible to employees in accordance with WAC 296-62-05209.

(iv) The exposure control plan shall be reviewed and updated at least annually, and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure, and to reflect new or revised employee positions with occupational exposure. The review and update of such plans shall also:

(A) Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens; and

(B) Document annually consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

(v) ((The exposure control plan shall be made available to the director upon request for examination and copying.)) An employer, who is required to establish an exposure con-

trol plan shall solicit input from nonmanagerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and shall document the solicitation in the exposure control plan.

(b) Exposure determination.

(i) Each employer who has an employee(s) with occupational exposure as defined by subsection (2) of this section shall prepare an exposure determination. This exposure determination shall contain the following:

(A) A list of all job classifications in which all employees in those job classifications have occupational exposure;

(B) A list of job classifications in which some employees have occupational exposure; and

(C) A list of all tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs, and that are performed by employees in job classifications listed in accordance with the provisions of (b)(i)(B) of this subsection.

(ii) This exposure determination shall be made without regard to the use of personal protective equipment.

(4) Methods of compliance.

(a) General. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

(b) Engineering and work practice controls.

(i) Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used.

(ii) Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.

(iii) Employers shall provide handwashing facilities which are readily accessible to employees.

(iv) When provision of handwashing facilities is not feasible, the employer shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.

(v) Employers shall ensure that employees wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment.

(vi) Employers shall ensure that employees wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.

(vii) Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed except as noted in (b)(vii)(A) and (B) of this subsection. Shearing or breaking of contaminated needles is prohibited.

(A) Contaminated needles and other contaminated sharps shall not be bent, recapped or removed unless the employer can demonstrate that no alternative is feasible or

that such action is required by a specific medical or dental procedure.

(B) Such bending, recapping or needle removal must be accomplished through the use of a mechanical device or a one-handed technique.

(viii) Immediately or as soon as possible after use, contaminated reusable sharps shall be placed in appropriate containers until properly reprocessed. These containers shall be:

(A) Puncture resistant;

(B) Labeled or color-coded in accordance with this standard;

(C) Leakproof on the sides and bottom; and

(D) In accordance with the requirements set forth in (d)(ii)(E) of this subsection for reusable sharps.

(ix) Eating, drinking, smoking, applying cosmetics, or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.

(x) Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets, or on countertops or benchtops where blood or other potentially infectious materials are present.

(xi) All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.

(xii) Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.

(xiii) Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

(A) The container for storage, transport, or shipping shall be labeled or color-coded according to subsection (7)(a)(i) of this section and closed prior to being stored, transported, or shipped. When a facility utilizes universal precautions in the handling of all specimens, the labeling/color-coding of specimens is not necessary provided containers are recognizable as containing specimens. This exemption only applies while such specimens/containers remain within the facility. Labeling or color-coding in accordance with subsection (7)(a)(i) of this section is required when such specimens/containers leave the facility.

(B) If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color-coded according to the requirements of this standard.

(C) If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is punctured-resistant in addition to the above characteristics.

(xiv) Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary, unless the employer can demonstrate that decontamination of such equipment or portions of such equipment is not feasible.

(A) A readily observable label in accordance with subsection (7)(a)(i)(H) of this section shall be attached to the equipment stating which portions remain contaminated.

(B) The employer shall ensure that this information is conveyed to all affected employees, the servicing representative, and/or the manufacturer, as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken.

(c) Personal protective equipment.

(i) Provision. When there is occupational exposure, the employer shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Personal protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.

(ii) Use. The employer shall ensure that the employee uses appropriate personal protective equipment unless the employer shows that the employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or the co-worker. When the employee makes this judgment, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

(iii) Accessibility. The employer shall ensure that appropriate personal protective equipment in the appropriate sizes is readily accessible at the worksite or is issued to employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.

(iv) Cleaning, laundering, and disposal. The employer shall clean, launder, and dispose of personal protective equipment required by subsections (4) and (5) of this section, at no cost to the employee.

(v) Repair and replacement. The employer shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.

(vi) If a garment(s) is penetrated by blood or other potentially infectious materials, the garment(s) shall be removed immediately or as soon as feasible.

(vii) All personal protective equipment shall be removed prior to leaving the work area.

(viii) When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination, or disposal.

(ix) Gloves. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and nonintact skin; when performing vascular access procedures except as specified in (c)(ix)(D) of this

subsection; and when handling or touching contaminated items or surfaces.

(A) Disposable (single use) gloves such as surgical or examination gloves, shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised.

(B) Disposable (single use) gloves shall not be washed or decontaminated for re-use.

(C) Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

(D) If an employer in a volunteer blood donation center judges that routine gloving for all phlebotomies is not necessary then the employer shall:

(I) Periodically reevaluate this policy;

(II) Make gloves available to all employees who wish to use them for phlebotomy;

(III) Not discourage the use of gloves for phlebotomy; and

(IV) Require that gloves be used for phlebotomy in the following circumstances:

—When the employee has cuts, scratches, or other breaks in his or her skin;

—When the employee judges that hand contamination with blood may occur, for example, when performing phlebotomy on an uncooperative source individual; and

—When the employee is receiving training in phlebotomy.

(x) Masks, eye protection, and face shields. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

(xi) Gowns, aprons, and other protective body clothing. Appropriate protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degree of exposure anticipated.

(xii) Surgical caps or hoods and/or shoe covers or boots shall be worn in instances when gross contamination can reasonably be anticipated (e.g., autopsies, orthopaedic surgery).

(d) Housekeeping.

(i) General. Employers shall ensure that the worksite is maintained in a clean and sanitary condition. The employer shall determine and implement an appropriate written schedule for cleaning and method of decontamination based upon the location within the facility, type of surface to be cleaned, type of soil present, and tasks or procedures being performed in the area.

(ii) All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.

(A) Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of

procedures; immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials; and at the end of the workshift if the surface may have become contaminated since the last cleaning.

(B) Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental surfaces, shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the workshift if they may have become contaminated during the shift.

(C) All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.

(D) Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs, or forceps.

(E) Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

(iii) Regulated waste.

(A) Contaminated sharps discarding and containment.

(I) Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are:

—Closable;

—Puncture resistant;

—Leakproof on sides and bottom; and

—Labeled or color-coded in accordance with subsection (7)(a)(i) of this section.

(II) During use, containers for contaminated sharps shall be:

—Easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found (e.g., laundries);

—Maintained upright throughout use; and

—Replaced routinely and not be allowed to overfill.

(III) When moving containers of contaminated sharps from the area of use, the containers shall be:

—Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping;

—Placed in a secondary container if leakage is possible. The second container shall be:

• Closable;

• Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping; and

• Labeled or color-coded according to subsection (7)(a)(i) of this section.

(IV) Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury.

(B) Other regulated waste containment.

(I) Regulated waste shall be placed in containers which are:

—Closable;

—Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping;

—Labeled or color-coded in accordance with subsection (7)(a)(i) of this section; and

—Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

(II) If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be:

—Closable;

—Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping;

—Labeled or color-coded in accordance with subsection (7)(a)(i) of this section; and

—Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

(C) Disposal of all regulated waste shall be in accordance with applicable regulations of the United States, states and territories, and political subdivisions of states and territories.

(iv) Laundry.

(A) Contaminated laundry shall be handled as little as possible with a minimum of agitation.

(I) Contaminated laundry shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use.

(II) Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded in accordance with subsection (7)(a)(i) of this section. When a facility utilizes universal precautions in the handling of all soiled laundry, alternative labeling or color-coding is sufficient if it permits all employees to recognize the containers as requiring compliance with universal precautions.

(III) Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak-through and/or leakage of fluids to the exterior.

(B) The employer shall ensure that employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment.

(C) When a facility ships contaminated laundry off-site to a second facility which does not utilize universal precautions in the handling of all laundry, the facility generating the contaminated laundry must place such laundry in bags or containers which are labeled or color-coded in accordance with subsection (7)(a)(i) of this section.

(5) HIV and HBV research laboratories and production facilities.

(a) This subsection applies to research laboratories and production facilities engaged in the culture, production, concentration, experimentation, and manipulation of HIV and HBV. It does not apply to clinical or diagnostic laboratories engaged solely in the analysis of blood, tissues, or organs. These requirements apply in addition to the other requirements of the standard.

(b) Research laboratories and production facilities shall meet the following criteria:

(i) Standard microbiological practices. All regulated waste shall either be incinerated or decontaminated by a method such as autoclaving known to effectively destroy bloodborne pathogens.

(ii) Special practices.

(A) Laboratory doors shall be kept closed when work involving HIV or HBV is in progress.

(B) Contaminated materials that are to be decontaminated at a site away from the work area shall be placed in a durable, leakproof, labeled, or color-coded container that is closed before being removed from the work area.

(C) Access to the work area shall be limited to authorized persons. Written policies and procedures shall be established whereby only persons who have been advised of the potential biohazard, who meet any specific entry requirements, and who comply with all entry and exit procedures shall be allowed to enter the work areas and animal rooms.

(D) When other potentially infectious materials or infected animals are present in the work area or containment module, a hazard warning sign incorporating the universal biohazard symbol shall be posted on all access doors. The hazard warning sign shall comply with subsection (7)(a)(ii) of this section.

(E) All activities involving other potentially infectious materials shall be conducted in biological safety cabinets or other physical-containment devices within the containment module. No work with these other potentially infectious materials shall be conducted on the open bench.

(F) Laboratory coats, gowns, smocks, uniforms, or other appropriate protective clothing shall be used in the work area and animal rooms. Protective clothing shall not be worn outside of the work area and shall be decontaminated before being laundered.

(G) Special care shall be taken to avoid skin contact with other potentially infectious materials. Gloves shall be worn when handling infected animals and when making hand contact with other potentially infectious materials is unavoidable.

(H) Before disposal all waste from work areas and from animal rooms shall either be incinerated or decontaminated by a method such as autoclaving known to effectively destroy bloodborne pathogens.

(I) Vacuum lines shall be protected with liquid disinfectant traps and high-efficiency particulate air (HEPA) filters or filters of equivalent or superior efficiency and which are checked routinely and maintained or replaced as necessary.

(J) Hypodermic needles and syringes shall be used only for parenteral injection and aspiration of fluids from laboratory animals and diaphragm bottles. Only needle-locking syringes or disposable syringe-needle units (i.e., the needle is integral to the syringe) shall be used for the injection or aspiration of other potentially infectious materials. Extreme caution shall be used when handling needles and syringes. A needle shall not be bent, sheared, replaced in the sheath or guard, or removed from the syringe following use. The needle and syringe shall be promptly placed in a puncture-resistant container and autoclaved or decontaminated before reuse or disposal.

(K) All spills shall be immediately contained and cleaned up by appropriate professional staff or others prop-

erly trained and equipped to work with potentially concentrated infectious materials.

(L) A spill or accident that results in an exposure incident shall be immediately reported to the laboratory director or other responsible person.

(M) A biosafety manual shall be prepared or adopted and periodically reviewed and updated at least annually or more often if necessary. Personnel shall be advised of potential hazards, shall be required to read instructions on practices and procedures, and shall be required to follow them.

(iii) Containment equipment.

(A) Certified biological safety cabinets (Class I, II, or III) or other appropriate combinations of personal protection or physical containment devices, such as special protective clothing, respirators, centrifuge safety cups, sealed centrifuge rotors, and containment caging for animals, shall be used for all activities with other potentially infectious materials that pose a threat of exposure to droplets, splashes, spills, or aerosols.

(B) Biological safety cabinets shall be certified when installed, whenever they are moved and at least annually.

(c) HIV and HBV research laboratories shall meet the following criteria:

(i) Each laboratory shall contain a facility for hand washing and an eyewash facility which is readily available within the work area.

(ii) An autoclave for decontamination of regulated waste shall be available.

(d) HIV and HBV production facilities shall meet the following criteria:

(i) The work areas shall be separated from areas that are open to unrestricted traffic flow within the building. Passage through two sets of doors shall be the basic requirement for entry into the work area from access corridors or other contiguous areas. Physical separation of the high-containment work area from access corridors or other areas or activities may also be provided by a double-doored clothes-change room (showers may be included), airlock, or other access facility that requires passing through two sets of doors before entering the work area.

(ii) The surfaces of doors, walls, floors, and ceilings in the work area shall be water resistant so that they can be easily cleaned. Penetrations in these surfaces shall be sealed or capable of being sealed to facilitate decontamination.

(iii) Each work area shall contain a sink for washing hands and a readily available eye wash facility. The sink shall be foot, elbow, or automatically operated and shall be located near the exit door of the work area.

(iv) Access doors to the work area or containment module shall be self-closing.

(v) An autoclave for decontamination of regulated waste shall be available within or as near as possible to the work area.

(vi) A ducted exhaust-air ventilation system shall be provided. This system shall create directional airflow that draws air into the work area through the entry area. The exhaust air shall not be recirculated to any other area of the building, shall be discharged to the outside, and shall be dispersed away from occupied areas and air intakes. The proper direction of the airflow shall be verified (i.e., into the work area).

(e) Training requirements. Additional training requirements for employees in HIV and HBV research laboratories and HIV and HBV production facilities are specified in subsection (7)(b)(ix) of this section.

(6) Hepatitis B vaccination and post-exposure evaluation and follow-up.

(a) General.

(i) The employer shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and post-exposure evaluation and follow-up to all employees who have had an exposure incident.

(ii) The employer shall ensure that all medical evaluations and procedures including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, including prophylaxis, are:

(A) Made available at no cost to the employee;

(B) Made available to the employee at a reasonable time and place;

(C) Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional; and

(D) Provided according to recommendations of the United States Public Health Service current at the time these evaluations and procedures take place, except as specified by this subsection (6).

(iii) The employer shall ensure that all laboratory tests are conducted by an accredited laboratory at no cost to the employee.

(b) Hepatitis B vaccination.

(i) Hepatitis B vaccination shall be made available after the employee has received the training required in subsection (7)(b)(vii)(I) of this section and within ten working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

(ii) The employer shall not make participation in a pre-screening program a prerequisite for receiving hepatitis B vaccination.

(iii) If the employee initially declines hepatitis B vaccination but at a later date while still covered under the standard decides to accept the vaccination, the employer shall make available hepatitis B vaccination at that time.

(iv) The employer shall assure that employees who decline to accept hepatitis B vaccination offered by the employer sign the statement in WAC 296-62-08050, appendix A.

(v) If a routine booster dose(s) of hepatitis B vaccine is recommended by the United States Public Health Service at a future date, such booster dose(s) shall be made available in accordance with (a)(ii) of this subsection.

(c) Post-exposure evaluation and follow-up. Following a report of an exposure incident, the employer shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including at least the following elements:

(i) Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred;

(ii) Identification and documentation of the source individual, unless the employer can establish that identification is infeasible or prohibited by state or local law;

(A) The source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, the employer shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented.

(B) When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.

(C) Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

(iii) Collection and testing of blood for HBV and HIV serological status;

(A) The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.

(B) If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least ninety days. If, within ninety days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

(iv) Post-exposure prophylaxis, when medically indicated, as recommended by the United States Public Health Service;

(v) Counseling; and

(vi) Evaluation of reported illnesses.

(d) Information provided to the healthcare professional.

(i) The employer shall ensure that the healthcare professional responsible for the employee's hepatitis B vaccination is provided a copy of this regulation.

(ii) The employer shall ensure that the healthcare professional evaluating an employee after an exposure incident is provided the following information:

(A) A copy of this regulation;

(B) A description of the exposed employee's duties as they relate to the exposure incident;

(C) Documentation of the route(s) of exposure and circumstances under which exposure occurred;

(D) Results of the source individual's blood testing, if available; and

(E) All medical records relevant to the appropriate treatment of the employee including vaccination status which are the employer's responsibility to maintain.

(e) Healthcare professional's written opinion. The employer shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within fifteen days of the completion of the evaluation.

(i) The healthcare professional's written opinion for hepatitis B vaccination shall be limited to whether hepatitis B vaccination is indicated for an employee, and if the employee has received such vaccination.

(ii) The healthcare professional's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:

(A) That the employee has been informed of the results of the evaluation; and

(B) That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

(iii) All other findings or diagnoses shall remain confidential and shall not be included in the written report.

(f) Medical recordkeeping. Medical records required by this standard shall be maintained in accordance with subsection (8)(a) of this section.

(7) Communication of hazards to employees.

(a) Labels and signs.

(i) Labels.

(A) Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material; and other containers used to store, transport or ship blood or other potentially infectious materials, except as provided in (a)(i)(E), (F), and (G) of this subsection.

(B) Labels required by this section shall include the following legend:



BIOHAZARD

(C) These labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color.

(D) Labels shall be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.

(E) Red bags or red containers may be substituted for labels.

(F) Containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from the labeling requirements of subsection (7) of this section.

(G) Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment or disposal are exempted from the labeling requirement.

(H) Labels required for contaminated equipment shall be in accordance with this subitem and shall also state which portions of the equipment remain contaminated.

(I) Regulated waste that has been decontaminated need not be labeled or color-coded.

(ii) Signs.

(A) The employer shall post signs at the entrance to work areas specified in subsection (5) of this section, entitled HIV and HBV research laboratory and production facilities, which shall bear the following legend:



BIOHAZARD

(Name of the Infectious Agent)

(Special requirements for entering the area)

(Name, telephone number of the laboratory director or other responsible person.)

(B) These signs shall be fluorescent orange-red or predominantly so, with lettering and symbols in a contrasting color.

(b) Information and training.

(i) Employers shall ensure that all employees with occupational exposure participate in a training program which must be provided at no cost to the employee and during working hours.

(ii) Training shall be provided as follows:

(A) At the time of initial assignment to tasks where occupational exposure may take place;

(B) Within ninety days after the effective date of the standard; and

(C) At least annually thereafter.

(iii) For employees who have received training on blood-borne pathogens in the year preceding the effective date of the standard, only training with respect to the provisions of the standard which were not included need be provided.

(iv) Annual training for all employees shall be provided within one year of their previous training.

(v) Employers shall provide additional training when changes such as modification of tasks or procedures or institution of new tasks or procedures affect the employee's occupational exposure. The additional training may be limited to addressing the new exposures created.

(vi) Material appropriate in content and vocabulary to educational level, literacy, and language of employees shall be used.

(vii) The training program shall contain at a minimum the following elements:

(A) An accessible copy of the regulatory text of this standard and an explanation of its contents;

(B) A general explanation of the epidemiology and symptoms of bloodborne diseases;

(C) An explanation of the modes of transmission of bloodborne pathogens;

(D) An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan;

(E) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;

(F) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;

(G) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;

(H) An explanation of the basis for selection of personal protective equipment;

(I) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;

(J) Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;

(K) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;

(L) Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;

(M) An explanation of the signs and labels and/or color coding required by (a) of this subsection; and

(N) An opportunity for interactive questions and answers with the person conducting the training session.

(viii) The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the training will address.

(ix) Additional initial training for employees in HIV and HBV laboratories and production facilities. Employees in HIV or HBV research laboratories and HIV or HBV production facilities shall receive the following initial training in addition to the above training requirements:

(A) The employer shall assure that employees demonstrate proficiency in standard microbiological practices and techniques and in the practices and operations specific to the facility before being allowed to work with HIV or HBV.

(B) The employer shall assure that employees have prior experience in the handling of human pathogens or tissue cultures before working with HIV or HBV.

(C) The employer shall provide a training program to employees who have no prior experience in handling human pathogens. Initial work activities shall not include the handling of infectious agents. A progression of work activities shall be assigned as techniques are learned and proficiency is developed. The employer shall assure that employees participate in work activities involving infectious agents only after proficiency has been demonstrated.

(8) Recordkeeping.

(a) Medical records.

(i) The employer shall establish and maintain an accurate record for each employee with occupational exposure, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination as required by subsection (6)(b) of this section;

(C) A copy of all results of examinations, medical testing, and follow-up procedures as required by subsection (6)(c) of this section;

(D) The employer's copy of the healthcare professional's written opinion as required by subsection (6)(e) of this section; and

(E) A copy of the information provided to the healthcare professional as required by subsection (6)(d)(ii)(B), (C), and (D) of this section.

(iii) Confidentiality. The employer shall ensure that employee medical records required by (a) of this subsection are:

(A) Kept confidential; and

(B) Not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by this section or as may be required by law.

(iv) The employer shall maintain the records required by subsection (8) of this section for at least the duration of employment plus thirty years in accordance with WAC 296-62-052.

(b) Training records.

(i) Training records shall include the following information:

(A) The dates of the training sessions;

(B) The contents or a summary of the training sessions;

(C) The names and qualifications of persons conducting the training; and

(D) The names and job titles of all persons attending the training sessions.

(ii) Training records shall be maintained for three years from the date on which the training occurred.

(c) Availability.

(i) The employer shall ensure that all records required to be maintained by this section shall be made available upon request to the director for examination and copying.

(ii) Employee training records required by this section shall be provided upon request for examination and copying

to employees, to employee representatives, and to the director.

(iii) Employee medical records required by this section shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, to the director in accordance with WAC 296-62-052.

(d) Transfer of records.

(i) The employer shall comply with the requirements involving transfer of records set forth in WAC 296-62-052.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director, at least three months prior to their disposal and transmit them to the director, if required by the director to do so, within that three-month period.

(e) Sharps injury log.

(i) The employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in such manner as to protect the confidentiality of the injured employee. The sharps injury log shall contain, at a minimum:

(A) The type and brand of device involved in the incident;

(B) The department or work area where the exposure incident occurred; and

(C) An explanation of how the incident occurred.

(ii) The requirement to establish and maintain a sharps injury log shall apply to any employer who is required to maintain a log of occupational injuries and illnesses under chapter 296-27 WAC, Recordkeeping and recording.

(iii) The sharps injury log shall be maintained for the period required by WAC 296-27-070, Retention of records.

(9) Dates.

(a) Effective date. The standard shall become effective on May 26, 1992.

(b) The exposure control plan required by subsection (3) of this section shall be completed on or before June 26, 1992.

(c) Subsection (7)(b) of this section, entitled Information and training; and subsection (7)(h) of this section, entitled Recordkeeping; shall take effect on or before July 27, 1992.

(d) Subsection (4)(b) of this section, entitled Engineering and work practice controls; subsection (4)(c) of this section, entitled Personal protective equipment; subsection (4)(d) of this section, entitled Housekeeping; subsection (5) of this section, entitled HIV and HBV research laboratories and production facilities; subsection (6) of this section, entitled Hepatitis B vaccination and post-exposure evaluation and follow-up; and subsection (7)(a) of this section, entitled Labels and signs; shall take effect August 27, 1992.

WSR 01-13-080
PERMANENT RULES
EXECUTIVE ETHICS BOARD

[Filed June 19, 2001, 11:18 a.m.]

Date of Adoption: June 8, 2001.

Purpose: To amend the existing rules in chapter 292-110 WAC to reflect changes in board staff job titles.

Citation of Existing Rules Affected by this Order: Amending chapter 292-110 WAC.

Statutory Authority for Adoption: RCW 42.52.360 (2)(b) and 42.52.425.

Adopted under notice filed as WSR 01-08-080 on April 3, 2001.

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.

June 19, 2001

Brian R. Malarky
Executive Director

AMENDATORY SECTION (Amending WSR 98-03-045, filed 1/15/98, effective 2/15/98)

WAC 292-110-050 Advisory opinions. State officers and employees are encouraged to seek an advisory opinion whenever they have questions concerning ethical standards or potential conflicts of interest. Advisory opinions are intended to provide guidance to a state officer or state employee in advance of an action or decision and thereby prevent ethics violations.

(1) Whenever requested by a state officer, state employee, or other person, or whenever it deems it in the public interest, the board shall issue advisory opinions. Requests for advisory opinions, if not issued in response to a motion by the board, shall be written and signed, and addressed to either the chair of the board or the ~~((board secretary))~~ executive director. Requests may be made by electronic mail. Each request should provide sufficient information and circumstances to enable the board to evaluate the request and issue the advisory opinion.

(2) Upon receiving a request for an advisory opinion, the ~~((board secretary))~~ executive director shall, within fifteen calendar days of receipt, acknowledge the request. Persons requesting advisory opinions shall be notified of the status of the request at thirty day intervals until final action is taken.

(3) The board shall either:

(a) Deny the request and state the reason(s) for the denial; or,

(b) Issue a written advisory opinion.

(4) An advisory opinion is final when it has been approved by the board and is signed by the ~~((board secretary))~~ executive director.

(5) A person requesting an advisory opinion may, upon receiving the opinion, petition the board for reconsideration within thirty days of the date the opinion is issued if the person believes that the opinion is erroneous in factual detail. A petition for reconsideration shall be written and signed, and shall briefly state the errors of fact. The board may deny the petition if it lacks merit, or if the person who submitted the request provided erroneous information to the board.

(6) If a state officer or state employee receives an advisory opinion and fails to make a good faith effort to follow its guidance, the board shall give this fact weight when considering a complaint alleging a violation based on the advice received.

(7) Informal staff analysis. It is the responsibility of the ~~((board secretary))~~ executive director to provide ethics advice to any state officer, state employee, or other person; however, a state officer, state employee, or other person may only rely on written ethics advice. In providing such advice, the ~~((board secretary))~~ executive director may issue a written nonbinding staff analysis. A nonbinding staff analysis is intended to provide ethics guidance and advice in an expeditious manner, but does not substitute for a formal advisory opinion from the board. The ~~((board secretary))~~ executive director shall provide a disclaimer to the person requesting the nonbinding staff analysis that the advice is solely the opinion of the ~~((board secretary))~~ executive director and not the opinion of the board or in any respect binding on the board. Only advisory opinions issued by the board and complaints decided by the board may be relied on for determining how the board will interpret a provision of the Ethics in Public Service Act.

(a) In considering a complaint alleging a violation, the board will give weight to the fact that the person charged in the complaint relied in good faith on written advice from the ~~((board secretary))~~ executive director.

(b) The board may review staff analyses provided under this subsection and may approve or disapprove of any advice so provided. However, any such approval or disapproval is limited to whether staff had reasonable grounds for the advice and should not be interpreted as indicating approval or disapproval of the advice provided.

AMENDATORY SECTION (Amending WSR 98-04-001, filed 1/21/98, effective 2/21/98)

WAC 292-110-060 Compensation for outside activities and contracting with state agencies. (1) The primary purpose of the Ethics in Public Service Act is to prevent conflicts of interest that impair the impartial and independent judgment of state officers and employees. A conflict of interest may occur when a state officer or state employee accepts compensation for outside activities, and acceptance conflicts with the performance of official duties on behalf of the state and the citizens of Washington. Conflicts of interest occur whenever a state officer or state employee has a beneficial interest in a transaction with the state; accepts outside compensation for the performance or non-performance of an offi-

cial duty; or, accepts or seeks outside compensation relating to a matter in which the officer or employee participated in an official capacity. A conflict of interest extends to those matters in which a state officer or employee exercises responsibility. Potential conflicts of interest relating to the receipt of compensation for outside activities may be resolved by seeking the review and prior approval of the executive ethics board.

(2) A state officer or employee may not receive anything of economic value under a contract or grant outside his or her official duties unless each of the following conditions is met:

(a) The contract or grant is legitimate and actually performed;

(b) The contract or grant is not within the state officer's or employee's official duties, is not under his or her supervision; is not created or authorized by the state officer or employee in an official capacity, and is not within an area of his or her official responsibility;

(c) The contract or grant is not performed for nor compensated by a person from whom the state officer or employee would not be able to accept a gift; and,

(d) The contract or grant would not require the disclosure of confidential or nonpublic information.

(3) A state officer or employee may not engage in a business or transaction or professional activity, or incur an obligation of any nature if such activities may conflict with the proper discharge of official duties.

(4) A state officer or employee may not enter into a contract or receive a grant, or have a beneficial interest in a contract or grant with a state agency unless all conditions in section two are met, and one of the following conditions are satisfied:

(a) The contract bid or grant application is awarded through an open and competitive bidding process and more than one bid or grant application is received; or

(b) If only one bid or application is received, or the process for awarding the contract or grant was not open and competitive, and the executive ethics board has advised that the employee's interest in the contract or grant is not in conflict with the proper discharge of the employee's official duties.

(5) Provided that the conditions in sections two and three are met, the following contracts are approved by the executive ethics board:

(a) A contract or grant whereby the state officer or state employee receives assistance through state programs or federal programs administered by the state when they are entitled to receive such assistance by law and on the same basis as similarly situated citizens, and when the officer or employee does not exercise discretionary judgement with regard to an assistance program for which he or she is otherwise eligible;

(b) A contract to perform teaching duties at a bona fide community college, vocational-technical school, or institution of higher learning, provided no state resources are used to perform the duties; there is no conflict with the performance of official duties; and the state officer or state employee did not use his or her official position to influence the contract of employment; and,

(c) A contract held by a spouse, in which the officer or employee has a beneficial interest, with a state agency, provided that the officer or employee did not participate in the contract.

(d) An employee who has a contract or grant or a beneficial interest therein which is approved by the board under section (5)(a)-(c) of this rule is not required to file a separate application for approval of the contract under section (6). However, the employee is responsible for determining that the criteria in sections (2) and (3) are satisfied.

(e) An employee who is awarded a contract or grant under section (5)(a)-(c) of this rule shall file a copy of the contract with the board. However, if the employee's only interest is a beneficial interest, the contract need not be filed with the board.

(6) State officers and employees seeking the approval of the board for a contract, grant application, or outside employment shall provide the following information to the ~~((board secretary))~~ executive director no later than thirty days prior to the commencement of the contract:

(a) A description of current official duties and responsibilities;

(b) A statement of the work to be performed and, a copy of the contract;

(c) The duration and dollar value of the contract, if applicable;

(d) A statement that no state resources will be used to perform the outside employment or to fulfill the contract or grant; and,

(e) A description of how the work will be performed without the use of state resources.

(7) The ~~((board secretary))~~ executive director shall review the contract or grant application terms and related documents and may determine whether there could be a potential conflict. If the board secretary determines:

(a) There would be no potential conflict under sections two and three of this rule, the ~~((board secretary))~~ executive director shall approve the contract or grant application.

(b) There could be a potential conflict under sections two and three of this rule, the ~~((board secretary))~~ executive director shall refer the contract or grant application to the board for approval or disapproval.

(8) If a contract has been amended or the scope of work altered, and the effect of the amendment or alteration may create a potential conflict of interest under sections two and three of this rule, the employee must resubmit the contract to the board at least fifteen days prior to commencement of work under the amended or altered contract.

(9) If a series of substantially identical contracts or grants with a state agency is anticipated, the state officer or employee may request that the board preapprove such contracts or grants. Preapproval shall be effective for the period of one calendar year, after which the state officer or employee shall resubmit the request.

(10) The ~~((board secretary))~~ executive director shall provide written notice of any action on a contract bid, grant application or request for outside employment within fifteen working days of the board's action.

(11) Final contracts reviewed under this rule shall be filed with the ~~((board secretary))~~ executive director within thirty days of execution.

WSR 01-13-089
PERMANENT RULES
GAMBLING COMMISSION
 [Order 402—Filed June 19, 2001, 4:02 p.m.]

Date of Adoption: June 15, 2001.

Purpose: These rules changes were requested at the net return task force and discussed during nonprofit study sessions in November 2000, and January, February, and March 2001. Currently bingo operators can offer a total of twelve promotional activities each year. These activities include player discounts, gifts and coupons. Amendments were made to increase the number of promotional activities from twelve to eighteen. Amendments were also made to allow bingo operators to offer an unlimited number of discount coupons for their games. Furthermore, only commercial pull-tab operators are allowed to offer happy hour pull-tab games, where pull-tab prize amounts are double. Now charitable/nonprofit organizations are able to offer these games too.

Citation of Existing Rules Affected by this Order: Amending WAC 230-20-125 and 230-30-106.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 01-10-120 with a publication date of June 5 [May 16], 2001.

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

Effective Date of Rule: Thirty-one days after filing.

June 19, 2001

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 371, filed 5/18/99, effective 7/1/99)

WAC 230-20-125 Discounts and promotional gifts—Authorized—Limits. To increase profits from bingo games and enhance the entertainment aspect of such, licensees may conduct limited promotional activities. The following restric-

tions and procedures apply to promotional activities conducted as a part of bingo games:

Discounts and gifts.

(1) Licensees may promote bingo games by providing players discounts or gifts of nominal value on up to ~~((twelve))~~ eighteen occasions annually ~~((under the following conditions))~~: Provided, That coupons authorized under this subsection may be distributed and/or redeemed during an unlimited number of occasions. All promotions authorized under this section are subject to the following conditions:

Discount coupons.

(a) Licensees may offer players discounts or reductions in the price to play bingo for purposes of evaluating the effectiveness of advertising of bingo games if:

(i) Discounts are only awarded to players that present a coupon that was issued by the licensee for a specific date and session;

(ii) Coupons shall not be available on the licensed premises: Provided, That this section does not prevent the ~~((sale))~~ distribution of newspapers in which such coupons are printed on the licensed premises;

(iii) Coupons are printed in newspapers or similar media that are normally sold or delivered to an individual's residence;

(iv) The discount does not exceed fifty percent of the minimum cost to play or five dollars, whichever is less;

(v) Any conditions or restrictions of the discount are disclosed in all advertisements offering the discount; and

(vi) Records required by subsection (2) of this section are maintained.

Gifts.

(b) Licensees may award promotional gifts to players if:

(i) Only merchandise gifts with a cost to the licensee of no more than five dollars per gift are awarded;

(ii) The gifts are treated as prizes; and

(iii) A record is completed for each session setting out the criterion for selecting the recipients, the number of gifts, and total cost of the gifts.

Receipting.

(2) Licensees shall use the combination receipting method set forth in WAC 230-20-108 to record discounts awarded by this section. All discounts shall be recorded on the cash register receipt during the sales transaction;

Records.

(3) Records must be maintained as a part of the daily bingo records that provide full details of each discount or gift awarded. All discounts must be reconciled to sales and cash on the "Bingo daily record-Cash control" record. Such records must include at least the following details:

(a) Time and date of the activity;

(b) Full description of the activity, including any conditions or restrictions;

(c) A copy of all advertisements for such promotions; and

(d) All coupons or "frequent player" cards redeemed which shall include the name, address, and birth date of customers redeeming such.

Birthday gifts.

(4) Licensees may provide special recognition gifts to players during the calendar week of their birthday. These gifts are excluded from the ~~((twelve))~~ eighteen occasion limitation if the following requirements are met:

- (a) Such gifts shall not exceed a value of five dollars;
- (b) The recipient's name and date of birth are recorded; and
- (c) These gifts are treated as prizes and applicable records are maintained.

Incentives.

(5) Licensees may promote bingo games by offering incentives to players which are based on the customer participating in games for a specific number of sessions, playing during a session when promotional gifts are awarded to players, as authorized by subsection (1)(b) of this section, or for spending a specific dollar amount to play bingo over a period of time if:

- (a) These "frequent player" incentives are redeemed only for promotional marketing gifts; or merchandise with a cost of twenty dollars or less;
- (b) These incentives are accumulated in the form of "credits" or "points" that equate to a specified number of dollars spent by the player;
- (c) The redemption value of points or credits awarded under this section does not exceed:
 - (i) Two percent of the total dollar amount spent by a player and recorded through the cash register method of recording bingo sales; or
 - (ii) Five dollars for each occasion that points or credits are awarded as promotional gifts under authority of subsection (1)(b) of this section;
- (d) Such credits or points shall have no cash or partial redemption value;
- (e) Players shall be informed of any expiration date of points or credits earned;
- (f) The licensee shall develop a control system to account for points or credits issued, redeemed, or expired. Credits or points shall be controlled by issuing points at the time of cash register receipting method sale and recorded either with a computer-based tracking system or approved manual system. The following conditions apply to accumulation records:
 - (i) If cards are used, cards shall meet all of the requirements set forth for tickets used for receipting for bingo income in WAC 230-20-104 and the recording of credits on such cards shall be accomplished by means under control of the licensee, such as stamps, punches, employee initials, etc.; and
 - (ii) Computer-based records used to record points shall be approved by the commission staff.

AMENDATORY SECTION (Amending Order 359, filed 7/15/98, effective 1/1/99)

WAC 230-30-106 Punch board and pull-tab flares restrictions—Standards—Substitute flares. The following restrictions, standards, and procedures apply to the use of flares and substitute flares:

Only manufacturers to produce flares - exception.

(1) Except as set forth in subsection (6) of this section, the flare advertising prizes available from the operation of any punch board, or any series of pull-tabs, shall be made by the manufacturer only and shall not be altered by any operator or distributor;

One flare per game.

(2) No person shall place or have out in public view more than one flare advertising the prizes available from the operation of any punch board, or from any series of pull-tabs;

Displaying flares.

- (3) Flares shall be placed as follows:
 - (a) Only upon the upper face, or on the top of any punch board; or
 - (b) In plain view and in the vicinity of any pull-tab dispensing device or container. If the flare is not attached to the dispensing device or container, a numerical or alphabetical reference shall be included directly on the flare and dispensing device or container clearly indicating which flare corresponds to which series.

Standards for flares.

- (4) ~~((Standards for flares:))~~ Flares shall meet the following standards:
 - (a) Flares must clearly set out each of the prizes available and the numbers or symbols which win each prize. For progressive jackpot series, the progressive jackpot meter board shall be considered a supplement to the flare. Reference to such shall be made on the flare;
 - (b) Flares must set out the winning numbers or symbols for prizes of over twenty dollars in cash, or merchandise worth more than twenty dollars at retail, in such a manner that each may be easily and clearly deleted or marked off as each prize is won and awarded. For the purposes of this subsection the retail value of a merchandise prize shall be the amount actually paid by the licensed operator plus fifty percent of that actual cost;
 - (c) The cost to the player for each punch or pull-tab shall be clearly posted on the flare;
 - (d) The manufacturer shall clearly set out on the flare the series number assigned to that punch board or pull-tab series by the manufacturer. For pull-tab series, this number shall be clearly displayed on the face of the flare. This series number shall not be altered by the distributor or operator;
 - (e) The flare shall contain the Washington state identification and inspection services stamp number assigned to the board or series, as required by WAC 230-08-017;
 - (f) For pull-tab series, the total number of pull-tabs originally in the series shall be clearly disclosed on the face of the

flare. Effective July 1, 1997, the following flares shall prominently display the ticket count in one-half inch size lettering on the flare;

- (i) Any newly designed flare;
- (ii) Any previously designed flare for pull-tab series with a ticket count over six thousand, which has not yet been packaged;
- (g) Flares must contain the manufacturer of the board or series. A stamp, seal, or label which identifies the manufacturer may be substituted if the commission has been informed of such prior to its use.

Bonus pull-tab flares.

(5) Additional standards for bonus pull-tab flares:

(a) The manufacturer shall develop and use at least twenty-five different versions of flares (face sheets) for each form number of a bonus series. Flares which contain prizes that are determined after the player receives the corresponding winning chance shall be constructed so that it is impossible to determine the prizes prior to removing the prize covering, in any manner or by any device. Face sheets shall be utilized in such a manner so as to ensure random distribution during the manufacturing and packing process;

(b) The middle or advance level shall be labeled with the term "ADVANCE SECTION" with a minimum one-quarter inch size lettering;

(c) The top tier level shall be labeled with the term "BONUS SECTION" with a minimum one-quarter inch size lettering;

(d) The number of winners which could be awarded in the top tier level shall be clearly noted on the flare with a minimum three-eighths inch size lettering. In addition, the number of winners and the number of advances in each advance level shall be clearly displayed;

(e) All prizes for each advance and bonus level shall be clearly displayed so that only the winners within the possible combinations are shown. Where applicable, the word "OR" shall be used to illustrate the possible combinations in which the bonus prizes can be won. Duplicate references to prizes shall not be shown on the flare.

~~((6))~~ **Substitute flares**(~~(±)~~),

~~((±))~~ (6) A substitute flare may be utilized on punch boards or pull-tabs, unless otherwise restricted by commission rules, provided all the requirements of this subsection are met(~~(-)~~);

~~((±))~~ (a) Distributors may apply manufacturer-produced substitute flares to punch boards and pull-tab series;

~~((±))~~ (b) Licensed operators or distributors may make and use substitute flares on punch boards and pull-tab series which offer merchandise or combination merchandise-cash prizes.

~~((±))~~ (c) The responsibility for ensuring the substitute flare meets the requirements set forth in this section shall rest with the manufacturer, distributor, or operator who changes the original flare and attaches the substitute flare.

~~((b))~~ **Substitute flare requirements:**

(±) (d) All substitute flares must comply with the requirements of subsections (4) and (5) of this section;

~~((±))~~ (e) All substitute flares shall have the Washington state identification and inspection services stamp number and series number assigned to the punch board or pull-tab series permanently recorded in ink on the face of the substitute flare;

~~((±))~~ (f) The original manufacturer's flare shall be permanently defaced so it is unusable and the substitute flare shall be attached to the original manufacturer's flare so that the original Washington state identification and inspection services stamp and series number can be accessed for inspection;

~~((±))~~ (g) For flares converted from cash prizes to combination merchandise-cash prizes, at least fifty percent of the total value of prizes offered shall be merchandise; and

~~((±))~~ (h) Substitute flares which offer merchandise, or combination merchandise-cash, must utilize numbers, not symbols, to denote winners. The winning numbers on the substitute flare shall be selected from the winning numbers on the flare made by the manufacturer, or from the optional numbers placed on the back of the board by the manufacturer. Prizes must be assigned to the winning numbers consecutively, starting with the highest value prize being assigned the lowest available winning number.

Happy hour pull-tab games.

(7) In addition to prizes established by manufacturers, ~~((commercial stimulant))~~ pull-tab licensees may increase prizes or add additional prizes to punch boards or pull-tab series ~~((±))~~ under the following conditions:

(a) Such prizes ~~((are))~~ shall be cash or merchandise;

(b) The manufacturer's flare shall not be changed;

(c) Full details of the prizes, including requirements to qualify, shall be disclosed to players by means of an additional sign or notice that is permanently attached to the manufacturer's flare;

(d) The increase or additional prizes must be added to every prize that is within a tier or section of the flare; ~~((and))~~

(e) Documentation regarding all additional prizes shall be stapled or otherwise permanently attached to the winning punch or pull-tab for which such a prize is awarded. Minimum documentation shall include a description of the prize awarded and the name of the winner; and

(f) Bona fide charitable or nonprofit organizations shall limit games authorized in subsection (7) of this section to only one game in play at any point in time.

WSR 01-13-091

PERMANENT RULES

GAMBLING COMMISSION

[Order 403—Filed June 19, 2001, 4:06 p.m.]

Date of Adoption: June 15, 2001.

Purpose: In May 2000, the commission adopted the largest rules package in the history of the Gambling Commission, the card room rules package. These rule changes incorporate comments and concerns brought forward by both staff and licensees. Changes have been made to surveillance requirements. The rule requiring independent internal control eval-

uations of card rooms has been repealed. Four rules have been amended and recodified under different sections so they will be easier to locate.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-40-820; and amending WAC 230-40-050, 230-40-120, 230-40-500, 230-40-833, 230-40-055, 230-40-610, 230-40-805, 230-40-815, 230-40-825, 230-40-830, 230-40-840, 230-40-865, 230-40-870, 230-40-875, 230-40-885 and 230-40-895; WAC 230-08-027 was amended and recodified as WAC 230-40-821; WAC 230-08-090 was amended and recodified as WAC 230-40-052; WAC 230-12-072 was amended and recodified as WAC 230-40-608; and WAC 230-12-073 was amended and recodified as WAC 230-40-808.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 01-10-122 with a publication date of June 5 [May 16], 2001.

Changes Other than Editing from Proposed to Adopted Version: Three rules from the package that was filed under WSR 01-10-122 have been held over for further discussion (WAC 230-40-897, 230-40-803 and 230-40-455). We anticipate that these three rules will be adopted at the July 13, 2001, commission meeting.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 20, 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 3, Amended 20, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 19, 2001

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending and Recodifying Order 396, filed 12/6/00, effective 1/6/01)

WAC 230-08-027 (~~House-banked card games~~) **General accounting records** (~~(to be maintained)~~)—**House-banking**. Every licensee authorized to offer house-banked card games shall keep and maintain a complete set of records, which have been approved by commission staff. Such records shall include all details of activities related to the conduct of the licensed activity. The following requirements shall apply:

Revenue and expenses.

(1) Each licensee shall maintain legible, accurate and complete records of all transactions relating to the revenues and costs of the gaming operation. These records shall be maintained in a format to ensure consistency, comparability, and effective disclosure of financial information.

General accounting records.

(2) General accounting records shall be maintained on a double entry system of accounting with transactions recorded on an accrual basis, to include detailed, supporting, subsidiary records, sufficient to meet the requirements below.

Recordkeeping.

(3) The detailed, supporting and subsidiary records shall include, but not necessarily be limited to:

(a) Records of all patrons' checks initially accepted, deposited, and returned as "uncollected," and ultimately written off as "uncollectible";

(b) Statistical game records to reflect drop and win amounts for each table, for each game, and for at least each period for which the drop boxes are removed, which shall be at the minimum, the end of each gaming day;

(c) Records of investments in property, including, but not limited to, equipment used directly in connection with the gaming operation;

(d) Records of amounts payable by the gaming operation;

(e) Records which identify the purchase, receipt, and destruction of all cards and gaming chips used in wagering; and

(f) Records of services provided for the operation of gaming (~~(activity)~~) activities.

Copies.

(4) Whenever duplicate or triplicate copies are required of a form, record or document:

(a) The original, duplicate, and triplicate copies shall be color-coded;

(b) If under these standards, forms, records, and documents are required to be inserted in a locked dispenser, the last copy shall remain in a continuous unbroken form in the dispenser; and

(c) If under these standards, forms or serial numbers of forms are required to be accounted for or copies of forms are required to be compared for agreement and exceptions noted, such exceptions shall be reported immediately to the commission for investigation.

Storing documents.

(5) All forms, records, documents and stored data required to be prepared, maintained and controlled shall:

(a) Have the title of the form, record, document, or stored data (such as "fill slip," "request for fill," "credit slip," "request for credit," "reconciliation," etc.), imprinted or pre-printed thereon or therein; and

(b) Be located at the licensed premises for three years: Provided, That the director or the director's designee may waive parts of this section if requested by the licensee.

Employee records.

(6) Licensees shall maintain a records system that ensures all applicable employees have met licensing requirements. The system shall be maintained on the premises and include the following:

- (a) Employee names((:));
- (b) Gambling license numbers ((and));
- (c) Gambling license expiration dates((~~In addition~~));
- and
- (d) Photocopies of all current employees' licenses ((~~must be maintained on the premises~~)).

Record of employees who have not yet received a license.

(7) If an employee license has not yet been issued, the licensee shall maintain a copy of the following:

- (a) Temporary employment authorization((:));
- (b) Documentation that the required payment (license or transfer fee) has been made((:)); and ((whether))
- (c) Proof that the employee has adhered to the ten-day waiting period, if applicable.

Notification - new license not received.

(8) The ((~~licensee~~)) licensed card room operator shall ensure ((~~the~~)) commission staff is notified if an employee license has not been received within sixty days of employment.

NEW SECTION

The following section is amended and recodified as follows:

Old WAC Number	New WAC Number
230-08-027	230-40-821

AMENDATORY SECTION (Amending and Recodifying Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-08-090 Daily records—Card games. In addition to any other requirements set forth in these rules, persons licensed to operate card rooms at which a fee is charged to play or which operates a player-supported jackpot (PSJ) or house-banked card games shall be required to prepare a detailed record covering each day of operation. Each separate record shall be maintained continuously during hours of operation and entries made as required by this section.

Format.

(1) The format for such records shall be as prescribed by the commission. The records shall include information to be placed in a form, record ((~~or~~)), document, or in stored data which shall be annotated in ink or other permanent form. Data maintained in computer data bases must be printed on a

periodic basis. Daily card room records shall be maintained as follows:

Minimum daily records.

((~~1~~)) (2) Separate records shall be prepared for each day social card games are played and fees collected or house-banked card games are operated. Such records shall be completed for each table and each PSJ for which fees are collected from players. The minimum daily records shall include the following information:

- (a) The date and time period during which fees were collected or house-banked card games were operated.
- (b) The assessment method and the fee charged per assessment method for each table.
- (c) The names and time of play for each nonpaying house player (which may only include licensed card room employees and the ((~~licensee~~)) licensed card room operator);
- (d) The amount of fees collected at each table at each collection interval;
- (e) The gross amount received from fees collected on each operating day by table and by assessment method.
- (f) The number of players at the time of fee collection when fees are assessed based on a period of time;
- (g) A record of card room employees and hours worked; and
- (h) The total drop which includes all cash placed in drop boxes and the net win or loss by the table and game type from house-banked card games.

Tournament fees.

((~~2~~)) (3) Fees for tournaments shall be recorded as set forth in WAC 230-40-055.

Player-supported jackpots.

((~~3~~)) (4) PSJ records shall include the following information in addition to the information required by subsection (1) of this section:

- (a) A separate entry for each type of PSJ for which fees were collected to include:
 - (i) Table number;
 - (ii) Prize fund number; and
 - (iii) Assessment rate.
- (b) PSJ fund accrual record.

Daily summary.

((~~4~~)) (5) A daily summary record that includes a reconciliation of all fees collected during an operating day shall be prepared for each day card games are operated and fees collected. This record shall include at least the following:

- (a) The name of the ((~~licensee~~)) licensed card room;
- (b) The date of the activity. If the activity spans two days, the day that the activity begins shall be recorded;
- (c) Card room hours of operation;
- (d) The beginning and ending balances of all chips and cash in the cage;
- (e) The printed name and signature of person(s) preparing the record; and
- (f) Such other daily records as required for specific card room activities.

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Availability and length of storage.

~~((5))~~ (6) All detailed records prepared shall be maintained for a period of not less than three years. At least the past six months of records must be available for inspection on premises. All other records shall be available within forty-eight hours upon request by commission staff, local law enforcement or taxing authorities.

NEW SECTION

The following section is amended and recodified as follows:

Old WAC Number	New WAC Number
230-08-090	230-40-052

AMENDATORY SECTION (Amending and Recodifying Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-12-072 Deposit requirements—Player-supported jackpot funds~~((—Deposit requirements))~~. Each licensee authorized to conduct player-supported jackpots (PSJs) shall protect and ensure proper accountability of all funds collected from players. Funds shall be controlled as follows:

- (1) Each licensee shall maintain a bank account for holding PSJ funds. The account shall be kept separate from all other accounts of the entity and be maintained in a recognized Washington state depository for purposes of depositing PSJ funds.
- (2) Only receipts from PSJs shall be deposited into the account.
- (3) No expenditures shall be made from the receipts of any PSJ until such receipts have first been deposited in the PSJ: Provided, That licensees may pay out prizes won during the operating day and deduct administrative expenses prior to deposit.
- (4) Receipts from the operation of PSJs, which are being held pending disbursement, shall be deposited in the licensee’s PSJ account within two banking days of the date of collection: Provided, That funds deposited within two days to an armored car service shall meet this requirement.
- (5) All deposits of PSJ funds shall be specifically identified by type of fund and dates of collection. The validated deposit receipt shall be kept as a part of the records required by WAC ~~((230-08-090))~~ 230-40-052.
- (6) At the end of each month, the account balance per the bank statement shall be reconciled to the PSJ fund balances. The reconciliation shall be kept as a part of the records required by WAC ~~((230-08-090))~~ 230-40-052.

NEW SECTION

The following section is amended and recodified as follows:

Old WAC Number	New WAC Number
230-12-072	230-40-608

AMENDATORY SECTION (Amending and Recodifying Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-12-073 ~~((House-banked card games—Prizes—))~~Deposit requirements for prizes—House-banking. Each organization licensed to conduct house-banked card games shall ensure sufficient funds are available to pay prizes offered. Funds shall be controlled as follows:

Bank account.

(1) Each licensee shall maintain a bank account for holding jackpot prizes accrued at house-banked card games. The account shall be separate from all other accounts of the entity and be maintained in a recognized Washington state depository for purposes of depositing prize funds.

Deposit requirements.

- (2) Amounts accrued for any house-banked game which offers a progressive jackpot shall be deposited into the jackpot prize account at least weekly for all disclosed and reserve jackpot funds.
- (3) In addition to any progressive jackpot prize funds required to be maintained in the bank account, licensees shall also deposit and maintain in the account an amount equal to the total of all individual prizes offered which exceed twenty-five thousand dollars. For games in which the prize is based on the amount wagered, the highest wager allowed by the licensee shall be used in computing the individual prize amount for purposes of determining the deposit requirement.

Failure to maintain sufficient bank funds.

(4) No game shall be offered for play until the above conditions have been met. At anytime that the prize account is reduced below the level required, the licensee shall immediately cease operating games until they are in compliance. At no time shall the account go below the total amount of progressive jackpots and individual prizes offered over twenty-five thousand dollars. ~~Failure to maintain funds as required ((above))~~ in this rule shall be prima facie evidence of defrauding the public in violation of RCW 9.46.190.

Recording deposits.

(5) A record of all deposits shall specifically identify by game name and number, and dates of collection for progressive prizes. The validated deposit slip shall be kept as part of the records required by WAC ~~((230-08-090))~~ 230-40-052.

Monthly reconciliation.

(6) At the end of each month, the account balance per the bank statement shall be reconciled to the jackpot prize balances. The reconciliation shall be kept as part of the records required by WAC ~~((230-08-090))~~ 230-40-052.

NEW SECTION

The following section is amended and recodified as follows:

Old WAC Number	New WAC Number
230-12-073	230-40-808

PERMANENT

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-050 Fees for nonhouse-banked card ((playing Method of) games—Assessment and collection—Maximum fees. No person shall be charged a fee, directly or indirectly, to play in a nonhouse-banked card game in excess of those fees set forth in this section. Each type of fee shall be maintained and recorded separately from all other fees and be available for audit by commission staff, local law enforcement, and taxing authorities.

Assessing fees.

(1) The following are authorized methods of assessing fees for playing social card games. Only one method of assessing fees may be used at a table at any given time:

(a) **Fees based on a period of time** - A specific fee of not more than ten dollars per hour, per player, may be charged to play social card games: Provided, That a licensee may collect the hourly fee in thirty-minute increments;

(b) **Fees for each hand played** - A specific fee of not more than one dollar per hand, per player, may be charged to play social card games;

(c) **Fees based on the amounts wagered during a hand (rake)** - A portion of the total amount wagered by a player, not to exceed five dollars per hand or ten percent of total wagers for a hand, whichever is less, may be collected for playing social card games; or

(d) **Fees to enter tournaments** shall be as set forth in WAC 230-40-055.

Collecting fees.

(2) Fees shall be collected by a licensed card room employee in the following manner:

(a) **Period of time.** Fees assessed on a period of time shall be collected directly from each player by the dealer or floor supervisor responsible for that particular section of the card room. The "direct collection," "chip rack," or "drop box" methods set forth in this section may be used for collection of fees assessed on a period of time;

(b) **Per-hand fee.** Fees assessed on a per-hand basis shall be placed in a designated area of the table by the player and collected by the dealer before the first round of cards has been dealt. After collection, the dealer shall deposit all chips or coins in the chip rack or drop box, as applicable;

(c) **Rake.** Fees assessed on the amounts wagered during a game shall be collected by the dealer during play of the hand and placed in a designated area of the table. Once the maximum fee for a hand is accumulated, the dealer shall spread the chips or coins to allow players and the surveillance system the ability to verify the amount collected. After verification, chips shall be deposited in the dealer's chip rack or drop box, as applicable;

(d) **Tournaments.** All fees to enter tournaments shall be collected in advance of the start of play in accordance with WAC 230-40-055; or

(e) **Alternative collection of fees.** Licensees may apply to the director for approval of alternate fee collection meth-

ods. If approved, the method of collection shall be set forth in the letter granting approval.

Methods of collection.

(3) All fees collected from players shall be maintained and recorded as set forth in WAC ((230-08-090)) 230-40-052. All collections shall be kept separate from all other chips and cash in the card room until recorded in the daily card room records and deposited in the cashier's cage. All chips and cash in the cashier's cage shall be kept separate from all other chips and cash located on the licensed premises at all times card games are conducted. The following methods may be used for control of fees collected for card games:

(a) **Direct collection method** - This collection method may only be used when assessing fees based on a period of time. Fees are collected directly from each player by a licensed card room employee responsible for that particular section of the card room and deposited in the card room cage serving the area of the card room from which collections are made. Collections shall be made at least once per hour, at times designated by the licensee. All fees shall be recorded immediately upon collection, per WAC ((230-08-090)) 230-40-052. ((This collection method may only be used when assessing fees based on a period of time.))

(b) **Chip rack method** - This method is allowed for licensees that are licensed with three or fewer tables. It requires a licensed center dealer, a game lay-out with a designated area for player fees, and a chip rack separated into sections for each type of fee collected. Fees are temporarily stored in the chip rack and controlled by a licensed dealer until collected by the floor supervisor. All chips collected as fees shall be removed from the dealer's chip rack at least every four hours by the licensed card room employee responsible for that particular section of the card room. The removal process shall include the counting of chips and coins in the presence of players and immediately recording the totals on the record prescribed by the commission. The dealer and the supervisor making the removal shall each initial the prescribed record verifying its accuracy.

(c) **Drop box method** - Fees are temporarily stored in a numbered, locked drop box. The drop box method requires a center dealer, a table with a designated area for each type of player fee and/or fees removed from the pot, and a separate drop box for each type of fee. Drop box movement, storage, and counting shall be conducted as prescribed in WAC 230-40-840. The drop box shall be located in a position that is isolated from the pot area and in plain view of all players and the surveillance system.

No extra fees to play cards - exceptions.

(4) No player shall be required to pay for or purchase any other goods or services as a condition of playing cards: Provided, That:

(a) A bona fide nonprofit or charitable organization may charge its usual membership fee to belong to the organization; and

(b) Licensees may collect an admission fee when providing entertainment, as long as the fee is charged to all patrons;

Fee schedule.

(5) A schedule setting forth all fees to participate in card games shall be posted in plain view where it can be seen by the players in the card games;

New decks of cards - fees.

(6) A person requesting a new deck of cards beyond those regularly furnished by the licensee may be charged a fee not to exceed the actual cost to the licensee for the deck. Class D licensees may charge a fee not to exceed actual cost to the licensee per deck for each deck of playing cards furnished to a table as required by these rules, or as requested by any player at the table. The fee shall be collected in cash directly from the players, or the player requesting the deck, at the time the deck is introduced into the game;

Same fee for all players - exception.

(7) The licensee shall collect the same fee from all players at a table. If the licensee elects to allow free play, then all players at a table must be allowed to play for free: Provided, That a licensee may allow licensed card room employees and owners to play without a fee if fees are based on time, as authorized by subsection (1)(a) of this section.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-120 Limits on wagers in card games.

Social and public card room licensees shall not allow wagering limits set by the commission to be exceeded in any card game. The number and value of wagers in card games are limited as follows:

((+))

Nonhouse-banked card games(±);

((a)) (1) Poker:

((i)) (a) There shall be no more than five betting rounds in any one game;

((ii)) (b) The maximum number of wagers in any betting round shall be four, comprised of an initial wager plus three raises; and

((iii)) (c) The maximum amount of a single wager shall not exceed twenty-five dollars.

((b)) (2) Games based on achieving a specific number of points - each point shall not exceed five cents in value.

((e)) (3) An ante, except for panguingue (pan), shall not be more than the maximum wager allowed for the first betting round for any game. The ante may, by house rule, be made by one or more players, but the total ante may not exceed the maximum wager allowed for the first betting round. An ante, by house rule, may be used as part of a player's wager.

((d)) (4) Panguingue (pan) - the maximum value of a chip for a payoff shall not exceed ten dollars. An ante will not exceed one chip. Doubling of conditions is prohibited. Players going out may collect not more than two chips from each participating player.

((2))

House-banked card games(±);

((a)) (5) Licensees authorized to conduct house-banked card games shall not allow a single wager to exceed twenty-five dollars;

((b)) (6) Licensees authorized to conduct Phase II house-banked card games shall not allow a single wager to exceed one hundred dollars;

((e)) (7) A single wager may be made on each separate element of chance. In addition, for blackjack, an additional wager may be placed for doubling down or splitting pairs; and

((d)) (8) Bonus wagers for house-banked progressive jackpots shall not exceed one dollar. Bonus wagers with a predetermined prize amount based upon a separate element of chance within the same game shall not exceed the authorized maximum table limits as described in subsections ((+)(a)(i) and (ii)) (5) and (6) of this section.

~~((3) House rules establishing wagering limits for each type of game played shall be posted in plain view where it can be seen by the players in the card game.))~~

AMENDATORY SECTION (Amending Order 78, filed 11/17/77)

WAC 230-40-500 Unlicensed charitable and non-profit card games—Authority—House rules to be developed and posted.

~~((Each)) Bona fide charitable or nonprofit organizations ((which is)) licensed ((pursuant)) to provide liquor to their members under RCW 66.24.400 ((who allows the use of the premises, furnishings, and other facilities to be used by its)) shall allow only members to use its premises, furnishings and other facilities to participate in unlicensed social card games and social dice games, as authorized by RCW ((9.46.030(7) without a license by the commission shall) 9.46.0351. Such organizations shall develop, adopt and post rules of conduct for ((the)) members participating in the activities((, including but not limited to)). At a minimum, these house rules shall include:~~

~~(1) General rules of play(±);~~

~~(2) Which portions of premises ((to)) will be used(±) for card games;~~

~~(3) Hours of play allowed(±); and~~

~~(4) The organization's restriction ((on)) that only members are authorized to participate in card games.~~

NEW SECTION

WAC 230-40-630 Count procedures—Class F card rooms. Class F card rooms must follow certain procedures when conducting a count of fees. The following requirements shall be met:

(1) The count shall occur at a specific time that has been reported to commission staff;

(2) All fees shall be counted at least once each operating day;

(3) The count shall be made by a least two licensed employees of the card room who shall record the amount on the count slip for each drop box;

(4) The surveillance requirements of WAC 230-40-625 shall be met; and

(5) An entry shall be made in the daily card room record for each table and each type of fee collected at a table. Count slips for each table shall be retained with the daily records.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-833 Cashier's bank and minimum bankroll—House-banking. All card room licensees with house-banked card games or player-supported jackpots shall maintain sufficient funds to meet all cash out and prize pay-out requirements.

(1) All assets for which the cashiers are responsible shall be maintained on an imprest basis. This requires funds to be replenished on a regular basis by exactly the amount of expenditures from the cage less the amount of funds added. Expenditures shall be reviewed by a supervisor of the accounting department before replenishment: Provided, That licensees demonstrating the ability to control cage activity can request commission staff approval to operate on a float basis as an alternative procedure.

(2) The licensee shall have sufficient cash on hand to redeem all chips and payout all prizes: Provided, That payments of prizes may be paid by check as long as sufficient funds are available on deposit in accordance with WAC ((230-12-072 and 230-12-073)) 230-40-608 and 230-40-808.

(3) Failure to maintain funds to cash in chips, pay prizes, or redeem gaming related checks shall be prima facie evidence of fraud.

AMENDATORY SECTION (Amending Order 384, filed 5/12/00, effective 6/12/00)

WAC 230-40-055 Card tournaments for fee and prizes—Reporting requirements. ((+)) A card tournament wherein a fee is charged to the participants and prizes are awarded to the winning players shall be licensed by the commission.

License not required.

(1) Card room licensees with a Class A, B, E, F or house-banked license may conduct a card tournament for a fee without obtaining a card tournament license: Provided, That licensees are limited to only those card games authorized under their license class.

Class D licensees.

(2) Card room licensees with a Class D ((or R)) license must first obtain a card tournament license before they can conduct a card tournament in which the players are charged a fee to enter.

Notification.

(3) The licensee shall notify the commission ten days in advance of any card tournament where the single or multiple buy-in exceeds fifty dollars.

Length of tournament.

(4) A card tournament shall not exceed ten consecutive calendar days.

Entry fees.

((2)) (5) The fee for a player to enter a card tournament for prizes shall not exceed fifty dollars((, including)). The fifty-dollar fee shall include all separate fees which might be paid by a player for various phases, events of the tournament, food and drink offerings, and promotional material.

Posting entry fee requirements.

(6) The fee to enter a tournament and a description of all goods and services to be provided as a part of the tournament must be fully disclosed to each entrant prior to their paying such fee. Such disclosure must be posted conspicuously on the premises at the time payment is received and remain posted until the tournament is complete. ((This same information must be included in all advertisements for said tournament.))

Customer appreciation.

(7) Operators may offer ((“free roll” or)) customer appreciation tournaments: Provided, That the pretournament play requirements do not exceed the fifty-dollar entry fee limitation: Provided, That licensees collecting fees using the rake method (WAC 230-40-050) cannot require pretournament play to exceed ten hours. Entrants in such tournaments must initially be provided with the same number of chips or points and the same opportunity for re-buys. All prizes awarded for ((free roll or)) customer appreciation tournaments may be deducted as prizes for determining adjusted net gambling receipts ((for compliance with WAC 230-12-075)).

Fees are gross gambling receipts - exception for food and gifts.

((3)) (8) All fees paid to enter a tournament shall be reported as gross gambling receipts: Provided, That if an operator prepares and provides food and drink items to all tournament entrants on the licensed premises as a part of their entry fee, the fair market value of the food and drink provided, not to exceed twenty-five dollars or fifty percent of the entry fee, which ever is greater, shall be treated as sales of food and drink for on premises consumption and not included as gross gambling receipts. Such sales, must be properly supported by records: Provided further, That if an operator provides items promoting the tournament or licensed business, such as hats, t-shirts, etc., to all participants as a part of their entry fee, the actual cost of such items, supported by invoices and other such records, shall be deducted as prizes in determining adjusted net gambling receipts ((for compliance with WAC 230-12-075)).

Buy-in.

((4)) (9) In addition to the entry fee, a minimum buy-in of chips may be required. The total buy-in per player shall not exceed two hundred dollars per tournament and may be either a single or multiple buy-in during the course of the tournament.

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ment. A record of the buy-ins for each participant will be maintained by the licensee in a format provided by the commission. All buy-ins of chips are not gross gambling receipts and shall be returned to the participants in the form of prizes. Prizes from buy-ins are not deductible for commercial stimulant purposes.

Prizes.

~~((5))~~ (10) The chips used in card tournaments shall have no monetary value and may be redeemed only for prizes established by the licensee. The licensee may award prizes in excess of those entry fees collected as authorized in subsection ~~((2))~~ (5) of this section. The licensee's actual cost, including any cash, for prizes awarded to the players may be deducted as prizes for determining adjusted net gambling receipts generated by the entry fees.

Posting and approval of rules.

~~((6))~~ (11) The licensee shall adopt tournament rules to facilitate the operation of card tournaments: Provided, That all tournament rules for tournaments where the single or multiple buy-in exceeds fifty dollars must be submitted to ~~(the)~~ commission staff for approval: Provided, That once a tournament format is approved, notification will be sufficient for all subsequent tournaments identical in format and play. All tournament rules must be conspicuously posted where all tournament participants can see and read the rules.

Recording fees and players.

~~((7))~~ (12) The licensee shall maintain a record of all such fees collected and the number of participant for each tournament conducted. This information shall be entered in a format approved by the commission. The total gross gambling receipts for the tournament shall be entered on the card room daily control sheet for the time and date the tournament begins and the record of participants shall be attached and maintained with that daily control sheet.

Prize records.

~~((8))~~ (13) The licensee shall maintain a record of all prizes awarded to include the amount the licensed operator actually paid for each prize and the name and complete address of each winning participant: Provided, That the name and address of each participant receiving promotional items as set forth in subsection ~~((3))~~ (8) of this section shall not be required on the prize record. The record shall be attached to the daily control sheet used on the date the majority of the prizes are awarded.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-805 ~~((House-banked))~~ **Progressive jackpot prizes—Procedures—Restrictions—House-banking.** Licensees are authorized to operate progressive jackpot prizes in conjunction with approved house-banked card games. Entry into a progressive jackpot is based upon a separate wager by a player, part of which accrues to a progressively increasing prize. A player wins the jackpot prize,

or portion thereof, based upon achieving a predetermined pattern or combination of cards. Each licensee operating such games shall ensure they are closely controlled, all the funds collected are accounted for, and prizes and methods of winning are adequately disclosed to players. The following procedures and restrictions apply to progressive jackpots:

Restrictions.

(1) House-banked progressive jackpot restrictions:

(a) The amount of funds accrued to the primary and reserve or secondary jackpots shall increase by a predetermined amount of each wager made, in accordance with the rules of the game;

(b) The amount of the progressive jackpot eligible to be awarded as a prize shall be prominently displayed at each gaming table;

(c) The beginning amount of each progressive jackpot offered must be recorded, including explanations for any increase or decrease in the amount of the prize offered. This documentation shall be maintained with the progressive jackpot records; and

(d) A licensee may establish a maximum limitation on a progressive jackpot prize. If such a limit is established:

(i) The amount must be equal to or greater than the amount of the jackpot when the limit is imposed; and

(ii) A notice of the limit must be conspicuously posted at or near the game;

Adjusting jackpot amounts and prize payouts.

(2) A licensee shall not reduce the amount of a progressive jackpot prize, ~~((except as authorized by this section, including reserve or secondary jackpots;))~~ that ~~((have))~~ has been accrued and displayed to players except as authorized by this section. The following adjustments are allowed to accrued progressive jackpot prizes:

(a) ~~((Prizes may be paid when a player wins the jackpot or a portion thereof. In such instances;))~~ Jackpot prizes of five thousand dollars or less shall be paid out immediately. For prizes over five thousand dollars, a minimum of five thousand dollars must be paid immediately and the remaining balance paid, by check, within twenty-four hours: Provided, That a check shall be issued for the entire prize balance within twenty-four hours, at the player's request. The jackpot and advertised amount shall be reduced only by the amount won;

(b) An adjustment may be made to correct malfunctioning equipment or to prevent the display of an amount greater than a predetermined maximum prize limit; or

(c) A reserve or secondary jackpot may be reduced ~~((to recover a seed amount))~~ as long as ~~((it is))~~ the funds removed are recorded as gross receipts and are properly documented in the records. A reserve or secondary jackpot may also be reduced to recover seed money that was not taken from gross receipts, provided that those funds are properly documented in the records;

Removing all or portion of a jackpot from play.

(3) House-banked progressive jackpot prizes, ~~((including any reserve or secondary jackpots;))~~ which are advertised

or displayed in any manner are deemed to be funds for which players have a vested interest and may only be removed from play under the following conditions:

Disbursement.

(a) The director or the director's designee provides the licensee written approval of a plan to disburse all jackpot funds back to the players. The request for approval shall include full details of the distribution plan and shall be conspicuously posted at least ten days prior to distribution. Licensees shall disburse the funds utilizing one or more of the following methods:

(i) By offering the prize on a different house-banked game;

(ii) Offering the prize through means of an approved tournament. All funds must be distributed within sixty days from the date of approval by commission staff; or

(iii) Donating the money to the Washington state council on problem gambling; and

Discontinued jackpot-player notification.

(b) The licensee must notify players of any planned discontinuance, including closure of the business, by conspicuously posting notice for a period of ten days prior to beginning the discontinuance process;

Awarding merchandise prizes with jackpot funds.

(c) Licensees may use a portion of these funds to purchase merchandise to be awarded as prizes under the following conditions:

(i) The licensee discloses to the public that a specific portion of these jackpot funds were used to purchase merchandise to be awarded as prizes, as well as the specific prize to be awarded;

(ii) The merchandise is awarded as a prize on the specific outcome of a game and is included in the game rules;

(iii) The merchandise prizes shall be owned by the licensee and paid for in full, without lien or interest of others, prior to the prize being awarded: Provided, That when the winner has an option to receive a cash prize in lieu of such merchandise, a licensee may enter into a contract to immediately purchase a merchandise prize after the winner chooses their option;

(iv) The licensee must disclose the value of the merchandise to be awarded. This value must be true and verifiable; and

(v) Detailed records, including purchase invoice, are maintained on premises and available for review by commission staff;

Temporarily removing a jackpot from play.

(4) A licensee may temporarily remove a progressive jackpot game from play subject to the following conditions:

(a) The removal and reasons must be approved in writing by commission staff; and

(b) The disruption is caused by circumstances beyond the control of the licensee, or for other good cause (for example: Remodeling the card room); and

(c) Players are notified of the disruption and the estimated date of continuance.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-815 (~~(House-banked card games)~~) **Administrative and accounting control structure—Organization—House-banking.** Each licensee operating a house-banked card game shall ensure that all games are closely controlled, operated fairly and in accordance with all rules of the commission. The following control procedures and conditions shall be met:

Internal controls.

(1) The licensee shall have a system of internal controls that include at least the following:

(a) Administrative controls, which include, but are not limited to, the organization's plan, procedures, and records concerned with decision processes leading to management's authorization of transactions; and

(b) Accounting controls which include the licensee's plan, procedures, and records concerned with the safeguarding of assets and the reliability of financial records. These controls must be designed to provide reasonable assurance that:

(i) Transactions are executed in accordance with management's general and specific authorization;

(ii) Transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles, and to maintain accountability for assets;

(iii) Access to assets is permitted only in accordance with management's authorization; and

(iv) The recorded accountability for assets is compared with existing assets at least annually and appropriate action is taken within five working days with respect to any differences.

Administrative controls.

(2) The licensee's system of administrative controls shall provide for the following:

(a) Competent personnel with an understanding of prescribed procedures;

(b) The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of his or her duties; and

(c) Each employee of a house-banked card room shall be licensed by the commission and shall be knowledgeable in all accounting and internal control practices and procedures relevant to each employee's individual function.

Separate departments and functions.

(3) The licensee shall, at a minimum, establish the following departments or functions that shall be independent from all other departments or functions:

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Surveillance.

(a) A surveillance department which shall not include security functions or personnel. The head of surveillance shall be responsible for, but not limited to, the following:

- (i) The clandestine surveillance of the operation and conduct of the table games;
- (ii) The clandestine surveillance of the operation of the cashier's cage;
- (iii) The video and audio taping of activities in the count rooms;
- (iv) The detection of cheating, theft, embezzlement, and other illegal activities in the gaming facility, count rooms, and cashier's cage;
- (v) The video taping of unusual or suspected illegal activities;
- (vi) The notification of appropriate supervisors and commission staff, within three working days, upon the detection of cheating, theft, embezzlement, or other illegal activities; ~~((and))~~
- (vii) Ensuring that each dealer is evaluated to determine if all required dealer procedures and techniques set forth in the licensee's approved internal controls are followed; and
- (viii) Ensuring all surveillance employees have a demonstrated knowledge of the following:

(A) Operating surveillance systems;

(B) Rules of play and procedures for the games being played; and

(C) The overall procedures relating to the duties of all employees of the house-banked card room being monitored (dealers, shift managers, floor supervisors, cage cashier's and count team members).

Security.

(b) A security department, supervised by a security department manager, is responsible for at least the following:

- (i) Control of cards and dealing shoes, including storage of new and used cards and shoes, and control of the disposition and/or destruction of same when removed from service; and
- (ii) Transfer of cash and chips to and from the gaming tables, cage and count room.

Gaming operations.

(c) A gaming operation department supervised by a gaming operation department manager who shall be responsible for the operation of all house-banked card games conducted by ensuring the following:

- (i) Card games are operated by licensed dealers who are assigned to each gaming table;
- (ii) A floor supervisor is assigned the responsibility for the overall supervision of the conduct of gaming within a pit and can supervise no more than five tables: Provided, That a single supervisor may supervise up to seven tables, if only seven tables are in operation and the layout was preapproved by commission staff;
- (iii) A licensee which utilizes two separate areas of a gaming establishment shall require at least one supervisor in each area; and

(iv) A shift manager, who reports to the gaming operation department manager, is assigned to supervise floor supervisors and all gaming related activities that occur during each shift. In the absence of the gaming operation department manager, the shift manager shall have the authority of a gaming operation department manager: Provided, That in addition to the floor supervisors required in this subsection, licensees operating more than ten tables shall be required to have a shift manager on the premises.

Accounting.

(d) An accounting department supervised by an individual who shall report directly to the chief executive officer or chief operations officer. The responsibilities of the accounting department shall include, but not be limited to, the following:

- (i) Implementing and monitoring of accounting controls;
- (ii) The preparation, control, and storage of records and data required;
- (iii) The control of unused forms inventory along with reconciliation of forms used; and
- (iv) The control and supervision of the cashier's cage.

Modifications.

(4) Any changes to the licensee's system of internal controls must be submitted to commission staff and be approved prior to implementation.

Employees shall be informed of internal controls.

(5) All licensed operators shall inform their card room employees of the internal controls related to their respective area of responsibility. Furthermore, both the operator and all card room employees shall follow these internal controls at all times.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-40-820

House-banked card games—
Internal control system evaluation—Required procedures.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-830 Cashier's cage—Requirements—House-banking. All cash, cash equivalents, and chips related to the operation of card games shall be closely controlled and records maintained documenting receipts and disbursements. Licensees shall maintain a cashier's function whose responsibility shall be to secure and account for all chips and monies in the card room portion of the premises. At a minimum, the following restrictions and procedures apply:

Location.

(1) There shall be on or immediately adjacent to the gaming floor a physical structure known as the cashier's cage (cage) to house the cashiers and to serve as the central location for, at a minimum, the following:

(a) The custody of the cage inventory comprising currency, coin, patron checks, gaming chips, forms, documents and records normally associated with the operation of a cage;

(b) The approval of patron checks for the purpose of gaming;

(c) The receipt and distribution of gaming chips from the gaming table and the redemption of gaming chips from patrons. The purchase of gaming chips by patrons shall only occur at the gaming table: Provided, That licensees operating both house-banked and nonhouse-banked games may sell chips for use in poker games through an imprest window bank located within the cashier's cage, or another location approved by commission staff; and

(d) Such other functions normally associated with the operation of a cage.

Design and structure.

(2) The cage shall be designed, constructed and operated to provide maximum security and accountability for funds including, at a minimum, the following:

(a) An enclosed structure except for openings through which items such as gaming chips, checks, cash, records, and documents can be passed to service the public and gaming tables;

(b) Manually triggered silent alarm systems connected directly to the surveillance rooms of the closed circuit television system or an alarm monitoring agency;

(c) Access shall be through a locked door, which shall have closed circuit television coverage which is monitored by the surveillance department.

Entry into the cage.

(3) Entry to the cage shall be limited to authorized personnel. The gaming operation department shall place on file with the accounting department the names of all persons authorized to enter the cage, those who possess the combination or the keys or who control the mechanism to open the locks securing the entrance to the cage, and those who possess the ability to operate the alarm systems.

Entry/exit log.

(4) A log shall be maintained documenting all persons entering the cashier's cage. The log must contain the person's name, title, time entering and exiting, and date of entry.

Cage not required.

(5) Licensees not offering house-banked card games shall not be required to meet the above requirements: Provided, That licensees shall maintain a system for securing and properly accounting for all gaming chips and ((monies)) moneys.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-840 Drop boxes—((Requirements))
House-banking—Drop box collection method. ((Licensees required to utilize)) All card room licensees operating house-banked card games or collecting fees utilizing the drop box collection method (WAC 230-40-050) shall use a drop box. Drop boxes shall ((ensure they are)) be constructed and controlled in a manner to provide security of contents((--All card rooms operating house-banked card games or collecting fees utilizing the drop box as a collection method)) and shall meet the following requirements and procedures:

Drop box requirements.

(1) Each gaming table shall have attached to it a metal container known as a "drop box" into which all cash, duplicate fill slips and credit slips, request for fills, request for credits, and table inventory forms shall be deposited.

(2) Each drop box shall have the following:

Box lock.

(a) A lock securing the contents. The key to this lock shall be maintained and controlled by the accounting department;

Table lock.

(b) A separate lock securing the drop box to the gaming table. This lock shall be keyed differently from the lock securing the contents of the drop box. The key utilized to unlock this lock shall be maintained and controlled by the security department;

Opening on box.

(c) An opening through which currency, coins, chips, forms, records and documents can be inserted into the drop box;

Labeling drop boxes.

(d) Permanently imprinted or impressed thereon and clearly visible, a number corresponding to a permanent number on the gaming table to which it is attached and a marking to indicate the game. The shift shall also be included if drop boxes are removed from tables more than once during an operating day: Provided, That emergency drop boxes may be maintained without such number or marking, if the word "emergency" is permanently imprinted or impressed thereon, and when put into use, are temporarily marked with the number of the gaming table and identification of the game and shift.

Transportation to the count room.

(3) All drop boxes removed from the gaming tables shall be transported directly to the count room and secured by one security department member and one employee of the gaming operation department: Provided, That licensees not required to maintain a count room shall transport drop boxes directly to the count area using the supervisor or the supervisor's designee for the transport: Provided further, That a lic-

ensee may utilize the count team members to pull and transport the drop boxes to the count ~~((table))~~ room for the count process, if conducted under the supervision of security when the gaming operation is closed and the card room entrances/exits are locked.

Storing drop boxes in count room.

(4) All drop boxes not attached to a gaming table shall be stored in the count room in an enclosed storage cabinet or trolley and secured in such cabinet or trolley by two separately keyed locks. The key to one lock shall be maintained and controlled by the security department and the key to the other lock shall be maintained and controlled by the gaming operation department.

Storing drop boxes on gaming tables.

(5) Drop boxes, when not in use during a shift, may be stored on the gaming tables if ~~((licensed security personnel are present in the gaming area at all times drop boxes are stored on the gaming tables and))~~ the entire area is covered by taped surveillance. ~~((If adequate security is not provided during this time, the drop boxes shall be stored as required in subsection (4) of this section.))~~

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-865 ~~((Procedure for))~~ **Distributing ((gaming)) chips and coins to ((house-banked gaming)) tables—Requests and fills—House-banking.** Gaming chips and coins shall only be distributed to gaming tables with adequate security and in a manner that ensures proper control and accountability. The following restrictions and procedures apply:

Fill slip.

(1) Each "fill slip" shall be serially prenumbered three-part forms, which provide an original and duplicate copies as necessary: Provided, That the director may authorize use of a computer based accounting system which includes a nonrepeating sequential numbering system that is consistent with the controls and safeguards of the manual system. Requests for fills shall be a two-part form which provides an original and duplicate copy. These forms shall be controlled in the following manner:

- (a) Each series of fill slips received by a licensee shall be controlled and accounted for separately;
- (b) Request for fills shall be secured in such a manner that only a gaming operations supervisor has access;
- (c) Fill slips shall be secured by the cashier's cage;
- (d) These forms shall be used in sequential order and all forms accounted for; and
- (e) The preparer shall void forms that have errors by marking "VOID" on both the original and duplicate copies and sign the form.

Request for fill.

(2) A "request for fill" shall be prepared by the gaming operation supervisor to authorize the cage to prepare a "fill

slip" for the distribution of chips and coins to gaming tables. The original and duplicate of the request for fill shall include the following entries:

- (a) The date, time, and shift of preparation;
- (b) The denomination of gaming chips or coins to be distributed to the gaming tables;
- (c) The total amount of each denomination of gaming chips or coins to be distributed to the gaming tables;
- (d) The game and table number to which the gaming chips or coins are to be distributed;
- (e) The signature of the gaming operation supervisor; and
- (f) The signature of the security department employee that distributed the chips and coins.

Transporting requests.

(3) After preparation of the request for fill, the original of such request shall be transported directly to the cashier's cage by security.

Duplicate copies of the request.

(4) The duplicate copy of the request for fill shall be placed by the dealer or floor supervisor in public view on the gaming table to which the gaming chips or coins are to be received. Such duplicate copy shall not be removed until the chips and coins are received, at which time the request for fill and fill slip are deposited in the drop box.

Fill slip procedures.

(5) A fill slip shall be prepared by a cashier whenever gaming chips or coins are distributed to the gaming tables from the cashier's cage. The following procedures and requirements shall be observed with regard to fill slips:

- (a) Each series of fill slips shall be in triplicate form to be kept in a locked dispenser that will permit an individual fill slip in the series and its copies to be written upon simultaneously while still located in the dispenser, and that will discharge the original and duplicate while the triplicate remains in a continuous, unbroken form in the dispenser: Provided, That if a computer system is used, which includes a nonrepeating sequential numbering system, the controls and safeguards of the manual system must be present; and
- (b) Access to the triplicate copy of the form shall be maintained and controlled at all times by an accounting department employee responsible for controlling and accounting for the unused supply of fill slips, placing fill slips in the dispensers, and removing from the dispensers, each day, the triplicate copies remaining therein: Provided, That access will be permitted to an employee of the security department for the sole purpose of clearing any paper jams in the dispenser.

Information to be recorded on fill slip.

(6) On the original, duplicate, and triplicate copies of the fill slip, the preparer shall record, at a minimum, the following information:

- (a) The denomination of the gaming chips or coins being distributed;

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- (b) The total amount of each denomination of gaming chips or coins being distributed;
 - (c) The total amount of all denominations of gaming chips or coins being distributed;
 - (d) The game and table number to which the gaming chips or coins are being distributed;
 - (e) The date and shift during which the distribution of gaming chips or coins occurs; and
 - (f) The signature of the preparer.
- (7) Upon preparation, the time of preparation of the fill slip shall be recorded, at a minimum, on the original and the duplicate.

Employee verification.

(8) All gaming chips or coins distributed to the gaming tables from the cashier's cage shall be transported directly by a security department employee. This employee shall verify the request for fill to the amount of the fill slip and sign the original of the request for fill, which is maintained at the cashier's cage, before transporting the gaming chips or coins and the original and duplicate of the fill slip for signature.

Signatures required on fill slips.

(9) Signatures attesting to the accuracy of the information contained on the original and duplicate of the fill slips shall, at a minimum, be those of the following personnel at the following times:

- (a) The cashier upon preparation;
- (b) The security department employee transporting the gaming chips or coins to the gaming table upon receipt from the cashier of gaming chips or coins;
- (c) The dealer assigned to the gaming table upon receipt; and
- (d) The gaming operation supervisor assigned to the gaming table upon receipt of the gaming chips or coins at such table.

Transporting chips and coins.

(10) Upon meeting the signature requirements, the security department employee that transported the gaming chips or coins and the original and duplicate copies of the fill slip to the table, shall observe the following:

- (a) The dealer shall immediately place the duplicate fill slip and duplicate request for fill in the drop box attached to the gaming table to which the gaming chips or coins were transported; and
- (b) The security department employee shall then return the original fill slip to the cashier's cage where the original fill slip and request for fill shall be maintained together and controlled by cage employees.

VOID procedures.

(11) The original and duplicate "VOID" fill slips, the original request for fill, and the original fill slip shall be forwarded as follows:

- (a) The count team, as described in WAC 230-40-885(2), for agreement with the duplicate copy of the fill slip and duplicate copy of the request for fill removed from the drop box after which the original and duplicate copy of the request

for fill and the original and duplicate copy of the fill slip shall be forwarded to the accounting department for agreement, on a daily basis, with the triplicate; or

- (b) The accounting department for agreement, on a daily basis, with the duplicate fill slip and duplicate copy of the request for fill removed from the drop box and the triplicate.

Transferring chips.

(12) Transfers of gaming chips from one gaming table to another gaming table is prohibited. All transfers of gaming chips shall be to the cashier's cage.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-870 (~~(Procedure for)~~ **Removing ((gaming)) chips and coins from ((house-banked gaming)) tables—Requests and credits—House-banking.** All transfers of gaming chips and coins shall be closely controlled and documented in a manner that ensures accountability. Gaming chips and coins shall only be removed from gaming tables with adequate security. The following restrictions and procedures apply:

Credit slip.

(1) Each "credit slip" shall be serially prenumbered three-part forms, which provide an original and duplicate copies as necessary: Provided, That the director may authorize use of a computer based accounting system which includes a nonrepeating sequential numbering system that is consistent with the controls and safeguards of the manual system. Requests for credits shall be a two-part form which provides an original and duplicate copy. These forms shall be controlled in the following manner:

- (a) Each series of credit slips received by a licensee shall be controlled and accounted for separately;
- (b) Request for credits shall be secured in such a manner that only a gaming operations supervisor has access;
- (c) Credit slips shall be secured by the cashier's cage;
- (d) These forms shall be used in sequential order and all forms accounted for; and
- (e) The preparer shall void forms that have errors by marking "VOID" on both the original and duplicate copies and sign the form.

Request for credit.

(2) A "request for credit" shall be prepared by the gaming operation supervisor to authorize the cage to prepare a credit slip for the removal of gaming chips and coins to the cashier's cage. The original and duplicate of the request for credit shall include the following entries:

- (a) The date, time and shift of preparation;
- (b) The denomination of gaming chips or coins to be removed from the gaming table;
- (c) The total amount of each denomination of gaming chips or coins to be removed from the gaming table;
- (d) The game and table number from which the gaming chips or coins are to be removed; and

(e) The signature of the gaming operation supervisor and dealer assigned to the gaming table from which gaming chips or coins are to be removed.

Employee verification.

(3) Immediately upon preparation of a request for credit and transfer of gaming chips or coins to a security department employee, a gaming operation supervisor shall obtain on the duplicate copy of the request for credit the signature of the security department member to whom the gaming chips and coins were transferred. The dealer shall place the duplicate copy in public view on the gaming table from which the gaming chips or coins were removed. Such request for credit shall not be removed until a credit slip is received from the cashier's cage at which time the request for credit and credit slip are deposited in the drop box.

Transporting requests.

(4) The original of the request for credit and the gaming chips or coins removed from the gaming table shall be transported directly to the cashier's cage by the security department employee.

Credit slip procedures.

(5) A credit slip shall be prepared by the cashier whenever gaming chips or coins are removed from the gaming tables to the cashier's cage. The following procedures and requirements shall be observed with regard to credit slips:

(a) Each series of credit slips shall be a three-part form and shall be inserted in a locked dispenser that will permit an individual slip in the series and its copies to be written upon simultaneously while still locked in the dispenser, and that will discharge the original and duplicate while the triplicate remains in a continuous, unbroken form in the dispenser: Provided, That if a computer system is used, which includes a nonrepeating sequential numbering system, the controls and safeguards of the manual system must be present; and

(b) Access to the triplicate copy shall be maintained and controlled at all times by an accounting department employee responsible for controlling and accounting for the unused supply of credit slips, placing credit slips in the dispensers, and removing from the dispensers, each day, the triplicates remaining therein: Provided, That access will be permitted to an employee of the security department for the sole purpose of clearing any paper jams in the dispenser.

Information to be recorded on credit slip.

(6) On the original, duplicate and triplicate copies of a credit slip, the preparer shall record, at a minimum, the following information:

(a) The denomination of the gaming chips or coins removed from the gaming table to the cashier's cage;

(b) The total amount of each denomination of gaming chips or coins removed from the gaming table to the cashier's cage;

(c) The total amount of all denominations of gaming chips or coins removed from the gaming table to the cashier's cage;

(d) The game and table number from which the gaming chips or coins were removed;

(e) The date and shift during which the removal of gaming chips or coins occurs; and

(f) The signature of the preparer.

(7) Upon preparation, the time of preparation of the credit slip shall be recorded, at a minimum, on the original and duplicate copy.

Signatures required on credit slips.

(8) Signatures attesting to the accuracy of the information contained on the original and the duplicate copy of a credit slip shall be, at a minimum, the following personnel at the following times:

(a) The cage cashier upon preparation;

(b) The security department employee transporting the gaming chips or coins to the cashier's cage upon presentation to the cashier;

(c) The dealer assigned to the gaming table upon receipt at such table from the security department employee; and

(d) The gaming operation supervisor assigned to the gaming table upon receipt at such table.

Transporting chips and coins.

(9) Upon meeting the signature requirements, the security department employee transporting the original and duplicate copies of the credit slip to the gaming table, shall observe the following:

(a) The dealer shall immediately place the duplicate copies of the credit slip and request for credit in the drop box attached to the gaming table from which the gaming chips or coins are removed; and

(b) The security department employee shall expeditiously return the original credit slip to the cashier's cage where the original of the credit slip and request for credit shall be maintained together and controlled by cage employees.

VOID procedures.

(10) The original and duplicate copies of "VOID" credit slips, and the original request for credit and credit slip shall be forwarded to:

(a) The count team, as described in WAC 230-40-885(2), for agreement with the duplicate credit slip and the duplicate request for credit removed from the drop box, after which the request for credit and the original and duplicate credit slip shall be forwarded to the accounting department for agreement, on a daily basis, with the triplicate; or

(b) The accounting department for agreement, on a daily basis, with the duplicate copies of the credit slip and request for credit removed from the drop box and the triplicate.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-875 ((~~Procedures for~~) Closing ((~~house-banked~~) gaming tables—House-banking. Procedures shall be followed for closing gaming tables that ensure proper

accountability of gaming chips and coins. The following restrictions and procedures apply:

Counting chips and coins.

(1) Whenever the gaming activity at each gaming table is concluded for the day, the gaming chips and coins shall be counted by the dealer assigned to the gaming table and observed by a gaming operation supervisor. The entire count and closure process shall be monitored and taped by the surveillance department.

Recording the count.

(2) The gaming chips and coins counted shall be recorded on a table inventory slip by the gaming operation supervisor assigned to the gaming table.

Table inventory slips.

(3) Table inventory slips shall be three-part serially numbered forms and on the original of the slip (closer), the duplicate of the slip (opener), and on the triplicate, which is maintained and controlled by security, the gaming operation supervisor shall record the following:

- (a) The date and identification of the shift ended;
- (b) The game and table number;
- (c) The total value of each denomination of gaming chips and coins remaining at the tables; and
- (d) The total value of all denominations of gaming chips and coins remaining at the gaming tables.

Verification signatures.

(4) Signatures attesting to the accuracy of the information recorded on the table inventory slips at the time of closing the gaming tables shall be of the dealer and the gaming operation supervisor assigned to the gaming table who observed the dealer count the contents of the table inventory.

Distributing table inventory slips.

- (5) Upon meeting the signature requirements:
 - (a) The closer shall be deposited in a drop box attached to the gaming table immediately prior to the closing of the table;
 - (b) The opener and the gaming chips and coins remaining at the table shall be placed in a clear container provided for that purpose after which the container shall be locked; and
 - (c) The triplicate copy of the table inventory slip shall be forwarded to the accounting department by a security department employee.

VOID procedures.

(6) In the event the closer is voided, the preparer shall void this form by writing the word "VOID" on all copies of the form. All copies of the form shall then be forwarded to the accounting department.

(7) At the end of each gaming day, if the locked containers are transported to the cashier's cage, a cage cashier shall determine that all locked containers have been returned to the cage and adequately secured or, if the locked containers are secured to the gaming table, a gaming operation supervisor shall account for all the locked containers.

Removing drop boxes from tables.

~~((7))~~ (8) In the event drop boxes are removed from gaming tables at other than the close of the gaming day, they shall be removed at a shift change. A table inventory slip shall be prepared as required above with the incoming and outgoing supervisor verifying the inventory and signing.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-885 ~~((Counting and recording contents of drop boxes—))~~ **Count procedures—House-banking.** ~~((The contents of drop boxes shall be))~~ **Card rooms that offer house-banked card games shall ensure the contents of drop boxes are counted and recorded in a manner that ensures the proper accountability of all gaming chips, coins, and currency. The following restrictions and procedures apply:**

Notification of count.

(1) The security department shall notify the surveillance department whenever the contents of drop boxes removed from gaming tables are to be counted and recorded, which, at a minimum, shall be once each gaming day.

Count team members.

(2) The opening, counting and recording of the contents of drop boxes shall be performed in the presence of and by those employees assigned by the gaming operation department for the conduct of the count. The count team must consist of three employees who shall not be in a position to perpetrate or conceal errors or irregularities in the normal course of his or her duties. Anyone both recording transactions and having access to the relevant assets is in a position to perpetrate errors or irregularities.

Securing the count room.

(3) Immediately prior to the opening of the drop boxes, the doors to the count room shall be securely locked and except as otherwise authorized, no person shall be permitted to enter or leave the count room, except during a normal work break or in an emergency, until the entire counting, recording, and verification process is completed.

Video and audio recording of the count.

(4) Immediately prior to the commencement of the count, one count team member shall notify the person assigned to the closed circuit television surveillance room in the establishment that the count is about to begin, after which such person shall make a video and audio recording of the entire counting process.

Count procedures.

(5) Contents of drop boxes shall not be mixed prior to counting and recording of each drop box. Procedures and requirements for conducting the count shall be the following:

- (a) As each drop box is placed on the count table, one count team member shall announce, in a tone of voice to be heard by all persons present and to be recorded by the audio

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recording device, the game, table number, and shift marked thereon;

(b) The contents of each drop box shall be emptied and counted separately on the count table;

(c) Immediately after the contents of a drop box are emptied onto the count table, the inside of the drop box shall be held up to the full view of a closed circuit television camera, and shall be shown to at least one other count team member to confirm that all contents of the drop box have been removed, after which the drop box shall be locked and placed in the storage area for drop boxes;

(d) The contents of each drop box shall be segregated by a count team member into separate stacks on the count table by denominations of coin and currency and by type of form, record or document;

(e) Each denomination of coin and currency shall be counted separately, either manually or mechanically, by at least two count team members who shall place individual bills and coins of the same denomination on the count table in full view of the closed circuit television cameras, and such count shall be observed and the accuracy confirmed orally or in writing, by at least one other count team member;

(f) As the contents of each drop box is counted, one count team member shall record or verify on a master game report, by game, table number, and shift, the following information:

(i) The total amount of currency and coin counted, also known as the "drop";

(ii) The amount of the opener;

(iii) The amount of the closer;

(iv) The serial number and amount of each fill slip;

(v) The total amount of ~~((all))~~ the fill ~~((slips))~~;

(vi) The serial number and amount of each credit slip;

(vii) The total amount of all credit slips; and

(viii) The game win or loss.

(g) After the contents of each drop box have been counted and recorded, one member of the count team shall record by game and shift, on the master game report, the total amounts of currency and coin, table inventory slips, fill slips and credit slips counted, and win or loss, together with such additional information as may be required on the master game report by the licensee~~((:))~~;

(h) Notwithstanding the requirements of (f) and (g) of this subsection, if the licensee's system of accounting and internal controls provides for the recording on the master game report of fill slips, credit slips, and table inventory slips by cage cashiers prior to the commencement of the count, a count team member shall compare the serial numbers and totals of the amounts recorded thereon to the fill slips, credit slips, and table inventory slips removed from the drop boxes; Provided, That the accounting department may complete the win/loss portions independently from the count team, if properly documented in the approved internal controls; and

(i) ~~((Notwithstanding the requirements of (f) and (g) of this subsection, if the licensee's system of accounting and internal controls provides for the count team functions to be comprised only of counting and recording currency, coin, and credits, accounting department employees shall perform all other counting, recording and comparing duties herein; and~~

~~((:))~~ After completion and verification of the master game report, each count team member shall sign the report attesting to the accuracy of the information recorded thereon.

Concluding the count.

(6) Procedures and requirements at the conclusion of the count for each gaming shift shall be the following:

(a) All cash removed from each drop box after the initial count shall be presented in the count room by a count team member to a cashier who, prior to having access to the information recorded on the master game report and in the presence of the count team, shall recount, either manually or mechanically, the cash received;

(b) The top copy of the master game report, after signing, and the request for fills, the fill slips, the request for credits, the credit slips, and the table inventory slips removed from drop boxes, shall be transported directly to the accounting department and shall not be available to any cashier's cage personnel; and

(c) If the licensee's system of accounting and internal controls does not provide for the forwarding from the cashier's cage of the duplicate of the fill slips, credit slips, request for credits, request for fills, such documents recorded or to be recorded on the master game report shall be transported from the count room directly to the accounting department.

Accounting.

(7) The originals and copies of the master game report, request for fills, fill slips, request for credits, credit slips and table inventory slips shall on a daily basis, in the accounting department be:

(a) Compared for agreement with each other, on a test basis, by persons with no recording responsibilities and, if applicable, to triplicates or stored data;

(b) Reviewed for the appropriate number and propriety of signatures on a test basis;

(c) Accounted for by series numbers, if applicable;

(d) Tested for proper calculation, summarization, and recording;

(e) Subsequently recorded; and

(f) Maintained and controlled by the accounting department.

~~((8) Card rooms not operating house banked card games shall not have to meet the requirements above. Provided, That the following requirements shall be met:~~

~~((a) The count shall occur at a specific time that has been reported to commission staff;~~

~~((b) All fees shall be counted at least once each operating day;~~

~~((c) The count shall be made by at least two licensed employees of the card room who shall record the amount on the count slip for each drop box;~~

~~((d) The surveillance requirements of WAC 230 40 825 shall be met; and~~

~~((e) An entry shall be made in the daily card room record for each table and each type of fee collected at a table. Count slips for each table shall be retained with the daily records.))~~

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-895 Key control (~~((requirements and procedures))~~) ~~—House-banking.~~ All activities related to the operation of house-banked card games shall be closely monitored and controlled. The following restrictions and operating procedures shall apply for control of card room keys to restrict access to areas by unauthorized card room employees.

Specifications.

(1) Each licensee shall install and maintain key control boxes that meet at least the specifications set forth below:

(a) Constructed of metal with a minimum of one keylock mechanism; Provided, That coded key boxes or combination key boxes are permitted;

(b) Be attached to a permanent structure without visibility of hardware used to attach the key box;

(c) Be tamper proof;

(d) Have keys stored therein to be easily identifiable, labeled, and displayed individually in numeric or alphabetic order; and

(e) The physical location of key control boxes may be determined by each licensee. The location shall not permit an individual to gain access to a restricted area that he/she would otherwise not be allowed to enter. If key boxes are located in areas where unauthorized individuals have access, that person may only have custody of the key and open the key box in the presence of the key custodian; or while under camera coverage.

Access.

(2) Individual key control boxes shall be maintained by at least ~~((three))~~ four departments including gaming operations, accounting, ~~((and))~~ security~~((/))~~, and surveillance. Access to key control boxes shall be limited to the licensed card room employee(s) responsible for overall supervision or management of the operation for which the box is maintained. Keys shall be controlled in the following manner:

Gaming operations department.

(a) Keys included in the key control box maintained by the gaming operations department shall include:

(i) Key to each pit podium;

(ii) Key(s) to drawers and other locking cabinets located in each pit podium;

(iii) Key to remove the clear plastic cover from the container used to store gaming chips and secured to the gaming tables;

(iv) Key to the second lock on the enclosed storage cabinet or trolley used to store or transport all drop boxes removed from the gaming tables;

(v) Key to all upper tier and lower tier jackpot payout boxes included with authorized card games;

(vi) Key to all electrical control boxes used to maintain authorized card games; and

(vii) Other keys included in the licensee's internal controls and approved by commission staff.

Security department.

(b) Keys included in the key control box maintained by security~~((/surveillance))~~ shall include:

(i) Key to the lock used to secure the count room door;

(ii) Key utilized to unlock and reset the drop boxes from the gaming tables;

(iii) Key to the first lock on the enclosed storage cabinet or trolley used to store or transport all drop boxes removed from the gaming tables to the count room;

(iv) Key to the storage cabinet(s) or other secure facility used to store the card inventory including decks which have not been placed into play and decks removed from play and waiting to be destroyed;

~~((Key to the room used for clandestine surveillance;~~

~~((vi) Key to the storage cabinet(s) or locker(s) used to maintain tapes of evidentiary value or tapes documenting details of jackpot payouts;~~

~~((vii)))~~ Key to main entry or access door of the card room; and

~~((viii)))~~ (vi) Other keys included in the licensee's internal controls and approved by commission staff.

Accounting department.

(c) Keys included in the key control box maintained by the accounting department shall include:

(i) Key to the lock securing the contents of the drop boxes;

(ii) Key to the rear of the locked dispenser used to store the triplicate of the fill/credit slips in a continuous, unbroken form;

(iii) Key to the door to the cashier's cage;

(iv) Key to reset the lock to the drop boxes;

(v) Keys included in the licensee's internal controls and approved by commission staff;

(vi) Keys maintained by the cashier's cage including:

(A) Key(s) to each cashier's window drawer;

(B) Key to the chip drawer or fill bank;

(C) Key to the vault or safe;

(D) Key to the door to the cashier's cage;

(E) Key to the front of the locked dispenser used to store the triplicate of the fill/credit slips in continuous, unbroken form;

(F) Other keys included in the licensee's internal controls and approved by commission staff; and

(G) Key(s) to the dealer pit boxes.

Surveillance department.

(d) Keys included in the key control box maintained by surveillance shall include:

(i) Key to the room used for clandestine surveillance; and

(ii) Key to the storage cabinet(s) or locker(s) used to maintain tapes of evidentiary value or tapes documenting details of jackpot payouts.

Owner/CEO master key box.

~~((d)))~~ (e) A master key control box may be maintained with access strictly limited to the owner(s) or chief operating officer responsible for exercising the overall management or

authority over all the operations of the card room and may include:

- (i) All spare or extra keys for the areas noted above.
- (ii) Other keys included in the licensee's internal controls and approved by commission staff.

Control log.

(3) Each licensee shall maintain for each key control box, a key control log used to record the issuance of and return of all keys used to control the restricted access areas by card room employees identified. The key control log shall be maintained in the format prescribed by the commission.

Keys to key control box.

(4) Keys to secure the contents of each key control box required above shall be strictly controlled as follows.

(a) There shall be one key for each key control box which shall be controlled by the manager of the department for which the key control box is designated. This key shall be distributed to the manager or supervisor in charge and maintained in their possession when gaming is being conducted.

(b) Keys to each key control box will be maintained in a secure manner as approved by commission staff and documented in the licensee's written internal controls.

(c) All spare or duplicate keys to the key control boxes identified above will be maintained in the master key control box and be controlled by the owner(s).

Electronic key control systems.

(5) Licensees may utilize electronic key control systems, if reviewed and approved in writing by the director or the director's designee.

Extra key control box - emergencies only.

(6) For emergency situations, licensees may maintain an additional key control box which can be accessed on a limited basis to protect the safety of employees. The key control boxes which meet this requirement shall be preapproved by commission staff.

NEW SECTION

WAC 230-40-505 Rules of play for social card games—Display—Availability for review. Social card games shall be conducted in accordance with predetermined rules of play. Such rules shall be maintained on the licensed premises and immediately available, upon request, for review by commission staff, local law enforcement, or a player. The following requirements apply to rules of play:

Precedence of rules.

(1) The applicability of rules of play shall be as determined by the following precedence, in order of importance:

- (a) **First priority:** Codified rules set forth in Title 230 WAC;
- (b) **Second priority:** Specific rules set forth by a licensed manufacturer of a patented game and approved under WAC 230-40-010;

(c) **Third priority:** Rules set forth in *The New Complete Hoyle, Revised, Hoyle's Modern Encyclopedia of Card Games*, or a similar authoritative book on card games approved by the director: Provided, That licensees may make immaterial modifications to game rules set forth in Hoyle; and

(d) **Fourth priority:** House rules developed by the licensee and approved by commission staff.

Posted rules.

(2) Any rules related to the following shall be conspicuously posted in a location readily visible by all players.

- (a) Wagering limits for each type of game, including the ante as specified in WAC 230-40-120(3);
- (b) Prize pay-outs and any restrictions related to prizes;
- (c) Whether employees are allowed to play;
- (d) Procedures for resolving player disputes; and
- (e) For player-supported jackpots (PSJ):
 - (i) How a PSJ will be distributed in the event it is discontinued or the business closes;
 - (ii) Conditions under which prizes may be won;
 - (iii) Prize amount;
 - (iv) Cost to participate;
 - (v) Administrative fees; and
 - (vi) Any other conditions which may affect the outcome of the game.

Rules available for review.

(3) Any rules related to the following shall be conspicuously posted in a location readily visible by all players: Provided, That if a licensee chooses not to post these rules, the licensee shall conspicuously post a sign in a location readily visible by all players stating that the rules are immediately available upon request for review by commission staff, local law enforcement, or a player:

- (a) Methods of making wagers;
- (b) Procedures for misdeals;
- (c) Procedures for betting irregularities;
- (d) Procedures for splitting pots; and
- (e) Any other rules that may restrict a player's right to win a hand, pot, or jackpot prize.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-610 Player-supported jackpots—Restrictions—Manner of conducting—Approval. A player-supported jackpot (PSJ) is a separate contest of chance directly related to the play and/or outcome of authorized non-house-banked card games but which is not the card game itself. Card rooms with a Class F or house-banked license may establish a prize fund for the purpose of operating a PSJ for nonhouse-banked card games. Any PSJ must be approved in writing by the director or the director's designee prior to play. A PSJ must meet the following requirements:

Funding a PSJ.

(1) (~~Funding of a PSJ:~~) A licensee may provide house funds to establish a PSJ. The licensee shall issue a check from

the general business account into the PSJ account to start the prize fund. Recouping of start-up funds shall be done by issuing a check from the PSJ account to the business general account. Electronic bank transfers shall satisfy this requirement. Start-up funds shall not exceed five thousand dollars per PSJ.

Using a rake to fund a PSJ.

(2) A licensee may assess a portion of (~~(player's)~~) players' wagers for a jackpot prize. Such amount shall not exceed one dollar per hand or game for each PSJ. This assessment shall be separately collected using the rake method.

PSJ funds are player funds - exception from administrative fee.

(3) The licensee acts only as the custodian of the PSJ funds, including any interest earned on this money, and maintains no legal right to the funds. All PSJ funds shall be awarded as prizes (~~(- PSJ funds shall only be used for awarding cash prizes)~~), based upon a format approved by commission staff. An administrative fee not to exceed ten percent of the amount collected for a PSJ may be imposed by the licensee. This administrative fee includes all expenses incurred by the licensee, including banking fees. No other expenses beyond the ten percent administrative fee shall be deducted from the PSJ account.

Prize fund custodian.

(4) Each licensee shall designate at least one "prize fund custodian" who shall be responsible for safeguarding and disbursing funds to winners. A prize fund custodian may be an owner, partner, officer, or licensed individual designated by a card room owner, partner, or officer. The custodian shall have signature authority for prize fund bank accounts and ensure accountability of all funds collected for use in a PSJ. The licensee shall meet the deposit requirements of WAC ((230-12-072)) 230-40-608.

Payout of prizes.

(5) Prize amounts paid in cash shall not exceed five hundred dollars. Prize amounts not awarded in cash shall be paid within twenty-four hours, by check, the type which provides a duplicate copy, which shall not be cashed on the licensee's premises. A record of all prizes paid shall be maintained in the format prescribed by commission staff and shall include:

(a) For prizes less than one hundred dollars, a system of accounting denoting each individual prize may be utilized.

(b) For prizes one hundred dollars and above, the following information shall be recorded on a prize record:

- (i) Full printed name;
- (ii) Date of birth;
- (iii) Street address;
- (iv) Type of identification reviewed;
- (v) Amount of the prize awarded;
- (vi) Description of the winning hand;
- (vii) Time and date awarded; and
- (viii) The supervisor's (~~(;)~~) and dealer's (~~(and winner's)~~) initials.

(c) Upon awarding a prize of five hundred dollars or more, the dealer shall fan the winning hand in view of the surveillance camera. The hand shall be collected and sealed with the prize record. The winning hand and remaining deck shall be maintained on the premises as part of daily card room records for a period of seven days, unless released by a commission agent.

Owners and employees competing for a PSJ.

(6) Owners, custodians and on-duty card room employees may participate in card games that offer a PSJ, but may not share in the winnings of any prize awarded. If playing in a game with a PSJ in which the prize is not based upon a predetermined hand, owners and card room employees must turn their cards face up at the end of each game so that the cards may be observed by other players at the table and surveillance. Any prize winnings an owner or on-duty employee may be entitled to under game rules, must be divided equally among the other players at the table: Provided, That off-duty employees may participate in card games that offer a PSJ and share in the prize winnings.

House dealer required.

(7) All card games offering a PSJ must utilize a house dealer.

Security requirements.

(8) (~~(Security requirements:))~~ Each gaming table offering a PSJ shall be required to install a closed circuit television system as outlined in WAC ((230-40-825)) 230-40-625: Provided, That licensees operating any house-banked card games shall follow the security requirements set forth in WAC 230-40-825 for all tables in the card room, including those offering a PSJ.

Removing a PSJ from play.

(9) (~~(In the event that a licensee ceases to operate a card room, fails to maintain a valid card room license, or discontinues a PSJ, the balance (less any nonrecouped seed money) of all PSJ accounts will be forwarded to the Washington State Council on Problem Gambling: Provided, That a licensee may seek approval from the director or the director's designee to revise their prize contests in order to distribute all accumulated prize funds.))~~ The following procedures shall be followed for all discontinued player-supported jackpots:

Discontinued.

(a) In the event a licensee elects to discontinue a PSJ, the balance, less any nonrecouped seed money, shall be distributed to players within sixty days of discontinuance by offering an approved promotion or card tournament of the same game under which the PSJ was originally accrued.

Closure of business.

(b) In the event a licensee ceases to operate a card room, or fails to maintain a valid card room license, all funds associated with the PSJ shall be distributed to the Washington state council on problem gambling.

Posting rules.

(c) The licensee shall conspicuously post a sign stating how PSJ money will be distributed in the event the PSJ is discontinued or the business closes. The sign must be posted at the inception of the PSJ.

House rules.

(10) House rules, to include administrative fees shall be posted in a location readily visible by all players and disclose the conditions under which prizes may be won, the prize amount, cost to participate, and any other conditions which may affect the outcome of the game.

Dispute resolution.

(11) If a dispute arises involving the outcome of a PSJ, the licensee shall preserve the video recording, the winning hand and remaining deck, and all records for the game where the dispute occurred and shall notify commission staff within twenty-four hours. The licensee shall document all information pertaining to the dispute including:

- (a) The names, addresses, and phone numbers of all players, card room staff, and any witnesses involved;
- (b) Amount of the advertised PSJ; and
- (c) A full description of the circumstances surrounding the dispute.

(12) All disputes involving a PSJ will be investigated by commission staff, with a report submitted to the director. A written decision will be issued by the director, or the director's designee, and such decision shall be final.

(13) During the course of dispute resolution, the commission may become the temporary custodian of any and all prize funds. The PSJ will be suspended until the dispute is resolved.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-825 Closed circuit television system ((requirements and procedures))—House-banking. ((All activities related to the operation of card games shall be closely monitored. Critical activities related to house-banked card games, player-supported jackpots and assessment of fees based on amounts wagered (rake method) shall be monitored by use of a closed circuit television system and a video recording. The following restrictions and operating procedures apply when a closed circuit television system is required.

(1) Each licensee shall install and maintain a closed circuit television system that meets at least the specifications set forth below:

(a) Light sensitive cameras including those with pan, tilt, and zoom (PTZ) capabilities where necessary to effectively and clandestinely monitor in detail and from various vantage points, including the following:

- (i) The gaming conducted at each gaming table in the facility;
- (ii) The activities in the pits;
- (iii) Each table game area, with sufficient clarity to identify patrons and dealers;

(iv) Each table game surface, with sufficient coverage and clarity to simultaneously view the table bank and determine the configuration of wagers, card values and game outcome. Provided, That a nonhouse-banked card game not utilizing PSJs will not be required to have coverage of cards;

(v) The operations conducted at and in the cashier's cage. Provided, That for Class F licensees, camera coverage shall not be required of the cashier's cage unless the count is conducted at that location;

(vi) Entrance to the cashier's cage;

(vii) The count processes conducted in the count rooms; which processes shall be in conformity with commission rules;

(viii) The movement of cash, gaming chips, and drop boxes in the establishment;

(ix) The entrances and exits to the card room and the count rooms; and

(x) Such other areas as the commission designates.

(b) All video cameras must be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees.

(c) Where a PTZ camera is used to observe card tables and gambling related activities, the camera must be placed behind a smoked dome, one-way mirror or similar materials that conceal the camera from view.

(d) Video recording units, with time and date insertion capabilities, for recording what is being viewed by any camera of the system. Recording and playback of video signals shall be at a rate of not less than twenty frames per second and shall not be recorded in a manner that will not allow playback on a standard consumer grade video cassette recorder. If multiple time and date generators are used, they shall be synchronized to the same time and date. The displayed date and time shall not significantly obstruct the recorded view. The following locations or activities shall be video taped:

(i) All gaming stations in operation or in which drop boxes are stored, to include video recording of all items noted in (a)(i) through (viii) of this subsection;

(ii) All entries to the count room;

(iii) The entire count process, including audio recording (audio recording only required for house-banked card room licensees);

(iv) Any unusual or suspicious activities;

(v) Movement of drop boxes between tables and the count room; and

(vi) Any other activity or location designated by commission staff.

(2) Lighting to provide sufficient clarity shall be present in all areas, including gaming tables and pits, where closed circuit camera coverage is required.

(3) Each video camera required by these rules shall be capable of having its picture displayed on a video monitor and recorded.

(4) The surveillance system must include a sufficient number of monitors to simultaneously display multiple card tables, the cashier's cage, count room activities, and views of any dedicated cameras.

(5) Multiplexing/quad recording devices may only be used for external surveillance, movement of drop boxes between tables and the count room, and on entrances and

exits: Provided, That split screen devices may be utilized for areas not required to have surveillance coverage.

(6) The licensee shall maintain one or more surveillance rooms with the following minimum requirements:

(a) The surveillance room shall have controlled access, and be used solely by the employees of the surveillance department assigned to monitor activities: Provided, That this restriction does not apply to owners or approved supervisory or management personnel. Commission agents and law enforcement personnel shall be provided immediate access to the surveillance room upon request.

(b) A house-banked card game licensee shall ensure that a surveillance employee is present in the surveillance room and monitoring the activities of the operation, via the surveillance room equipment, at all times the card room is open to conduct gaming and during the count process as stated in WAC 230-40-885(4): Provided, That the licensee may allow the surveillance room to operate without staff for a period not to exceed thirty minutes per shift for the purpose of routine breaks. All surveillance employees shall have a demonstrated knowledge of the following:

(i) Operating surveillance systems;

(ii) Rules of play and procedures for the games being played; and

(iii) The overall procedures relating to the duties of all employees of a house-banked card room being monitored (dealers, shift managers, floor supervisors, cage personnel, and count team).

(c) Licensees that are licensed for five or fewer tables and not operating under Phase II limits, shall not be required to maintain a staffed surveillance room.

(d) The licensee shall maintain a record of all surveillance activities in the surveillance room. The surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

(i) Date and time of surveillance;

(ii) Person initiating surveillance;

(iii) Reason for surveillance;

(iv) Time of termination of surveillance;

(v) Summary of the results of the surveillance; and

(vi) A record of any equipment or camera malfunctions.

(e) A surveillance room sign in log shall be maintained to document the time each surveillance employee monitors the card room. A surveillance room sign in log shall be available for inspection at any time by commission staff or local law enforcement.

(7) Video and audio tapes shall be identified to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to tapes:

(a) All tapes shall be retained for a minimum of seven days: Provided, That the seven-day retention period may be measured on a weekly and per shift basis as long as tapes are uniformly labeled by day of the week and shift;

(b) Tapes of evidentiary value shall be maintained as requested by commission staff;

(c) Tapes documenting jackpot payouts over three thousand dollars shall be retained for at least thirty days; and

(d) Commission staff may increase any of the times noted in this section by notifying the licensee.) Critical activities related to the operation of house-banked card games shall be closely monitored by the use of a closed circuit television (CCTV) system, including video recording. Each house-banked card room licensee shall install and maintain a CCTV system that meets the following requirements.

Camera coverage.

(1) The following areas are required to be covered by the CCTV system:

(a) All gaming at each table including, but not limited to, the following:

(i) Cards;

(ii) Wagers;

(iii) Chip tray;

(iv) Drop box openings;

(v) Card shoe;

(vi) Shuffling devices; and

(vii) Players and dealers.

(b) All activity in the pits.

(c) All activity in the cashier's cage including, but not limited to, the:

(i) Outside entrance;

(ii) Fill/credit dispenser;

(iii) Customer transactions;

(iv) Cash and chip drawers;

(v) Vault/safe;

(vi) Storage cabinets;

(vii) Fill or credit transactions; and

(viii) Floor.

(d) All activity in the count room including, but not limited to, the:

(i) Count table;

(ii) Floor;

(iii) Counting devices;

(iv) Trolley;

(v) Drop boxes;

(vi) Storage shelves/cabinets; and

(vii) Entrance and exits.

(e) The movement of cash, gaming chips, and drop boxes.

(f) Entrances and exits to the card room.

Camera requirements.

(2) The CCTV system shall consist of light sensitive cameras including those with pan, tilt, and zoom (PTZ) capabilities that have the capability to determine card and chip values and the configuration of wagers at each gaming table. Each video camera shall be capable of having its picture displayed on a video monitor. Cameras shall be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees. PTZ cameras shall be placed behind a smoked dome, one-way mirror or similar materials that conceal the camera from view. Installed cameras shall cover the areas required by this rule and shall include at a minimum:

(a) At least one fixed camera focused over each gaming table covering the entire layout;

(b) A sufficient number of fixed and/or PTZ cameras permanently programmed for the purposes of monitoring players at each gaming table. The PTZ cameras must be capable of viewing each patron at each gaming position at least once every five minutes;

(c) A sufficient number of PTZ cameras for the purpose of determining the configuration of wagers and card values at each gaming table. Any time a winning wager, including jackpot or bonus payouts in excess of five hundred dollars are won, surveillance shall utilize this camera to verify the winning hand, the amount of the wager, and the player who won the prize. Each licensee shall have documented procedures in their internal controls stipulating the manner in which this will be carried out;

(d) A sufficient number of fixed and/or PTZ cameras in the cage(s);

(e) A sufficient number of fixed and/or PTZ cameras in the count room; and

(f) Any other location as deemed necessary by commission staff.

Video recording equipment.

(3) Video recording equipment shall meet the following requirements:

(a) Record at a rate of not less than twenty pictures per second;

(b) Insert the time and date on the video recording. If multiple time and date generators are used, they shall be synchronized to the same time and date; and

(c) Multiplexing/quad recording devices may only be used for external surveillance, movement of drop boxes between tables and the count room, and on entrances and exits: Provided, That split screen devices may be utilized for areas not required to have surveillance coverage.

Activities to be videotaped.

(4) Video signals from all cameras shall be recorded when:

(a) Gaming tables are in operation;

(b) Drop boxes or chip trays are stored on the gaming tables;

(c) Drop boxes are being transported; or

(d) Drop box contents are being counted.

Video monitors.

(5) The CCTV system shall include a sufficient number of video monitors to simultaneously view multiple gaming tables, the cashier's cage, and count room activities.

Surveillance room.

(6) The licensee shall maintain one or more surveillance rooms with the following minimum requirements:

(a) The surveillance room shall have controlled access and be used solely by the employees of the surveillance department assigned to monitor activities: Provided, That this restriction does not apply to owners or approved supervisory or management personnel.

(b) Commission agents and law enforcement personnel shall be provided immediate access to the surveillance room upon request.

(c) Entrances to surveillance rooms shall not be readily observable from the gaming operation area.

(d) The licensee shall ensure a surveillance employee is present in the surveillance room and monitoring the activities of the operation, via the surveillance room equipment, any time the card room is open to conduct gaming and during the count process: Provided, That the licensee may allow the surveillance room to operate without staff for a period not to exceed thirty minutes per shift for the purpose of routine breaks.

Surveillance staff not required.

(7) Licensees that are licensed for five or fewer tables and not operating under Phase II limits, shall not be required to maintain a staffed surveillance room.

Surveillance activity log.

(8) The licensee shall maintain a record of all surveillance activities in the surveillance room. A surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

(a) Date and time of surveillance;

(b) Person initiating surveillance;

(c) Time of termination of surveillance;

(d) Summary of the results of the surveillance; and

(e) A record of any equipment or camera malfunctions.

Employee sign-in log.

(9) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. The surveillance sign-in log shall be available for inspection at any time by commission staff or law enforcement personnel.

Labeling and storing tapes.

(10) Video and audio tapes shall be marked to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to tapes:

(a) All tapes shall be retained for a minimum of seven complete gaming days;

(b) Tapes of evidentiary value shall be maintained as requested by commission staff;

(c) Tapes documenting jackpot payouts over three thousand dollars shall be retained for at least thirty days; and

(d) Commission staff may increase any of the retention requirements noted in this section by notifying the licensee.

Dispute resolution.

(11) In the event there is not sufficient clarity due to violations of the above requirements, the burden will be on the licensee to prove any action taken was warranted. Otherwise, all disputes will be resolved in favor of the player: Provided, That a review by commission staff may be requested if the

licensee feels circumstances warrant, for example, cheating has occurred.

NEW SECTION

WAC 230-40-625 Closed circuit television system requirements and procedures—Class F card rooms. Critical activities related to the operation of a player-supported jackpot (PSJ) and assessment of fees based on amounts wagered (rake method) shall be closely monitored by the use of a closed circuit television (CCTV) system, including video recording. If a licensee is conducting both Class F and house-banked activities, the licensee shall be required to meet the surveillance requirements set forth in WAC 230-40-825. Each Class F card room licensee shall install and maintain a CCTV system that meets the following requirements:

Camera coverage.

(1) The following areas are required to be covered by the CCTV system:

(a) All gaming at each table including, but not limited to, the:

- (i) Cards;
- (ii) Wagers;
- (iii) Chip tray;
- (iv) Drop box openings; and
- (v) Players and dealers.

(b) All activity in the count room or count area including, but not limited to, the:

- (i) Count table;
- (ii) Floor;
- (iii) Drop boxes; and
- (iv) Drop box storage shelves/cabinets.

Camera requirements.

(2) The CCTV system shall consist of light sensitive cameras that have the ability to determine card and chip values at each gaming table. Each video camera shall be capable of having its picture displayed on a video monitor. Cameras shall be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees. Installed cameras shall cover the areas required by this rule and shall include, at a minimum, the following:

(a) At least one fixed camera focused over each gaming table covering the entire layout;

(b) At least one fixed camera focused over the dealer area covering the chip rack, all drop box openings, and the community card area;

(c) At least one fixed or pan, tilt, and zoom (PTZ) camera permanently programmed for the purposes of monitoring players at each gaming table. This camera must be capable of viewing each patron at each gaming position at least once every five minutes;

(d) A sufficient number of fixed and/or PTZ cameras in the cage only if the count process is conducted there;

(e) A sufficient number of fixed and/or PTZ cameras in the count area; and

(f) Any other location as deemed necessary by commission staff.

Video recording equipment.

(3) Video recording equipment shall meet the following requirements:

(a) Record at a rate of not less than twenty pictures per second;

(b) Insert the time and date on the video recording. If multiple time and date generators are used, they shall be synchronized to the same time and date; and

(c) Multiplexing/quad recording devices may only be used for external surveillance, movement of drop boxes between tables and the count room, and on entrances and exits: Provided, That split screen devices may be utilized for areas not required to have surveillance coverage.

Activities to be videotaped.

(4) Video signals from all cameras shall be recorded when:

- (a) Gaming tables are in operation;
- (b) Drop boxes or chip trays are stored on the gaming tables;
- (c) Drop boxes are being transported; or
- (d) Drop box contents are being counted.

Surveillance activity log.

(5) The licensee shall maintain a record of all surveillance activities in the surveillance room. A surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

- (a) Date and time of surveillance;
- (b) Person initiating surveillance;
- (c) Time of termination of surveillance;
- (d) Summary of the results of the surveillance; and
- (e) A record of any equipment or camera malfunctions.

Sign-in log.

(6) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. The surveillance sign-in log shall be available for inspection at any time by commission staff or law enforcement personnel.

Tape labeling and retention.

(7) Video and audio tapes shall be marked to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to tapes:

(a) All tapes shall be retained for a minimum of seven complete gaming days.

(b) Tapes of evidentiary value shall be maintained as requested by commission staff;

(c) Tapes documenting jackpot payouts of five hundred dollars or more shall be retained for at least seven days; and

(d) Commission staff may increase any of the retention requirements noted in this section by notifying the licensee.

Dispute resolution.

(8) In the event there is not sufficient clarity due to violations of the above requirements, the burden will be on the licensee to prove any action taken was warranted. Otherwise, all disputes will be resolved in favor of the player: Provided, That a review by commission staff may be requested if the licensee feels circumstances warrant, for example, cheating has occurred.

WSR 01-13-102**PERMANENT RULES****WASHINGTON STATE UNIVERSITY**

[Filed June 20, 2001, 9:06 a.m.]

Date of Adoption: June 15, 2001.

Purpose: An amendment to allow parking fees at the student-run student recreation center to be set by the president or his designee, rather than the board of regents.

Statutory Authority for Adoption: RCW 28B.30.095, [28B.30].125, [28B.30].150.

Adopted under notice filed as WSR 01-08-085 on April 18 [4], 2001.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

June 15, 2001

Loretta M. Lamb

Assistant Vice-President
for Personnel and Administration
Rules Coordinator

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95)

WAC 504-15-650 Permit fees. (1) Schedules for parking fees, parking administrative fees, meter rates, prorate and refund schedules, and the effective date thereof will be submitted to the president or his/her designee and to the board of regents for approval by motion, PROVIDED, HOWEVER, that fees associated with parking at the Student Recreational Center, (SRC) including refunds of fees, will not be submitted to the Board of Regents so long as the Board has delegated authority to the president or his designee to approve all

such fees. The schedules for all parking fees, parking administrative fees, meter rates, prorate and refund schedules, including those for the SRC, ((and)) will thereafter be ((proofed)) posted in the public area of the parking services office, and filed with the university rules coordinator.

(2) Disability permits will be issued free of charge to those who have their vehicle identified with a state disability license plate or other indicator in accordance with RCW 46.16.380.

(3) Payments: Fees may be paid at parking services by cash, check, or money order. A payroll deduction plan is available for permanent university employees and eligible graduate students during the fall semester only.

(4) The annual fee for any shorter period relative to all permits shall be prorated.

(5) The proper fee must be paid for all vehicles parked in metered areas unless otherwise authorized.

(6) Staff members whose work schedules qualify them for night time differential pay may purchase a permit for one-half the regular fee. Verification will be required.

(7) Refunds: Annual permits being relinquished may be returned to parking services for a prorata refund. Identifiable remnants of the permit must be returned. Provision of the permit holder's copy of the permit receipt will facilitate the refund process. A minimum ten-dollar service charge will be retained by parking services. Further, the balance of any fees and fines owed parking services will be deducted from any refund due. No refunds will be granted after 5:00 p.m. Friday of the third week of the spring semester. Refunds for temporary permits will not be granted.

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

WSR 01-13-103**PERMANENT RULES****WASHINGTON STATE UNIVERSITY**

[Filed June 20, 2001, 9:07 a.m.]

Date of Adoption: June 15, 2001.

Purpose: Amendments to allow Washington State University to create a small works roster for use in the minor public works process.

Statutory Authority for Adoption: RCW 39.04.155.

Adopted under notice filed as WSR 01-08-084 on April 18 [4], 2001.

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.

June 15, 2001

Loretta M. Lamb

Assistant Vice-President
for Personnel Administration
Rules Coordinator

NEW SECTION

WAC 504-50-010 Purpose and authority. This chapter of the Washington Administrative Code is adopted pursuant to RCW 39.04.155, authorizing Washington State University to adopt procedures to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property in lieu of other procedures for such work with an estimated cost of two hundred thousand dollars (\$200,000) or less. The University, in establishing a Small Works Roster, shall use the procedures set forth in this chapter.

NEW SECTION

WAC 504-50-020 Project construction cost. Whenever the estimated cost of any construction... or improvement of real property does not exceed two hundred thousand dollars (\$200,000), the University is authorized to use the Small Works Roster in lieu of public advertisement for bids. In the event that the legislature further increases the Small Works Roster limit, the University is authorized to use the Small Works Roster for any projects up to the legislatively authorized limit. No project shall be broken into units or phases for the purpose of avoiding the maximum dollar amount of a contract that may be met using the Small Works Roster.

NEW SECTION

WAC 504-50-030 Creation of small works roster or rosters. The University may create a single general Small Works Roster, or it may create a Small Works Roster for different specialties or categories of anticipated work. The rosters may make distinctions between contractors based upon different geographic areas served by the contractors.

NEW SECTION

WAC 504-50-040 Notice of small works rosters and solicitation of contractors. At least once per year, the University shall publish, in a newspaper of general circulation within the counties where small works are expected to be performed, a notice of the existence of any rosters, and shall solicit the names of contractors for such roster or rosters.

NEW SECTION

WAC 504-50-050 Contractors application form—Information required. In response to the notifications above, or at any time, contractors desiring to be included on a Small Works Roster established by Washington State University, may submit a completed application in a format prescribed by the Director, Department of Facilities Operations. Copies of the form may be obtained from the Department of Facilities Operations and will contain the following information:

- (1) Name of contracting firm, including designation as corporation, partnership, sole proprietorship, or otherwise;
- (2) Address of contracting firm;
- (3) Telephone number;
- (4) Fax number;
- (5) E-mail address;
- (6) State contractor's license number;
- (7) Name of the owner or chief operating officer;
- (8) State of Washington Department of Revenue tax number;
- (9) Indication of type of construction firm by categories enumerated on the form;
- (10) An indication of those counties, enumerated on the form, in which the contractor is interested in being considered for projects;
- (11) Indication of whether contractor is certified as a minority or women's business enterprise;
- (12) Three references of satisfactorily completed contracts of a value of not less than twenty-five thousand dollars (\$25,000) within the past two (2) years.

Upon receipt of the application, the University shall evaluate the qualifications of the firm for inclusion on the Small Works Roster, in accordance with WAC 504-XX-050, enter the information set forth therein into its Small Works Roster, and send a copy of the information which is entered to the applicant contractor. Contractors should not consider themselves to be enrolled in a Small Works Roster until they have received this verification.

NEW SECTION

WAC 504-50-060 Qualification requirements. To qualify for placement on the Washington State University Small Works Roster, contractors must demonstrate the following in experience and qualifications:

- (1) Be a licensed contractor in the state of Washington;
- (2) Have successfully completed at least three (3) projects, each with a value of not less than twenty-five thousand dollars (\$25,000) within the past two (2) years;
- (3) Have some experience in public works contracts;
- (4) Have two (2) years experience in the area of expertise for which listing is sought.

NEW SECTION

WAC 504-50-070 Denial or removal of contractors from small works roster—Reasons. A contractor may be denied placement on or, after such placement, may be

removed from a Small Works Roster for any of the following reasons:

(1) The information set forth in the contractor's application is not accurate;

(2) The contractor fails to notify the University of any changes in the information set forth in its original application for placement on the Small Works Roster within thirty (30) days of the effective date of such change;

(3) The contractor has failed to respond to three (3) consecutive solicitations for bids on jobs offered through the Small Works Roster;

(4) The contractor's past performance has demonstrated the firm not to be a responsible bidder as defined in RCW 43.19.1911;

(5) The contractor fails to complete and return to the University any periodic update submitted by the University to determine the contractor's ongoing interest in maintaining its placement on the Small Works Roster.

NEW SECTION

WAC 504-50-080 Procedures for use. When using a Small Works Roster, the University shall obtain telephone, written or electronic quotations for public works contracts from contractors on the appropriate Small Works Roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911, as follows:

(1) A contract awarded from a Small Works Roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This paragraph does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes. Quotations may be invited from all appropriate contractors on the appropriate Small Works Roster. As an alternative, quotations may be invited from at least five contractors on the appropriate Small Works Roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. In those cases where there are fewer than five contractors on the appropriate small works roster, quotations will be invited from all contractors on the roster.

(2) If the estimated cost of the work is from one hundred thousand dollars (\$100,000) to two hundred thousand dollars (\$200,000), the University may choose to solicit bids from less than all the appropriate contractors on the appropriate Small Works Roster but must also notify the remaining contractors on the appropriate Small Works Roster that quotations on the work are being sought. The University has the sole option of determining whether this notice to the remaining contractors is made by:

(a) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done;

(b) Mailing a notice to these contractors; or

(c) Sending a notice to these contractors by facsimile or other electronic means.

(3) For purposes of this resolution, "equitably distribute" means that the University may not favor certain contractors on the appropriate Small Works Roster over other contractors on the appropriate Small Works Roster who perform similar services. At the time bids are solicited, the University representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project.

(4) A written record shall be made by the University representative of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

(5) The University shall award the contract for the public works project to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the University may call for new bids. In addition to price, the University shall take into account the following:

(a) The ability, capacity, and skill of the bidder to perform the contract;

(b) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(c) Whether the bidder can perform the contract within the time specified by the University;

(d) The quality of the bidder's performance of previous contracts or services;

(e) The previous and existing compliance by the bidder with laws relating to the contract or services;

(f) Such other information as may be secured having a bearing on the decision to award the contract.

WSR 01-13-105

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed June 20, 2001, 10:11 a.m., effective July 1, 2001]

Date of Adoption: June 20, 2001.

Purpose: WAC 458-40-660 contains the stumpage values used by harvesters of timber to calculate the timber excise tax. This rule is being revised to provide the stumpage values to be used during the second half of 2001.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 01-10-080 on May 1, 2001.

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 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The stumpage value rule is required by statute (RCW 84.33.091) to be effective on July 1, 2001.

Effective Date of Rule: July 1, 2001.

June 20, 2001
 Claire Hesselholt
 Rules Manager
 Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 01-02-020, filed 12/21/00, effective 1/1/01)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ((January)) July 1 through ((June 30)) December 31, 2001:

((TABLE 1—Stumpage Value Table
 Stumpage Value Area 1
 January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

((Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$628	\$621	\$614	\$607	\$600
		2	549	542	535	528	521
		3	490	483	476	469	462
		4	289	282	275	268	261
Western Redcedar ⁽²⁾	RC	1	773	766	759	752	745
Western Hemlock and Other Conifer ⁽³⁾	WH	1	568	561	554	547	540
		2	354	347	340	333	326
		3	334	327	320	313	306
		4	289	282	275	268	261
Red Alder	RA	1	300	293	286	279	272
		2	239	232	225	218	211
Black Cottonwood	BC	1	24	17	10	3	+

((TABLE 1—Stumpage Value Table
 Stumpage Value Area 1
 January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

((Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Other Hardwood	OH	1	168	161	154	147	140
Douglas Fir Poles	DFL	1	778	771	764	757	750
Western Redcedar Poles	RCL	1	778	771	764	757	750
Chipwood	CHW	1	3	2	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁴⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁵⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁵⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska Cedar.

⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁴⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁵⁾ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
 Stumpage Value Area 2
 January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$595	\$588	\$581	\$574	\$567
		2	528	521	514	507	500
		3	459	452	445	438	431
		4	415	408	401	394	387
Western Redcedar ⁽²⁾	RC	1	773	766	759	752	745
Western Hemlock and Other Conifer ⁽³⁾	WH	1	636	629	622	615	608
		2	379	372	365	358	351
		3	356	349	342	335	328

PERMANENT

TABLE 2—Stumpage Value Table
Stumpage Value Area 3
 January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		4	326	319	312	305	298
Red Alder	RA	1	300	293	286	279	272
		2	239	232	225	218	211
Black Cottonwood	BC	+	24	17	10	3	+
Other Hardwood	OH	+	168	161	154	147	140
Douglas Fir Poles	DFL	+	778	771	764	757	750
Western Redcedar Poles	RCL	+	778	771	764	757	750
Chipwood	CHW	+	3	2	+	+	+
RC Shake Blocks	RCS	+	303	296	289	282	275
RC Shingle Blocks	RCF	+	121	114	107	100	93
RC & Other Posts ⁽⁴⁾	RCP	+	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁵⁾	DFX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁵⁾	TFX	+	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska Cedar.

⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁴⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁵⁾ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ⁽²⁾	DF	1	\$743	\$736	\$729	\$722	\$715
		2	443	436	429	422	415
		3	377	370	363	356	349
		4	296	289	282	275	268

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ⁽³⁾	RC	+	773	766	759	752	745
Western Hemlock and Other Conifer ⁽⁴⁾	WH	+	356	349	342	335	328
		2	324	327	320	313	306
		3	283	276	269	262	255
		4	283	276	269	262	255
Red Alder	RA	+	300	293	286	279	272
		2	239	232	225	218	211
Black Cottonwood	BC	+	24	17	10	3	+
Other Hardwood	OH	+	168	161	154	147	140
Douglas Fir Poles	DFL	+	778	771	764	757	750
Western Redcedar Poles	RCL	+	778	771	764	757	750
Chipwood	CHW	+	3	2	+	+	+
RC Shake Blocks	RCS	+	303	296	289	282	275
RC Shingle Blocks	RCF	+	121	114	107	100	93
RC & Other Posts ⁽⁴⁾	RCP	+	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁵⁾	DFX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁵⁾	TFX	+	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

PERMANENT

**TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 2001**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas Fir ⁽²⁾	DF	1	\$628	\$621
		2	519	512	505	498	491
		3	503	496	489	482	475
		4	359	352	345	338	331
Lodgepole Pine	LP	1	244	237	230	223	216
Ponderosa Pine	PP	1	365	358	351	344	337
		2	253	246	239	232	225
Western Redcedar ⁽³⁾	RC	1	773	766	759	752	745
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	568	561	554	547	540
		2	347	340	333	326	319
		3	332	325	318	311	304
		4	311	304	297	290	283
Red Alder	RA	1	300	293	286	279	272
		2	239	232	225	218	211
Black Cottonwood	BC	1	24	17	10	3	+
Other Hardwood	OH	1	168	161	154	147	140
Douglas Fir Poles	DFL	1	778	771	764	757	750
Western Redcedar Poles	RCL	1	778	771	764	757	750
Chipwood	CHW	1	3	2	+	+	+
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

**TABLE 5—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 2001**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas Fir ⁽²⁾	DF	1	\$628	\$621
		2	516	509	502	495	488
		3	387	380	373	366	359
		4	334	327	320	313	306
Lodgepole Pine	LP	1	244	237	230	223	216
Ponderosa Pine	PP	1	365	358	351	344	337
		2	253	246	239	232	225
Western Redcedar ⁽³⁾	RC	1	773	766	759	752	745
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	568	561	554	547	540
		2	372	365	358	351	344
		3	317	310	303	296	289
		4	303	296	289	282	275
Red Alder	RA	1	300	293	286	279	272
		2	239	232	225	218	211
Black Cottonwood	BC	1	24	17	10	3	+
Other Hardwood	OH	1	168	161	154	147	140
Douglas Fir Poles	DFL	1	778	771	764	757	750
Western Redcedar Poles	RCL	1	778	771	764	757	750
Chipwood	CHW	1	3	2	+	+	+
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

PERMANENT

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ⁽²⁾	DF	1	\$306	\$299	\$292	\$285	\$278
Lodgepole Pine	LP	1	244	237	230	223	216
Ponderosa Pine	PP	1	365	358	351	344	337
		2	253	246	239	232	225
Western Redcedar ⁽³⁾	RC	1	405	398	391	384	377
True Firs and Spruce ⁽⁴⁾	WH	1	248	241	234	227	220
Western White Pine	WP	1	408	401	394	387	380
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	27	26	25	24	23
Chipwood	CHW	1	2	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁵⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁶⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁽⁷⁾ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ⁽²⁾	DF	1	\$317	\$310	\$303	\$296	\$289
Lodgepole Pine	LP	1	251	244	237	230	223
Ponderosa Pine	PP	1	392	385	378	371	364
		2	298	291	284	277	270
Western Redcedar ⁽³⁾	RC	1	405	398	391	384	377
True Firs and Spruce ⁽⁴⁾	WH	1	268	261	254	247	240
Western White Pine	WP	1	408	401	394	387	380
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	24	23	22	21	20
Chipwood	CHW	1	2	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁵⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁶⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁽⁷⁾ Stumpage value per lineal foot.

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TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			+				
Douglas-Fir ⁽²⁾	DF	+	\$614	\$607	\$600	\$593	\$586
		2	505	498	491	484	477
		3	489	482	475	468	461
		4	345	338	331	324	317
Lodgepole Pine	LP	+	244	237	230	223	216
Ponderosa Pine	PP	+	365	358	351	344	337
		2	253	246	239	232	225
Western Redcedar ⁽³⁾	RC	+	759	752	745	738	731
Western Hemlock and Other Conifer ⁽⁴⁾	WH	+	554	547	540	533	526
		2	333	326	319	312	305
		3	318	311	304	297	290
		4	297	290	283	276	269
Red Alder	RA	+	286	279	272	265	258
		2	225	218	211	204	197
Black Cottonwood	BC	+	10	3	+	+	+
Other Hardwood	OH	+	154	147	140	133	126
Douglas-Fir Poles	DFL	+	764	757	750	743	736
Western Redcedar Poles	RCL	+	764	757	750	743	736
Chipwood	CHW	+	3	2	+	+	+
RC Shake Blocks	RCS	+	303	296	289	282	275
RC Shingle Blocks	RCF	+	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	+	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	+	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.))

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 July 1 through December 31, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$526	\$519	\$512	\$505	\$498
		2	526	519	512	505	498
		3	457	450	443	436	429
		4	295	288	281	274	267
Western Redcedar ⁽²⁾	RC	1	677	670	663	656	649
Western Hemlock and Other Conifer ⁽³⁾	WH	1	309	302	295	288	281
		2	273	266	259	252	245
		3	266	259	252	245	238
		4	223	216	209	202	195
Red Alder	RA	1	338	331	324	317	310
		2	314	307	300	293	286
Black Cottonwood	BC	1	4	1	1	1	1
Other Hardwood	OH	1	192	185	178	171	164
Douglas-Fir Poles	DFL	1	1116	1109	1102	1095	1088
Western Redcedar Poles	RCL	1	1116	1109	1102	1095	1088
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁴⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁵⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁵⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska Cedar.

⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁴⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁵⁾ Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 July 1 through December 31, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir	DF	1	\$595	\$588
		2	460	453	446	439	432
		3	434	427	420	413	406
		4	265	258	251	244	237
Western Redcedar ⁽²⁾	RC	1	677	670	663	656	649
Western Hemlock and Other Conifer ⁽³⁾	WH	1	313	306	299	292	285
		2	278	271	264	257	250
		3	277	270	263	256	249
		4	256	249	242	235	228
Red Alder	RA	1	338	331	324	317	310
		2	314	307	300	293	286
Black Cottonwood	BC	1	4	1	1	1	1
Other Hardwood	OH	1	192	185	178	171	164
Douglas-Fir Poles	DFL	1	1116	1109	1102	1095	1088
Western Redcedar Poles	RCL	1	1116	1109	1102	1095	1088
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁴⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁵⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁵⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Alaska-Cedar.
⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁽⁴⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁵⁾ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir ⁽²⁾	DF	1	\$536	\$529
		2	421	414	407	400	393
		3	356	349	342	335	328
		4	224	217	210	203	196
Western Redcedar ⁽³⁾	RC	1	677	670	663	656	649
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	309	302	295	288	281
		2	280	273	266	259	252
		3	279	272	265	258	251
		4	239	232	225	218	211
Red Alder	RA	1	338	331	324	317	310
		2	314	307	300	293	286
Black Cottonwood	BC	1	4	1	1	1	1
Other Hardwood	OH	1	192	185	178	171	164
Douglas-Fir Poles	DFL	1	1116	1109	1102	1095	1088
Western Redcedar Poles	RCL	1	1116	1109	1102	1095	1088
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁶⁾ Stumpage value per lineal foot.

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TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$580	\$573	\$566	\$559	\$552
		2	465	458	451	444	437
		3	457	450	443	436	429
		4	382	375	368	361	354
Lodgepole Pine	LP	1	224	217	210	203	196
Ponderosa Pine	PP	1	346	339	332	325	318
		2	238	231	224	217	210
Western Redcedar ⁽³⁾	RC	1	677	670	663	656	649
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	309	302	295	288	281
		2	293	286	279	272	265
		3	277	270	263	256	249
		4	250	243	236	229	222
Red Alder	RA	1	338	331	324	317	310
		2	314	307	300	293	286
Black Cottonwood	BC	1	4	1	1	1	1
Other Hardwood	OH	1	192	185	178	171	164
Douglas-Fir Poles	DFL	1	1116	1109	1102	1095	1088
Western Redcedar Poles	RCL	1	1116	1109	1102	1095	1088
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$491	\$484	\$477	\$470	\$463
		2	468	461	454	447	440
		3	457	450	443	436	429
		4	355	348	341	334	327
Lodgepole Pine	LP	1	224	217	210	203	196
Ponderosa Pine	PP	1	346	339	332	325	318
		2	238	231	224	217	210
Western Redcedar ⁽³⁾	RC	1	677	670	663	656	649
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	309	302	295	288	281
		2	293	286	279	272	265
		3	279	272	265	258	251
		4	253	246	239	232	225
Red Alder	RA	1	338	331	324	317	310
		2	314	307	300	293	286
Black Cottonwood	BC	1	4	1	1	1	1
Other Hardwood	OH	1	192	185	178	171	164
Douglas-Fir Poles	DFL	1	1116	1109	1102	1095	1088
Western Redcedar Poles	RCL	1	1116	1109	1102	1095	1088
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

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TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 July 1 through December 31, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir ⁽²⁾	DF	1	\$301	\$294
Lodgepole Pine	LP	1	224	217	210	203	196
Ponderosa Pine	PP	1	346	339	332	325	318
		2	238	231	224	217	210
Western Redcedar ⁽³⁾	RC	1	408	401	394	387	380
True Firs and Spruce ⁽⁴⁾	WH	1	245	238	231	224	217
Western White Pine	WP	1	375	368	361	354	347
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	25	24	23	22	21
Chipwood	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁵⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁶⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁶⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁽⁷⁾ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir ⁽²⁾	DF	1	\$301	\$294
Lodgepole Pine	LP	1	239	232	225	218	211
Ponderosa Pine	PP	1	340	333	326	319	312
		2	284	277	270	263	256
Western Redcedar ⁽³⁾	RC	1	408	401	394	387	380
True Firs and Spruce ⁽⁴⁾	WH	1	228	221	214	207	200
Western White Pine	WP	1	375	368	361	354	347
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	21	20	19	18	17
Chipwood	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁵⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁶⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁶⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁽⁷⁾ Stumpage value per lineal foot.

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TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$566	\$559	\$552	\$545	\$538
		2	451	444	437	430	423
		3	443	436	429	422	415
		4	368	361	354	347	340
Lodgepole Pine	LP	1	224	217	210	203	196
Ponderosa Pine	PP	1	346	339	332	325	318
		2	238	231	224	217	210
Western Redcedar ⁽²⁾	RC	1	663	656	649	642	635
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	295	288	281	274	267
		2	279	272	265	258	251
		3	263	256	249	242	235
		4	236	229	222	215	208
Red Alder	RA	1	324	317	310	303	296
		2	300	293	286	279	272
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	1102	1095	1088	1081	1074
Western Redcedar Poles	RCL	1	1102	1095	1088	1081	1074
Chipwood	CHW	1	1	1	1	1	
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.,) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber**—Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber**—Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ((January)) July 1 through ((June 30)) December 31, 2001:

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TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
 ((January)) July 1 through ((June-30)) December 31, 2001

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	- \$ 15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	- \$ 35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$ 0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	- \$ 30.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	- \$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610(((2+))) (28)	-\$ 100.00

TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
 ((January)) July 1 through ((June-30)) December 31, 2001

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$20.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$30.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	- \$145.00

Type of Adjustment Definition Dollar Adjustment Per Thousand Board Feet Net Scribner Scale

Note: A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.

III. Remote island adjustment:
 For timber harvested from a remote island - \$50.00

TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1:	SVA's 1 through 6, and 10	\$0.00
Class 2:	SVA 7	\$0.00

Note: The adjustment will not be allowed on special forest products.

(4) Damaged timber. Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

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WSR 01-13-106
PERMANENT RULES
STATE BOARD OF EDUCATION

- [Filed June 20, 2001, 10:15 a.m.]

Date of Adoption: June 15, 2001.

Purpose: The amendments clarified reports required from approved preparation programs and aligned them with reports required by Title II.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-78A-125; and amending WAC 180-78A-250 and 180-78A-255.

Statutory Authority for Adoption: RCW 28A.305.130 (1) through (4).

Adopted under notice filed as WSR 01-10-096 on May 1, 2001.

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 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 2, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

June 19, 2001

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

WAC 180-78A-250 Approval standard—Professional education advisory board. Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-220(1):

(1) The professional education advisory board has been established in accordance with WAC 180-78A-209.

(2) The professional education advisory board has adopted operating procedures and has met at least four times a year.

(3) The professional education advisory board has reviewed all program approval standards at least once every five years.

(4) The professional education advisory board annually has reviewed follow-up studies and placement records.

(5) The professional education advisory board has made recommendations when appropriate for program changes to

the institution which must in turn consider and respond to the recommendations in writing in a timely fashion.

(6) The professional education advisory board annually has seen, reviewed and approved an executive summary of the activities of the professional education advisory board (~~for the period from July 1 through June 30 of the reporting year~~). The college or university has submitted the approved executive summary to the state board of education.

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

WAC 180-78A-255 Approval standard—Accountability. Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-220(2). Each college and university shall:

(1) Submit for initial approval to the state board of education a performance-based program for the preparation of teachers, administrators, and educational staff associates.

(2) (~~Conduct follow-up studies of graduates, maintain placement records for all graduates, and prepare annual placement and follow-up summaries.~~

(3) ~~Submit annually the following to the state board of education for each approved program:~~

(a) ~~The number of students enrolled in certificate programs during fall of the previous year;~~

(b) ~~The number of students completing approved programs during the period from July 1 of the previous year to June 30 of the reporting year; and~~

(c) ~~A brief narrative description of changes that occurred in certificate programs during the reporting year.)~~ During the first year following program completion, solicit feedback from program completers employed in education, and their supervisors, regarding the program's effectiveness.

(3) Maintain placement records for all program completers during the first year following program completion.

(4) Submit an annual report to the state board of education for each approved program to include:

(a) An executive summary of the activities of each professional education advisory board, including membership, meeting attendance, meeting expenditure information, PEAB recommendations, and program responses to the recommendations.

(b) The number of students completing each approved program during the period from September 1 - August 31 of the previous year.

(c) Other information related to the preparation programs requested by the state board of education.

(5) Collect and maintain exemplar candidate work samples that document a positive impact on student learning.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-78A-125 Annual reports by colleges and universities.

WSR 01-13-107
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed June 20, 2001, 10:17 a.m.]

Date of Adoption: June 15, 2001.

Purpose: Repeal WAC 180-79A-311 Specialty areas of study.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-79A-311.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 01-10-097 on May 1, 2001.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

June 19, 2001

Larry Davis

Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-79A-311 Specialty areas of study.

WSR 01-13-108
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed June 20, 2001, 10:21 a.m.]

Date of Adoption: June 15, 2001.

Purpose: The amendments would permit out-of-state candidates for teacher certificates who have completed prep-

aration programs in subject areas other than those identified as endorsements in Washington to receive a Washington certificate which bears the out-of-state area of preparation.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-79A-265 Endorsements on teacher certificates for out-of-state candidates; and amending WAC 180-79A-257 Out-of-state candidates, 180-82-202 Certificate endorsements, 180-82-204 Endorsement requirements, and 180-82-210 Primary and supporting endorsements.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 01-10-093 on May 1, 2001.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 19, 2001

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 00-23-005, filed 11/2/00, effective 12/3/00)

WAC 180-79A-257 Out-of-state candidates. Candidates for certification from other states who meet the general certificate requirements described in WAC 180-79A-150 (1) and (2) shall be eligible for Washington certificates as follows:

(1) Initial and residency certificates. The initial certificate (residency certificate for teachers after August 31, 2000,) shall be issued by the superintendent of public instruction to any candidate who meets one of the following:

(a) Qualifies under provisions of the interstate compact.

(b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 180-79A-150(4).

(c) Provided, That if a candidate does not meet the qualifications described in (a) or (b) of this subsection, an initial/residency certificate shall be issued to a candidate who holds an appropriate degree from a regionally accredited college or university and also holds or has held a certificate in the role, comparable to an initial/residency certificate, issued by another state and has practiced at the P-12 level in that

respective role outside the state of Washington for three years.

(d) Provided further, That if a candidate for a teacher's certificate would qualify under (b) of this subsection, but for the fact that he or she has completed an approved teacher preparation program in a subject area that is not listed in chapter 180-82 WAC as a Washington endorsement, the candidate shall be issued a certificate that bears the out-of-state area of program preparation. It shall be noted on the certificate so issued that the subject area listed is not a Washington state endorsement.

(e) Holds an appropriate degree from a regionally accredited college or university and has practiced three years as an educational staff associate in that role in a state where such certificate was not required.

((e)) (f) Holds a valid Nationally Certified School Psychologist (NCSP) certificate issued by the National School Psychology Certification Board (NSPCB) after December 31, 1991, and applies for an initial educational staff associated school psychologist certificate.

(2) Continuing certificate. The continuing certificate shall be issued ((through August 31, 2000,)) to administrators and educational staff associates on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

(3) Professional certificate. After August 31, 2000, the professional certificate shall be issued to out-of-state candidates if the candidate meets the child abuse course work requirement as described in WAC 180-79A-206 (3)(b) and if one of the following conditions is met:

(a) The candidate has completed an advanced level certification procedure approved by the state board of education as equivalent to the approved program procedure required in Washington; or

(b) The candidate holds a valid teaching certificate issued by the National Board for Professional Teaching Standards; or

(c) A Washington state college or university with an approved professional certificate program verifies that the candidate has met all the requirements of that institution's approved program. The college/university shall evaluate the candidate's background to determine whether or not course work or certification activities are equivalent to that college/university's approved program.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-79A-265 Endorsements on teacher certificates for out-of-state candidates.

AMENDATORY SECTION (Amending WSR 00-18-061, filed 9/1/00, effective 10/2/00)

WAC 180-82-202 Certificate endorsements. Teacher certificates shall be endorsed as follows, except as otherwise provided in WAC 180-79A-257 (1)(d):

(1) **All levels:**

- (a) Bilingual education, (supporting).
- (b) Designated arts: Dance, (primary and supporting).
- (c) Designated arts: Drama, (primary and supporting).
- (d) Designated arts: Music: Choral, instrumental or general, (primary and supporting).
- (e) Designated arts: Visual arts, (primary and supporting).
- (f) Designated world languages, (primary and supporting).
- (g) English as a second language, (primary and supporting).
- (h) Health/fitness, (primary and supporting).
- (i) Library media, (primary and supporting).
- (j) Reading, (primary and supporting).
- (k) Special education, (primary).

(2) **Early childhood:**

- (a) Early childhood education, (primary and supporting).
- (b) Early childhood special education, (primary).

(3) **Elementary education,** (primary).

(4) **Middle level,** (primary).

(5) **Secondary level:**

- (a) Designated science: Biology, (primary and supporting).
- (b) Designated science: Chemistry, (primary and supporting).
- (c) Designated science: Earth science, (primary and supporting).
- (d) Designated science: Physics, (primary and supporting).
- (e) Designated vocational/technical: Agriculture education, business education, family and consumer sciences education, marketing education, and technology education, (primary).
- (f) English, (primary and supporting).
- (g) English/language arts, (primary).
- (h) History, (primary and supporting).
- (i) Mathematics, (primary and supporting).
- (j) Science, (primary).
- (k) Social studies, (primary).

(6) **Traffic safety** endorsements may be noted on certificates issued under chapter 180-79A WAC if the candidate meets the requirements of the regulations promulgated by the superintendent of public instruction pursuant to RCW 28A.220.020(3).

AMENDATORY SECTION (Amending WSR 00-09-047, filed 4/14/00, effective 5/15/00)

WAC 180-82-204 Endorsement requirements. (1) Candidates for all primary teaching endorsements shall complete college/university programs approved by the state board of education pursuant to chapter 180-78A WAC, which include methodology (See WAC 180-78A-264(5)) and field experience/internship (See WAC 180-78A-264(7)).

(2) Candidates for all supporting teaching endorsements shall complete college/university programs approved by the state board of education pursuant to chapter 180-78A WAC, which shall include methodology (see WAC 180-78A-

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264(5)). The requirement for field experience/internship for a supporting endorsement shall be at the discretion of the college/university: Provided, That in cases where programs require a field experience/internship the colleges and universities should make every attempt to allow the individual to complete field-based requirements for the endorsement within the confines of the individual's existing schedule.

(3) The state board of education shall approve teacher preparation programs for each endorsement program at Washington colleges and universities, pursuant to chapter 180-78A WAC.

(4) Candidates from out-of-state shall be required to present verification that they completed a state-approved program (~~((equivalent to a major))~~) in a Washington endorsement area, except as otherwise provided in WAC 180-79A-257 (1)(d).

(5) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university.

(6) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the course work required for the approved endorsement program.

(7) Nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

AMENDATORY SECTION (Amending WSR 99-23-023, filed 11/9/99, effective 12/10/99)

WAC 180-82-210 Primary and supporting endorsements. (1) All endorsements obtained under the requirements in chapter 180-82 WAC shall be designated as either primary or supporting endorsements on teaching certificates.

(2) All candidates for teaching certificates shall be required to obtain a primary endorsement, except as otherwise provided in WAC 180-79A-257 (1)(d).

(3) Primary endorsements shall require a minimum of forty-five quarter credit hours (thirty semester credit hours) of academic study (or its equivalent) in the endorsement area: Provided, That primary endorsements for broad area endorsements (i.e., English/language arts, science, and social studies) shall require sixty quarter credit hours (forty semester credit hours) of academic study (or its equivalent) in the endorsement area.

(4) Supporting endorsements shall require a minimum of twenty-four quarter credit hours (sixteen semester credit hours) of academic study (or its equivalent) in the endorsement area.

(5) The state board of education or its designee may establish performance/competency criteria for obtaining an endorsement.

WSR 01-13-109
PERMANENT RULES
STATE BOARD OF EDUCATION
 [Filed June 20, 2001, 10:22 a.m.]

Date of Adoption: June 15, 2001.

Purpose: Rule repeal.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 180-52-041.

Statutory Authority for Adoption: RCW 34.05.310(4).

Adopted under notice filed as WSR 01-10-092 on May 1, 2001.

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

Effective Date of Rule: Thirty-one days after filing.

June 18, 2001

Larry Davis

Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-52-041

Approval of list of standardized tests for use by students receiving home-based instruction.

WSR 01-13-110
PERMANENT RULES
STATE BOARD OF EDUCATION
 [Filed June 20, 2001, 10:24 a.m.]

Date of Adoption: June 15, 2001.

Purpose: To amend WAC 180-82-130 regarding the assignment of teacher of Braille.

Citation of Existing Rules Affected by this Order:
 Amending WAC 180-82-130.

Statutory Authority for Adoption: RCW 28A.305.130 (1) and (2), 28A.410.010, 28A.150.220(4).

Adopted under notice filed as WSR 01-10-100 on May 1, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

June 18, 2001

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 99-04-008, filed 1/21/99, effective 2/21/99)

WAC 180-82-130 Assignment of persons providing instruction of Braille to students. (1) No certificated school district employee shall be assigned to provide instruction of Braille to students who has not demonstrated competency with the grade two standard literary Braille code by:

(a) Successful completion of the National Literary Braille Competency Test; or

(b) Successful completion of the Braille competency test developed at Portland State University; or

(c) Successful completion of any other test approved for use by the state board of education.

(2) No classified school district employee working under the supervision of a certificated school district employee, which certificated employee meets the requirement of subsection (1) of this section, may produce Braille material or provide instruction in the Braille code unless the employee has demonstrated competency with the grade two standard literary Braille code as provided under subsection (1) of this section.

(3)(a) Each school district is responsible for monitoring the appropriate assignment of personnel under subsections (1) and (2) of this section.

(b) Any person under subsections (1) and (2) of this section shall have one year from the date of request to successfully pass the testing requirement under subsection (1) of this section.

(c) The Washington Instructional Resource Center for the Visually Impaired shall forward to the state board of education the names of individuals who have passed the testing requirement under subsection (1) of this section and the date of passage. The center also shall forward to the state board the names of individuals who have not passed the testing requirement within one year and the name of the employing school district of the individual.

(4) The state board shall establish a test review committee which shall be responsible for developing criteria to evaluate a test under subsection (1)(c) of this section. No test

shall be considered for approval by the state board under subsection (1)(c) of this section unless it has been evaluated by the test review committee and a recommendation for approval or disapproval has been submitted to the board. At a minimum, the membership of the committee shall include persons representing:

(a) National Federation of the Blind of Washington;

(b) Washington council of the blind;

(c) Association of education and rehabilitation of the blind and visually impaired of Washington;

(d) Washington instructional resource center for the visually impaired;

(e) Washington state school for the blind; and

(f) Office of the superintendent of public instruction.

~~((4))~~ (5) A person who has met the requirement of subsection (1) of this section shall maintain their facility with the grade two standard literary Braille code by:

(a) Completing ten hours every five years of continuing education; or

(b) Successful completion every five years of one of the tests under subsection (1) of this section.

~~((5) This section shall take effect September 1, 1997.)~~
(6)(a) For the purpose of subsection (5)(a) of this section, the continuing education option may be satisfied by:

(i) Completing the equivalent of ten clock hours through completion of college credits as provided under WAC 180-85-030 (1) and (2); or

(ii) Completing ten clock hours of continuing education as provided under WAC 180-85-030 (3) and (4); or

(iii) Completing the equivalent of ten clock hours through completion of continuing education units through a college or university. One continuing education unit shall equal not fewer than ten clock hours of attendance.

(b) For the purpose of subsection (5)(a) of this section, "continuing education" shall mean one or more of the following:

(i) Instructional methodology in Braille;

(ii) Improving Braille code skills; or

(iii) Maintaining or refreshing Braille code skills, not including technology or software. "Braille code skills" means literary, music, and the Nemeth code of mathematics and scientific notation.

(c) For the purpose of subsection (5)(a) of this section, an approved provider of continuing education may include:

(i) The National Braille Association;

(ii) The Library of Congress;

(iii) The Braille Authority of North America;

(iv) A regionally accredited institution of higher education under WAC 180-78A-010(6);

(v) An educational service district;

(vi) The American Foundation for the Blind;

(vii) The Association of Education and Rehabilitation of the Blind and Visually Impaired of Washington;

(viii) The American Foundation for the Blind annual American Braille literacy conference; or

(ix) Any other entity approved by the state board of education based upon a recommendation to approve from the test review committee established under subsection (4) of this section.

(d) For the purpose of subsection (1) of this section, a person who holds a Library of Congress transcriber's certificate is exempt only from the testing requirement under subsection (1) of this section. If an individual earns the Library of Congress transcriber's certificate, they shall be deemed to have met the continuing education option under subsection (5)(a) of this section.

(e) Individuals who seek through subsection (5)(a) of this section to remain eligible to work with visually impaired students are responsible for documenting completion of continuing education. Such individuals are strongly encouraged to provide a copy of their documentation to their employing school district. The documentation shall not be collected by the state board of education. However, the documentation could be audited for purposes of compliance with basic education appropriation requirements under WAC 180-16-195.

WSR 01-13-111

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed June 20, 2001, 10:27 a.m.]

Date of Adoption: June 15, 2001.

Purpose: The amendments to these rules will clarify the definition of a lapsed continuing certificate.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-250 and 180-85-035.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 01-10-095 on May 1, 2001.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

June 19, 2001

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 01-09-004, filed 4/5/01, effective 5/6/01)

WAC 180-79A-250 Initial/residency and continuing/professional certificates—Renewal, reinstatement, and continuing education requirements. The following shall

apply to initial/residency and continuing/professional certificates issued pursuant to this chapter:

(1) Initial certificate.

An initial teacher certificate may be renewed for an additional three-year period on application and verification that the individual has completed all course work requirements from a regionally accredited institution of higher education as defined in WAC 180-78A-010(6) for continuing certification or has completed at least fifteen quarter credit hours (ten semester credit hours) since the certificate was issued or renewed. After August 31, 2000, provisions of WAC 180-79A-123 will apply.

(2) Residency certificate. Residency certificates shall be renewed under one of the following options:

(a) Individuals who hold, or have held, a residency certificate and who qualify for admission to a professional certificate program pursuant to WAC 180-78A-535(1) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in and is making satisfactory progress in a state approved professional certificate program.

(b) Individuals who hold, or have held, residency certificates who do not qualify for admission to a professional certificate program pursuant to WAC 180-78A-535(1) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work (normally one hundred level or higher) from a regionally accredited institution of higher education taken since the issuance of the residency certificate.

(c) All other individuals who hold, or have held, residency certificates may have their certificates renewed only by appeal to the state board of education, or its designated appeals committee. The following conditions apply to such appeals:

(i) Teachers who appeal shall present a rationale and evidence to support their request to have their residency certificates renewed.

(ii) The state board of education, or its designated appeals committee, in making its decision shall determine the length of the renewal and may establish specific conditions (such as course work requirements) as prerequisites for the reissuance of the residency certificate.

(3) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987, and who applied for such certificates prior to July 1, 1988, or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 180-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall lapse if the holder does not complete the continuing education requirement, to include the filing requirement specified in chapter 180-85

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WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter 180-85 WAC and must meet the conditions stated in WAC 180-79A-253.

(4) Professional certificate. A professional certificate may be renewed for additional five year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter 180-85 WAC since the certificate was issued. All continuing education credit hours shall relate to either (a) or (b) of this subsection: Provided, That both categories (a) and (b) must be represented in the one hundred fifty continuing education credit hours required for renewal:

(a) One or more of the following three standards outlined in WAC 180-78A-540:

- (i) Effective instruction.
- (ii) Leadership.
- (iii) Professional development.

(b) One of the salary criteria specified in RCW 28A.415.023.

(i) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.320.205, the annual school performance report, for the school in which the individual is assigned;

(ii) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(iii) Is necessary to obtain an endorsement as prescribed by the state board of education;

(iv) Is specifically required to obtain advanced levels of certification; or

(v) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

(5) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-035 Lapse date—Definition. As used in this chapter, the term "lapse date" shall mean the date upon which the professional certificate affected by this chapter will lapse if the holder fails to complete the continuing education requirement and the filing requirement of this chapter.

WSR 01-13-112
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed June 20, 2001, 10:29 a.m.]

Date of Adoption: June 15, 2001.

Purpose: To amend "occupational education" definition.

Citation of Existing Rules Affected by this Order:
Amending WAC 180-51-060 Minimum subject area for high school graduation.

Statutory Authority for Adoption: RCW 28A.230.090.

Adopted under notice filed as WSR 01-10-099 on May 1, 2001.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

June 18, 2001

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 00-19-108, filed 9/20/00, effective 10/21/00)

WAC 180-51-060 Minimum subject areas for high school graduation. (1) The minimum subject areas and credits therein shall be:

SUBJECT	CREDIT
English	3
Mathematics	2
Science*	2
Social Studies	2 1/2
United States History and Government	(1)
Washington State History and Government	(1/2)**
Contemporary World History, Geography, and Problems	(1)**
Occupational Education***	1
Physical Education	2
Restricted Elective	**** 1

*At least one credit of the two science credits shall be in a laboratory science.

**See WAC 180-51-075 for equivalencies.

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***"Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate competency of skills under student learning goal ~~((three, student learning goal four, and the vocational-technical education program approval standards adopted by the superintendent of public instruction and which skills are required for success in current and emerging occupations))~~ four and which skills are required for success in current and emerging occupations. At a minimum, these competencies shall align with the definition of an exploratory course as proposed or adopted in the career and technical education program standards of the superintendent of public instruction.

***This one credit requirement must be selected from visual or performing arts or any of the subject areas listed above.

Electives	5 1/2
Total	19

(2) The minimum elective credits shall be met by additional courses in the required subject areas, by specific local district requirements, or by any course offered pursuant to WAC 180-50-115.

(3) In accordance with WAC 180-51-035, this section shall expire on June 30, 2014, for those students who begin the equivalent of a four-year high school program prior to July 1, 2004.

(4) The state board of education and superintendent of public instruction are not authorized by law to issue a high school diploma.

WSR 01-13-113
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed June 20, 2001, 10:31 a.m.]

Date of Adoption: June 15, 2001.

Purpose: To amend language to WAC 180-51-063(2)(g).

Citation of Existing Rules Affected by this Order: Amending WAC 180-51-063 Certificate of mastery—High school graduation requirement—Effective date.

Statutory Authority for Adoption: RCW 28A.230.090.

Adopted under notice filed as WSR 01-10-094 on May 1, 2001.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

June 18, 2001

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 00-13-039, filed 6/14/00, effective 7/15/00)

WAC 180-51-063 Certificate of mastery—High school graduation requirement—Effective date. (1) Pursuant to RCW 28A.655.060 (3)(c):

(a) The certificate of mastery shall be a graduation requirement, but not the only requirement for graduation from high school; and

(b) The state board of education is responsible for determining when the secondary Washington assessment of student learning has been implemented and is sufficiently valid and reliable.

(2)(a) The state board of education establishes the 2007-08 school year as the first year in which graduating high school students shall be required to have attained the state certificate of mastery in order to graduate, in addition to other state and local graduation requirements.

(b) The state board of education fully recognizes that a higher standard of validity and reliability must be applied when the result of the assessment affects the ability of an individual student to receive a high school diploma. Therefore, the state board of education will continue to monitor the high school level Washington assessment of student learning. If the board finds that the assessment is lacking in this higher level of validity or reliability, or both, by the beginning of the 2004-05 school year, the state board may change the effective date of the certificate of mastery, for state graduation purposes, to a later school year.

(c) Beginning the 2007-08 school year, the certificate of mastery shall consist of the subject areas under the student learning goals for which a Washington assessment of student learning secondary assessment has been implemented and declared valid and reliable for graduation purposes. It is expected that the initial certificate of mastery will be comprised of reading, writing, communications, and mathematics.

(d) Beginning the 2009-10 school year, the certificate of mastery shall include science if a Washington assessment of student learning secondary assessment has been implemented and declared valid and reliable for this subject area.

(e) As determined by the state board of education, in consultation with the legislature and the academic achievement and accountability commission, successful completion of the Washington assessment of student learning secondary assessment in social studies may be required to achieve the

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certificate of mastery or may lead to an endorsement on the high school transcript.

(f) As determined by the state board of education, in consultation with the legislature and the academic achievement and accountability commission, successful completion of the Washington assessment of student learning secondary assessment in arts and health and fitness may lead to an endorsement on the high school transcript.

(g) ~~((Beginning))~~ Effective with students ~~((in 2004))~~ who begin the ninth grade in 2003 (the graduating class of 2007), students who take the secondary Washington assessment of student learning and earn the certificate of mastery and/or meet the standard, attainment of the state certificate of mastery and/or meeting the standard shall be noted on the student's transcript pursuant to WAC 180-57-070.

(3) Notwithstanding WAC 180-18-055 and 180-51-107, subsection (2) of this section shall not be waived.

(4) The certificate of mastery shall not be a graduation requirement for students who receive home-based instruction under RCW 28A.200.101(3) nor for students attending private schools under RCW 28A.195.010(6).

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

June 18, 2001

Larry Davis

Executive Director

WSR 01-13-114
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed June 20, 2001, 10:33 a.m.]

Date of Adoption: June 15, 2001.

Purpose: To amend "occupational education" definition.

Citation of Existing Rules Affected by this Order:
 Amending WAC 180-51-061 Minimum requirements for high school graduation.

Statutory Authority for Adoption: RCW 28A.230.090.

Adopted under notice filed as WSR 01-10-098 on May 1, 2001.

AMENDATORY SECTION (Amending WSR 00-23-032, filed 11/8/00, effective 12/9/00)

WAC 180-51-061 Minimum requirements for high school graduation. (1) The statewide minimum subject areas and credits required for high school graduation, beginning July 1, 2004, for students who enter the ninth grade or begin the equivalent of a four-year high school program, shall be as listed below.

(2) State board of education approved private schools under RCW 28A.305.130(6) may, but are not required to, align their curriculums with the state learning goals under RCW 28A.150.210 or the essential academic learning requirements under RCW 28A.665.060.

Subject Area	Essential Content	Minimum State Credits ¹	Assessment Includes
English • Reading • Writing • Communications (Student Learning Goal 1)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content	3	Secondary WASL ² (beginning 2008)
Mathematics (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content	2	Secondary WASL ² (beginning 2008)

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Subject Area	Essential Content	Minimum State Credits ¹	Assessment Includes
Science • Physical • Life • Earth (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content At least one credit in laboratory science, which shall be defined locally	2	The assessment of achieved competence in this subject area remains at the local level ⁵
Social Studies • Civics • History • Geography (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content U.S. history and government, Washington state history and government, and including study of the U.S. and Washington state Constitutions ³ Contemporary world history, geography, and problems ⁴	2.5	The assessment of achieved competence in this subject area remains at the local level ⁵
Health and Fitness⁶ (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content	2	The assessment of achieved competence in this subject area remains at the local level ⁵
Arts (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content May be satisfied in the visual or performing arts	1	The assessment of achieved competence in this subject area remains at the local level ⁵

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Subject Area	Essential Content	Minimum State Credits ¹	Assessment Includes
<p>Occupational Education ("Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate competency of skills under student learning goals three and four, and which skills are required for success in current and emerging occupations. Programs meeting the vocational-technical education program approval standards adopted by the superintendent of public instruction meet this definition))</p>	<p>((<u>"General work skills": Student competencies aligned with learning goals three and four and, as appropriate, the program approval standards adopted by the superintendent of public instruction for exploratory or preparatory vocational-technical education courses</u>)) <u>"Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate competency of skills under student learning goal four and which skills are required for success in current and emerging occupations. At a minimum, these competencies shall align with the definition of an exploratory course as proposed or adopted in the career and technical education program standards of the superintendent of public instruction.</u></p>	<p>1</p>	<p>The assessment of achieved competence in this subject area remains at the local level⁵</p>
<p>Electives⁷</p>	<p>See footnote #7</p>	<p>5.5</p>	<p>The assessment of achieved competence in this subject area remains at the local level⁵</p>
<p>TOTAL</p>		<p>19</p>	
<p>Culminating Project⁸</p>	<p>See footnote #8</p>		<p>The assessment of achieved competence in this subject area remains at the local level⁵</p>
<p>High School + Education Plan⁹</p>	<p>See footnote #9</p>		<p>The assessment of achieved competence in this subject area remains at the local level⁵</p>

¹ See WAC 180-51-050 for definition of high school credit.

² See WAC 180-51-063 for effective date.

³ The study of Washington state history and government is encouraged to include information on the culture, history, and government of the American Indian people who were the first inhabitants of the state. The study of the U.S. and Washington state Constitutions shall not be waived, but may be fulfilled through an alternative learning experience approved by the school principal pursuant to written district policy. Secondary school students who have completed and passed a state history and government course of study in another state may have the Washington state history and government requirement waived by their principal. For purposes of the Washington state history and government requirement only, the term "secondary school students"

shall mean a student who is in one of the grades seven through twelve.

⁴ Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on current problems may be accepted as equivalencies.

⁵ Locally determined assessment means whatever assessment or assessments, if any, the district determines are necessary.

⁶ The fitness portion of the requirement shall be met by course work in fitness education. The content of fitness courses shall be determined locally pursuant to WAC 180-51-025. Suggested fitness course outlines shall be developed by the office of the superintendent of public instruction. Students may be excused from the physical portion of the fitness requirement pursuant to RCW 28A.230.050. Such excused students shall be required to substitute equiv-

agency credits in accordance with policies of boards of directors of districts, including demonstration of the knowledge portion of the fitness requirement. "Directed athletics" shall be interpreted to include community-based organized athletics.

- 7 Study in a world language other than English or study in a world culture may satisfy any or all of the required electives.
- 8 Each student shall complete a culminating project for graduation. The project consists of the student demonstrating both their learning competencies and preparations related to learning goals three and four. Each district shall define the process to implement this graduation requirement, including assessment criteria, in written district policy.
- 9 Each student shall have an education plan for their high school experience, including what they expect to do the year following graduation.

WSR 01-13-123
PERMANENT RULES
REDISTRICTING COMMISSION

[Filed June 20, 2001, 11:34 a.m., effective July 9, 2001]

Date of Adoption: June 8, 2001.

Purpose: To update and implement the commission's administrative and third party submission rules to ensure proper compliance with state law and to reflect procedural updates required to effectively execute commission responsibilities. With some exceptions, the proposed revisions to the administrative procedures (chapter 417-01 WAC) are consistent with the emergency rule update filed with the code reviser and adopted on February 20, 2001. The emergency rule update was published in WSR 01-05-101.

Citation of Existing Rules Affected by this Order: Amending WAC 417-01-105, 417-01-110, 417-01-115, 417-01-125, 417-01-130, 417-01-135, 417-01-145, 417-01-150, 417-01-155, 417-06-110, 417-06-120, 417-06-130, 417-06-140, 417-06-150, and 417-06-170.

Statutory Authority for Adoption: RCW 44.05.080(1).

Adopted under notice filed as WSR 01-09-082 on April 18, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 417-01-125(1), "Third Floor" was changed to "Suite 350."

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 15, Repealed 0.

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

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

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Because of: (1) The decennial nature of the commission, (2) the state constitutional and statutory deadlines for the commission to submit redistricting plans as required under Art. II Sec. 43 and RCW 44.05.100, and (3) the critical importance of public participation and input in this time-limited and time-sensitive redistricting process that is underway, the commission funds that to ensure the public welfare and enable public participation in the process, chapters 417-01 and 417-06 WAC must be made permanent effective July 9, 2001, to promptly ensure the timely and proper dissemination of contact and meeting information; compliance with state Administrative Procedure Act requirements in chapter 34.05 RCW; adherence to commission directives on the conduct of business and administrative matters; and the development of proper criteria for third-party plan submissions.

Effective Date of Rule: July 9, 2001.

June 20, 2001

Ethan Moreno

Executive Director

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-105 Description of organization. The Washington state redistricting commission is a five member commission appointed each year ending in one to accomplish legislative and congressional redistricting in accordance with article 2, section 43 of the state constitution and chapter 44.05 RCW. The membership consists of four voting members appointed by the leaders of the two largest political caucuses in the senate and house of representatives. The commission chair is selected by the voting members. ~~((The administrative office of the commission is located at the Washington State Redistricting Commission, Suite 306, 1110 Capitol Way South, Olympia, Washington 98504. The commission's phone number is (360) 786-7935.))~~

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-110 Commission responsibilities and duties. Pursuant to article 2, section 43 of the state constitution and chapter 44.05 RCW, the commission's duties are:

(1) To accomplish state legislative and congressional redistricting;

(2) To act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) To disclose and preserve public records as specified in chapters ~~((40.14 and))~~ 42.17 and 40.14 RCW;

(4) To hold open public meetings pursuant to the Open Public Meetings Act, RCW 42.30;

(5) To prepare and disclose its minutes pursuant to RCW 42.32.030;

(6) To prepare and adopt agency rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW;

(7) To prepare and publish a report with a redistricting plan as provided in RCW 44.05.080(7);

~~((7))~~ (8) To distribute census data to counties for local redistricting as required by chapter 29.70 RCW.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-115 Authority. These rules are adopted pursuant to the requirements of RCW 44.05.080(1) and the Administrative Procedure(s) Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-125 Offices. ~~((The offices of the commission, and its mailing address, shall be Suite 306, 1110 Capitol Way South, Olympia, Washington 98504.))~~ (1) The commission office is located at 505 East Union Avenue, Suite 350, Olympia, Washington. The mailing address is: Washington State Redistricting Commission, P.O. Box 40948, Olympia, WA, 98504-0948. Telephone number: (360) 586-9000. Facsimile number: (360) 586-8995. Internet address: www.redistricting.wa.gov. Electronic mail address: contact@redistricting.wa.gov. Office hours for the commission shall be from 8 a.m. to 5 p.m. on all normal business days. Office hours for inspection and copying of public records shall be as provided in chapter two hereof.

(2) The commission address and contact information shall remain in effect for the duration of the 2001-2002 commission. Inquiries after that date shall be directed to the secretary of state.

NEW SECTION

WAC 417-01-127 Communications, inquiries and requests. Communications, inquiries and requests to the commission and staff concerning commission rules, meetings, or other matters may be made in person, by letter, by telephone, by telefax or by electronic means to the offices listed in WAC 417-01-125(1). Requests for public records must be made in writing.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-130 Officers. (1) There shall be an executive director of the commission who shall be responsible to the commission for the overall administration of the commission and its business, and who shall have such other duties and responsibilities as the commission may from time to time decide.

(2) ~~((There shall be a director of operations of the commission who shall be responsible to the commission for the acquisition, management and use of the commission's technical equipment, and who shall have such related duties and responsibilities as the commission may from time to time decide.~~

~~((3))~~ The executive director ~~((and the director of operations))~~ shall report to the chair.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-135 Staff. The executive director, with the approval of the chair, shall appoint such assistants and employees as may be appropriate and necessary to the functions of the commission, and shall supervise the assistants and employees. ~~((The executive director shall coordinate the appointment and supervision of technical staff employees with the director of operations.))~~

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-145 Political activities. Neither the chair, nor any commissioner shall:

(1) Campaign, as a candidate, for any elective office while a member of the commission;

(2) Actively participate in or contribute to any political campaign of any candidate for any state or federal elective office while a member of the commission;

(3) Hold or campaign for a seat in the U.S. Congress or in the legislature of this state until two years have elapsed following the effective date of the ~~((1992))~~ redistricting plan adopted pursuant to RCW 44.05.100.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-150 ((Schedule of) Meetings. (1) Regular meetings: The commission shall meet ~~((monthly))~~ regularly during the months of April ~~((1991))~~ through December ~~((1991 on the second Thursday of the month))~~ in each year ending in one, at the commission's offices in Olympia, ~~((at 4 p.m., unless they shall appoint a different day, time or place))~~ as published in the Washington State Register.

(2) Special meetings: The commission shall meet at other times and places, at the call of the chair or of a majority of the commissioners. Notice of special meetings shall be given ~~((as far in advance as may be practical))~~ at least twenty-four hours before the time of such meeting as specified in the notice, to the ~~((press))~~ media and to all others who have requested notice of commission meetings.

(3) Agenda: The chair, or the commission majority calling a special meeting, shall propose an agenda for the meeting, which shall be distributed to commissioners, to the ~~((press))~~ media, and to others who have requested notice, at the earliest practical date prior to the meeting.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-01-155 Conduct of commission business. (1) Three voting members of the commission shall constitute a quorum for the conduct of business.

(2) The votes of any three of the commissioners shall be required for any official action of the commission: Provided, That the chair shall have the authority on behalf of the commission to execute contracts and leases, and approve expenditures and reimbursements, related to the business of the

commission. The chair may, without the prior approval of the commission, authorize expenditures for equipment and supplies not to exceed ~~(((\$10,000))~~ **\$15,000**. Expenditures made pursuant to this section shall be reported as a separate item on the agenda at the next commission meeting.

(3) The chair shall not have a vote at any meeting of the commission.

(4) Commission meetings shall be conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW).

(5) The commission shall not adopt any redistricting plan, or partial redistricting plan, except at a public meeting, notice of which has been given in accordance with these rules.

(6) The commission shall not take any action by secret ballot.

(7) When not inconsistent with the state constitution, statute, or these rules, parliamentary matters before the commission shall be governed by ~~((Reed's Parliamentary Rules))~~ Robert's Rules of Order, Tenth Edition.

(8) Motions shall not require a second in order to be placed before the commission for a vote.

(9) All public meetings of the commission shall be electronically recorded. The minutes and tapes thereof shall be available to the public in accordance with the rules regarding access to public records held by the commission. ~~((The commission shall provide for presence of a court reporter at commission meetings for the purpose of recording public testimony regarding a districting plan.))~~ At all meetings of the commission where public testimony regarding redistricting boundaries is a scheduled agenda item, the commission shall provide for the presence of a court reporter to record such testimony. A typewritten transcript of such testimony shall be prepared as soon as possible after such hearings and shall be made available to the public in accordance with the rules regarding access to public records held by the commission. The ~~((shorthand))~~ transcript of a court reporter prepared pursuant to this section shall become part of the official records of the commission.

(10) Except as provided in this section, the chair shall preside at all meetings. In the event of the chair's absence the commission shall select from among the voting members a temporary chair to preside in the chair's absence. The position of temporary chair shall alternate between a member of the two parties represented on the commission.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-06-110 Definitions. As used in this chapter:

(1) All words and phrases defined in chapter one of this title ~~((WAC 417-01-105))~~ (WAC 417-01-120) and RCW 44.05.020 shall have the same meaning for the purposes of this chapter.

(2) "Commission plan" means a proposed plan of redistricting, including any amendment to a proposed plan of redistricting, that is submitted to the commission by a commissioner, or by the chair or the staff of the commission. It also means a plan of redistricting, including any amendment

to a proposed plan of redistricting, that is prepared by or at the direction of one or more of the commissioners.

(3) "Formal plan" means a redistricting plan other than a commission plan that meets the requirements of WAC 417-06-130 and that covers all of the territory of the state, or that covers at least all of the territory of the state that lies to the east of, or to the west of, the crest of the Cascade range.

(4) "Partial formal plan" means a plan other than a commission plan that would qualify as a formal plan except that it covers a smaller geographical area than a formal plan.

(5) "Informal plan" means a redistricting plan other than a commission plan that does not qualify as a formal plan or a partial formal plan.

~~((5))~~ (6) "Third party amendment" means a proposal for an amendment to a commission plan or a third party plan, submitted to the commission by an individual or interest group other than the commissioners or the chair or staff of the commission. A third party amendment may be a formal plan, a partial formal plan, or an informal plan.

~~((6))~~ (7) "Third party plan" means a plan of redistricting that is a formal plan ~~((or))~~, a partial formal plan, an informal plan or a third party amendment, submitted to the commission by an individual or interest group other than the commissioners or the chair or staff of the commission.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-06-120 Requirements applicable to ~~((third party))~~ all plans. ~~((Any third party plan must))~~ The commission is required to adhere to the constitutional and statutory requirements applicable to redistricting plans. Therefore, any plan submitted to the commission must also adhere to the ~~((statutory))~~ requirements applicable to commission plans, in art. 2, sec. 43 of the constitution of the state of Washington and RCW 44.05.090. Copies of these constitutional and statutory provisions ~~((are attached to this chapter))~~ shall be made available from the commission.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-06-130 Format for formal plans. (1) Any formal plan submitted to the commission ~~((should))~~ shall be submitted in one of the following approved formats:

(a) Paper map~~((s))~~ submissions: The commission will have available for public purchase ~~((11-inch x 17-inch))~~ paper maps, created using current geographic data provided by the U.S. Bureau of the Census. The maps will be sold for an amount (to be established by the executive director) sufficient to cover the cost to the commission of producing the map copies. Map scale ~~((will))~~ may vary, depending on the population density in the area covered. Maps may be purchased singly or in sets. ~~((Individuals and groups may submit formal plans using such maps. Submissions should))~~ Formal plan paper map submissions from individuals and groups shall be made on the maps provided by the commission, or on full-size copies thereof. Explanations of the commission's maps, and instructions to users for submission of formal

plans, ~~((are))~~ shall be made available free of charge from the commission.

~~(b) Electronic ~~((disks))~~ submissions: ~~((Individuals and groups may submit formal plans on 3.5-inch or 5.25-inch floppy disks in MS-DOS, ASCII))~~ Formal plan electronic submissions from individuals and groups shall be made on 3.5-inch floppy disks or on CD-ROMs containing a table of equivalencies file giving the census block to district assignments as assignment files in dBase, INFO, or text file format containing polygon identification and polygon district assignment columns; as district files containing a district identification number; or in a format approved by ~~((the National Conference of State Legislatures and))~~ the U.S. Department of Justice. Materials explaining this format ~~((are))~~ shall be made available free of charge from the commission. The commission ~~((has disks))~~ shall make electronic information available ~~((for sale in the CD-ROM format))~~ which shall include census and geographic data. The electronic information will be made available at a charge (to be established by the executive director) sufficient to cover the cost to the commission of producing copies of the electronic files.~~

Each electronic formal plan submission shall be based upon current and official Bureau of the Census geography and Public Law 94-171 file unique block identity code of state, county, tract, and block, and shall be accompanied by a full description of its contents, including an identification by name and/or location of each data file that is contained, a detailed record layout for each such file, a record count for each such file, and a full description of the format.

~~((2))~~ Individuals and groups submitting formal plans ~~((should))~~ shall supplement their paper map or ~~((data disk))~~ electronic submissions with the following information: Name, address and telephone number of a contact person; a submission cover letter; the total number of plans submitted; a narrative explanation of the plan's compliance with the constitutional and statutory requirements identified in WAC 417-06-120; and a description of the original source materials and data used for the submission. They may also include with the formal plan such other supporting materials and data as they deem appropriate.

NEW SECTION

WAC 417-06-135 Format for partial formal plans. Partial formal plans shall meet the submission format requirements for formal plans.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-06-140 Format for informal plans. The commission requests that individuals and interest groups submitting informal plans use the paper map or electronic ~~((disk))~~ submission formats that are required for formal plans. The commission will accept informal plans that are submitted in nonconforming formats; however, such plans may not be capable of being tested for population data against the official census geography and Public Law 94-171 files that ~~((is))~~ are incorporated in the commission's systems.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-06-150 Time and place of submissions. Early submission of third party plans is encouraged. All submissions and supporting materials should be mailed or delivered to the commission's office (not to a commissioner) in Olympia, or they may be presented to commission staff at any public hearing held by the commission. Submissions may be electronically mailed to the commission's address identified in WAC 417-01-125 only if the U.S. Postal Service or other carrier delivers a physical copy of all submission and supporting materials to the commission offices. The date of the electronically mailed submission shall be the date the delivered materials are received by the commission. The submission envelope, cover letter and all other submission materials should be clearly marked: "Redistricting Plan Submission." The person or organization submitting the plan bears the responsibility and accepts the risk to ensure timely delivery of the plan to the commission. The commission has no responsibility to review untimely or improperly submitted plans.

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-06-170 Public rights in third party plans. The submission of any third party plan to the commission shall be deemed for all purposes a release and waiver, and an unconditional assignment to the state, of any proprietary or ownership rights therein, and in any materials or data submitted in connection therewith. The commission, the state supreme court, and any other person or entity shall have the free and unrestricted right to make any use whatever, without any charge (except for copying charges that may be assessed by the commission in response to public records requests for plans, under WAC 417-06-160 and chapter 417-02 WAC) and free of any trademark, copyright or similar restriction, of all or any part of any such third party plan, and any such materials or data.

WSR 01-13-001
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE

[Filed June 6, 2001, 1:19 p.m.]

Date of Adoption: June 6, 2001.

Purpose: Reinstate grain inspection program rules and fees for inspection services until permanent rule takes effect on June 30, 2001.

Statutory Authority for Adoption: RCW 22.09.790.

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: Due to a clerical error, the fees for the grain inspection program were repealed. RCW 22.09.790 requires the department to recover costs for inspection, weighing and grading of grain. Fees cannot be changed or deleted without federal approval. This emergency rule will reinstate the fees until the department completes the rule-making process to permanently adopt the fees.

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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The United States Department of Agriculture has oversight of fees charged under the federal Grain Inspection, Packers and Stockyards Administration.

Effective Date of Rule: Immediately.

June 6, 2001

James M. Jesernig
 Director

Chapter 16-238

WSDA Grain Inspection Program—Fee Schedule

NEW SECTION

WAC 16-238-010 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 or after the regularly scheduled working hours, Monday through Friday,

unless alternative 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.

NEW SECTION

WAC 16-238-020 Grain and commodity inspection points. The following cities in the state of Washington are hereby designated as inspection points for the purpose of inspecting and weighing standardized grains, beans, peas, lentils and other commodities: Clarkston, Colfax, Kalama, Pasco, Seattle, Spokane, Tacoma and Vancouver.

NEW SECTION

WAC 16-238-030 General provisions for hourly charges. (1) Straight time, per hour \$26.34

This hourly rate will be applied in any situation where the fees generated are not sufficient to provide revenue 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 \$6.87

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 \$6.87 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 \$4.57 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 \$11.47 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 \$6.87 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 \$6.87 per hour, per employee, will be assessed for each hour under the regular night shift schedule that would have been worked until the twenty-one day notice period has elapsed.

(3) Standby rate per hour \$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 \$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.

NEW SECTION

WAC 16-238-060 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, 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

(3) Inspection only of trucks, per truck. \$15.00

(4) Reinspections of railroad boxcars, open-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 only, per reinspection \$24.00

(c) When based on a new sample, for trucks 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) Standardized grains, except canola per inspection \$7.75

(b) Canola, per inspection. \$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.

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(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.

(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 \$0.065

(10) Checkloading bagged grain, per hour, per employee \$26.34

(11) Waxy corn determination, on request, per determination \$12.75

(12) FGIS approved mycotoxin testing.

(a) Screening or quantitative testing determination, 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 \$26.34

(c) Reinspection, based on official file, screening or quantitative, except thin layer chromatography, per test \$26.34

(d) Reinspection, based on 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.

(13) Stowage examinations - ships, barges, or vessels.

(a) Per stowage space or tank, or return to stowage space or tank, per examination. \$24.00

(b) Initial inspection, minimum charge. \$120.00

(c) Subsequent inspection, minimum charge . . . \$72.00

(d) Travel time, two hour minimum, per hour, per employee \$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 with loading, per container \$8.10

(15) Diverter-types amples, per hour, per employee \$26.34

(16) Ship samples:

(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 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 \$26.34

(c) Checkweighing of bagged grain, per hour, per employee \$26.34

(d) Scale certification/checktesting of official weighing scales.

(i) Weights and measures scale specialist, per employee-hour \$34.87

(ii) Grain inspection personnel, per hour, per employee \$26.34

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

NEW SECTION

WAC 16-238-070 Official services under the Agricultural Marketing Act of 1946. (1) Inspection or analysis of graded and non-graded commodities.

(a) Inspection of bagged commodities at inspection points, per cwt. \$0.065

(b) Bulk commodity inspection at inspection points, per ton \$0.30

(c) Minimum charge for bulk or bagged commodities (one hour) \$26.34

(d) Submitted sample inspection, per sample . . . \$14.20

(2) Weighing and combination inspection/weighing services for bulk commodities.

(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

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(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 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. \$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 . . \$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 Agriculture Marketing Act and for any postage or other costs of mailing not included in these fees.

(6) Sanitation inspections.

(a) Initial inspection no charge

(b) Reinspections, four hour minimum, per hour, per employee \$26.34

(7) Stowage examinations under the Agricultural Marketing Act will be provided as per WAC 16-238-060 (13) and (14).

(8) Mycotoxin testing fees.

(a) Screening or quantitative testing determinations, except thin layer chromatography, per test \$37.50

(b) Thin layer chromatography determinations will be assessed 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

(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 actual cost.

(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.

(a) When performed in conjunction with official inspection, per certificate \$6.75

(b) When performed without official inspection, add sampling fee, per hour, per employee \$26.34

(6) Timely payment. Payment of fees and charges is due within thirty days after the date of the statement.

(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.

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

NEW SECTION

WAC 16-238-082 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 \$13.95

(c) Sampling only fees will be assessed at the rates shown in WAC 16-238-070 (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. . . \$0.065

NEW SECTION

WAC 16-238-080 Miscellaneous fees. (1) Mailing of samples shall be charged at the actual mailing costs, minimum charge \$2.00

(2) Fees 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.

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(e) Combination inspection and weighing fees assessed at the rates shown in WAC 16-238-060 (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 16-238-060.

(3) Unofficial analysis of constituents (protein, oil, etc.) by near-infrared transmittance provided at the applicable rates shown in WAC 16-238-060.

(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 16-238-060 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.

NEW SECTION

WAC 16-238-090 Covered commodities. Commodities covered under chapter 22.09 RCW in respect to storage and/or merchandising shall include wheat, barley, oats, field corn, popcorn, rye, triticale, grain sorghum, soybeans, sunflowers, flax, buckwheat, rapeseed, safflower, millet, mustard, dry peas, dry beans, lentils, malt, and the by-products resulting for conditioning the above commodities.

NEW SECTION

WAC 16-238-100 Grades and standards. The grades and standards established by the United States Department of Agriculture as of August 1, 1984, for all grains and commodities included within the provisions of this chapter are hereby adopted. In addition, the procedures to sample, grade, test and weigh grains and commodities, established by the regulations and instructions under the United States Grain Standards Act and the Agricultural Marketing Act of 1946, are hereby adopted for this state.

NEW SECTION

WAC 16-238-110 Scales. All scales used by warehousemen and dealers must be certified for accuracy annually by the department of agriculture. Scale testing for certification may be performed by the department or by an approved scale company. When scales are tested by the department a seal shall be placed on the scales. The seal shall be dated and shall indicate approval or rejection. When scales are tested by an approved scale company, a copy of a scale test report shall be forwarded to the department and a copy shall be maintained in the warehouseman's file.

WSR 01-13-003
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Assistance Programs)
[Filed June 6, 2001, 3:34 p.m.]

Date of Adoption: June 6, 2001.

Purpose: Amend existing rules and create a new rule to implement federal regulations for sponsored aliens.

Amending WAC 388-470-0060 How do the resources of my sponsor affect my eligibility for cash or food assistance benefits? The text of this section was unintentionally left out of WSR 01-12-057.

Citation of Existing Rules Affected by this Order: Amending WAC 388-470-0060 How do the resources of my sponsor affect my eligibility for cash or food assistance benefits?

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.04.510.

Other Authority: Title 7, Chapter II, Part 273 of the Code of Federal Regulations.

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 United State Department of Agriculture, Food and Nutrition Services (FNS) published new regulations on how to count the income of an alien's sponsor to the alien. FNS published these rules in Title 7, Chapter II, Part 273 of the Code of Federal Regulations. States are required to implement these changes by June 1, 2001.

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

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

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

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

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

Effective Date of Rule: Immediately.

June 6, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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

WAC 388-470-0060 How do the resources of ((an alien's)) my sponsor((s)) affect my eligibility for cash or

food assistance benefits? ~~((1) Resources of a sponsor and the spouse who lives with the sponsor affects the eligibility of an alien for three years from the alien's date of entry into the U.S.~~

~~(2) A sponsor is any person or organization that signed an affidavit of support on behalf of the alien to allow the alien entry for permanent residence.~~

~~(3) The sponsor's countable resources are determined by:~~

~~(a) Totaling the countable resources of the sponsor and the sponsor's spouse (if they are living together); and~~

~~(b) Subtracting fifteen hundred dollars.~~

~~(4) Subsection (3) above does not apply when:~~

~~(a) The alien is receiving cash or food assistance as a member of the sponsor's assistance unit;~~

~~(b) An alien is sponsored by an organization; or~~

~~(c) An alien is not required to have a sponsor.~~

~~(5) The sponsor's countable resources are counted towards the alien's resource limit until:~~

~~(a) The three year time period expires; or~~

~~(b) The sponsor dies.~~

~~(6) For medical programs, the resources of the sponsor are excluded resources unless:~~

~~(a) The sponsor is a member of the alien's assistance unit; or~~

~~(b) The sponsor actually contributes resources to the alien's assistance unit)) The United States Immigration and Naturalization Service (INS) require that most people have a sponsor to enter the country as a permanent resident. A sponsor is a person or agency who agreed to meet the needs of the sponsored person. The department uses a process called deeming to count part of the sponsor's resources to the person they sponsored.~~

(1) If INS required your sponsor to sign the affidavit of support form I-864 or I-864A, we count some of your sponsor's resources when we decide if you are eligible for benefits. We do not count your sponsor's resources if you are exempt from the deeming process under WAC 388-450-0156.

(2) If your sponsor's spouse signed the affidavit of support, we count some of their resources when we decide if you are eligible for benefits. We do not count the resources of your sponsor's spouse if you are exempt from the deeming process under WAC 388-450-0156.

(3) You must cooperate with the deeming process in order to be eligible for benefits. You must do the following to cooperate with the process:

(a) Give us the name and address of your sponsor;

(b) Get your sponsor to cooperate with us while we determine your eligibility and benefits; and

(c) Give us the information and proof we need to decide:

(i) If we must deem resources to your assistance unit (AU); and

(ii) The amount of resources we deem to your AU.

(4) If you refuse to cooperate with the deeming process, the other adult members in your AU must cooperate. If the same person sponsored everyone in your AU, your entire AU is not eligible for benefits until you or another member of your AU cooperates.

(5) We decide the amount of your sponsor's resources to count by:

(a) Totaling the countable resources of the sponsor and the sponsor's spouse (if the spouse signed the affidavit of support) under chapter 388-470 WAC;

(b) Subtracting fifteen hundred dollars; and

(c) Counting the remaining amount as a resource that is available to you.

(6) If you can show that your sponsor has sponsored other people as well, we divide the result by the total number of people who they sponsored.

(7) We continue to count your sponsor's resources when we determine your eligibility for benefits until you are exempt from deeming under WAC 388-450-0156.

WSR 01-13-007

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 01-108—Filed June 7, 2001, 2:46 p.m., effective July 9, 2001, 7:00 a.m.]

Date of Adoption: June 7, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000P; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Crab hard shell condition meets the criteria for harvest in Marine Areas 12, 8-1, 8-2 and a portion of 9. Day restrictions are needed to stay within state/tribal allocations. 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, 2001, 7:00 a.m.

June 7, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-33000Q Crab—Areas and seasons.

Notwithstanding the provisions of WAC 220-56-330:

(1) Effective immediately until further notice, it is unlawful to fish for crab for personal use in Puget Sound in all waters of Marine Areas, 4, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13, except as provided herein:

(2) Effective immediately until further notice, it is lawful to fish for crab for personal use on Fridays, Saturdays, Sundays and Mondays in Marine Area 12 and that portion of Marine Area 9 south of a line from Foulweather Bluff to Olele Point.

(3) Effective 7:00 a.m. June 9, 2001 until further notice, it is lawful to fish for crab for personal use on Fridays, Saturdays, Sundays and Mondays in Marine Areas 8-1 and 8-2.

(4) Effective 7:00 a.m. June 9, 2001 until further notice, it is lawful to fish for crab for personal use in that portion of Marine Area 9 north and west of a line from Foulweather Bluff to Double Bluff and north of a line from Foulweather Bluff to Olele Point.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:00 a.m. June 9, 2001:

WAC 220-56-33000P Crab—Areas and seasons.
(01-101)

**WSR 01-13-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-111—Filed June 12, 2001, 2:35 p.m.]

Date of Adoption: June 11, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-25500V; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These regulation changes are in accordance with provisions of the Halibut Catch Sharing Plan and have been endorsed by representatives of the National Marine Fisheries Service and the International

Pacific Halibut Commission. 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.

June 11, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-25500W Halibut—Areas and seasons.

Notwithstanding the provisions of WAC 220-56-255:

(1) Effective 12:01 a.m. June 15, 2001 until further notice, it is unlawful to fish for and possess halibut taken in those waters of Marine Area 1.

(2) Effective immediately until further notice, it is unlawful to fish for and possess halibut taken in those waters of Marine Area 2, except open 12:01 a.m. June 17, 2001 until further notice in those waters from the Queets River south to 47° 0' North latitude and east of 124° 40' West longitude. Open seven days per week.

(3) Effective immediately until further notice, it is unlawful to fish for and possess halibut taken in those waters of Marine Areas 3 and 4, except open only 12:01 a.m. June 16 to 11:59 p.m. June 16, 2001.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25500V Halibut areas and seasons.
(01-98)

**WSR 01-13-030
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-99—Filed June 13, 2001, 11:24 a.m., effective July 9, 2001, 6:00 a.m.]

Date of Adoption: June 12, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of sea cucumbers are available in all districts listed. Eagle Harbor and Sinclair Inlet are closed for health-related reasons. Prohibition of all diving within two days of scheduled sea cucumber openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: July 9, 2001, 6:00 a.m.

June 12, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-07100R Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Effective 6:00 a.m. July 9, 2001 until further notice, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1, 2, 3, 4 and 5 on 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) 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.

(b) 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 7, 8, 14, 15, 21, 22, 28, 29, August 4, 5, 11, 12, 18, 19, 25, and 26, 2001.

WSR 01-13-031 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 01-110—Filed June 13, 2001, 11:26 a.m.]

Date of Adoption: June 12, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-04600Q; and amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to avoid harvest of soft-shelled Dungeness crab. 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.

June 12, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-04600Q Crab fishery—Seasons and areas. Notwithstanding the provisions of WAC 220-52-046, effective immediately until further notice, it is unlawful for non-Indian commercial fishers to fish for or possess crab for

commercial purposes, or place gear, in the following areas during the periods indicated:

d) It is unlawful to place gear, fish for or possess Dungeness crab for commercial purposes in the following areas from June 18 through September 15, 2001: Those waters west of straight lines drawn in sequence from south to north between the following coordinates:

Land description	Coordinate
(i) Washington - Oregon border	46°15.00'N 124°10.00'W
(ii) Seaview	46°20.00'N 124°10.00'W
(iii) Willapa Bay entrance	46°40.00'N 124°10.00'W
(iv) N. Willapa Bay spits	46°43.50'N 124°11.50'W
(v) Grayland	46°50.00'N 124°12.30'W
(vi) Grays Harbor	46°54.70'N 124°16.00'W
(vii) Ocean Shores	47°00.00'N 124°16.00'W
(viii) Moclips	47°15.00'N 124°19.00'W
(ix) Cape Elizabeth	47°20.00'N 124°25.00'W
(x) Raft River	47°27.00'N 124°28.60'W (follow TD 41880 to way-point # 11 N. Destruction Island)
(xi) N. Destruction Island	47°42.40'N 124°31.50'W
(xii) Lapush	47°55.00'N 124°46.00'W
(xiii) Carol Island	48°00.00'N 124°49.50'W
(xiv) N. Lake Ozette	48°07.60'N 124°51.40'W
(xv) Makah Bay	48°20.00'N 124°50.00'W
(xvi) Cape Flattery	Point on land

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 16, 2001:

WAC 220-52-04600Q Crab fishery—Areas and seasons.

**WSR 01-13-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-109—Filed June 13, 2001, 11:26 a.m.]

Date of Adoption: June 12, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-28200A; and amending WAC 220-56-282.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to provide additional protection of spawning sturgeon to avoid stress from catch and release handling and potential disruption of spawning. White sturgeon spawn in this river reach during the May 1 through July 15 time frame. 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.

June 12, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-28200A Sturgeon—Areas, seasons, limits and unlawful acts. Notwithstanding the provisions of WAC 220-56-282, effective immediately through July 15, 2001 it is unlawful to fish for sturgeon from a floating device downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 16, 2001:

WAC 220-56-28200A Sturgeon—Areas, seasons, limits and unlawful acts.

EMERGENCY

WSR 01-13-044
EMERGENCY RULES

UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. UG-010816, General Order No. R-487—Filed June 14, 2001, 4:07 p.m.]

In the matter of amending WAC 480-75-005 and 480-93-010, relating to incorporating by reference current federal standards set forth in 49 C.F.R. Parts 191, 192, 193, 195, and 199 pertaining to pipeline safety.

1 This is an emergency rule-making proceeding to amend rules that will become effective when filed. The emergency rules that are the subject of this rule making changes the adoption by reference dates from September 24, 1999, to June 13, 2001, in WAC 480-75-005 and 480-93-010. This change will incorporate by reference current federal standards set forth in 49 C.F.R. Parts 191, 192, 193, 195, and 199 pertaining to pipeline safety.

2 The Washington Utilities and Transportation Commission is conducting this rule making pursuant to RCW 80.01.040 and 34.05.350. This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

3 The emergency rule process set forth in RCW 34.05.350 permits agencies to dispense with the requirements of notice and opportunity to comment in certain situations including situations where rules are necessary for the receipt of federal funds.

4 The reasons requiring emergency action are as follows:

Chapter 480-75 WAC governing petroleum pipeline companies and chapter 480-93 WAC governing gas companies safety adopt by reference federal rules governing pipeline safety. Several recent federal rule makings have adopted new pipeline safety standards that need to be incorporated into the commission's pipeline safety rules. It is critical to the commission's pipeline safety program to adopt these new rules to protect the public health and safety. Failure to adopt the emergency rules and to incorporate current standards into the commission's pipeline safety rules would jeopardize the commission's eligibility for federal funding.

5 The Washington Utilities and Transportation Commission finds that an emergency exists. The commission finds that immediate adoption of a June 13, 2001, adoption by reference date is necessary to incorporate recent changes to 49 C.F.R. into the commission's pipeline safety rules. This change incorporates federal rules that have been adopted since September 24, 1999, as follows:

◆ **49 C.F.R. Parts 192 and 195, Pipeline Safety: Qualification of Pipeline Personnel**

Effective: October 26, 1999 (Docket No. RSPA-98-3783)

This rule requires pipeline operators to develop and maintain a written qualification program for individuals performing covered tasks on pipeline facilities.

◆ **49 C.F.R. Part 192: Determining the Extent of Corrosion on Gas Pipelines**

Effective: November 22, 1999 (Docket No. PS-107)

This rule requires that when gas pipeline operators find harmful external corrosion on buried metallic pipeline was exposed, they must investigate further to determine if additional harmful corrosion exists in the vicinity of the original exposure. The new requirement may prevent accidents due to corrosion that might otherwise go undetected near an exposed portion of pipeline.

◆ **49 C.F.R. Part 193, Pipeline Safety: Incorporation of Standard NFPA 59A in the Liquefied Natural Gas Regulations**

Effective: March 31, 2000 (Docket No. RSPA-97-3002)

This rule incorporates by reference an industry consensus standard for liquefied natural gas (LNG) facilities subject to the pipeline safety regulations. This standard, developed by the National Fire Protection Association (NFPA), specifies siting, design, construction, equipment, and fire protection requirements that apply to new LNG facilities and to existing facilities that have been replaced, relocated, or significantly altered. This standard will allow the LNG industry to use the latest technology, materials, and practices while maintaining the current level of safety.

◆ **49 C.F.R. Parts 192 and 195, Pipeline Safety: Underwater Abandoned Pipeline Facilities**

Effective: October 10, 2000 (Docket No. RSPA-97-2094)

This rule will require the last operator of an abandoned natural gas or hazardous liquid pipeline facility that is located offshore or crosses under, over or through a commercially navigable waterway to submit a report of the abandonment to the Secretary of Transportation.

◆ **49 C.F.R. Parts 192 and 195, Pipeline Safety: Gas and Hazardous Liquid Pipeline Repair**

Effective: January 13, 2000 (Docket No. RSPA-98-4733)

This rule adopts a safety performance standard for the repair of corroded or damaged steel pipe in gas or hazardous liquid pipelines. The performance standard is likely to encourage technological innovations and reduce repair costs without reducing safety.

◆ **49 C.F.R. Part 199, Pipeline Safety: Notice of Random Drug Testing**

Effective: January 1, 2001 (Docket No. RSPA-97-2995)

Each year, a minimum percentage of covered pipeline employees must be randomly tested for illegal drugs. The percentage, either 50% or 25%, depends on the positive rate of random testing reported to RSPA in the previous year. In calendar year 2001, the minimum annual percentage rate for random drug testing is 25% of covered employees.

◆ **49 C.F.R. Part 195, Pipeline Safety: Areas Unusually Sensitive to Environmental Damage Effective: April 21, 2001 (Docket No. RSPA-99-5455)**

This rule defines drinking water and ecological areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline release. This rule does not require specific action by pipeline operators but will be used in other federal regulations.

◆ **49 C.F.R. Part 195: Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators with 500 or More Miles of Pipelines) Effective: May 29, 2001 (Docket No. RSPA-99-6355)**

This rule requires operators of hazardous liquid pipelines to assess the integrity of pipelines where failure could impact certain populated and environmentally sensitive areas.

ORDER

6 THE COMMISSION ORDERS That WAC 480-75-005 and 480-93-010, as set forth in Appendix A, are amended to take effect as emergency rules of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2), to be effective when filed.

7 THE COMMISSION FURTHER ORDERS That this order and the rules set forth in Appendix A, after being first recorded in the order register of the Washington Utilities and Transportation Commission, be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 14th day of June, 2001.

Washington Utilities and Transportation Commission
Marilyn Showalter, Chairwoman
Richard Hemstad, Commissioner

Attachment A

AMENDATORY SECTION [(Amending Order R-465, Docket No. A-980247, filed 9/24/99)]

WAC 480-75-005 Compliance with federal standards. Hazardous liquid pipeline companies transporting gasoline, oil, petroleum, or hazardous liquids in this state shall design, construct, maintain, and operate pipeline facilities in compliance with the provisions of 49 CFR, Parts 195 and 199, in effect on ~~September 7, 1999~~ **June 13, 2001**. The provision in this chapter shall govern to the extent that the standards in the state regulations are compatible with the federal standards. The incorporation of 49 CFR, Part 195, Subpart B, Reporting Accidents and Safety-Related Conditions, is revised as follows:

1. Include "Washington Utilities and Transportation Commission" where "Administrator, Office of Pipeline Safety, Research and Special Programs Administration, or Department of Transportation" appear.
2. Include "Washington Utilities and Transportation Commission Pipeline Safety Section, at its office at

1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, Washington, 98504-7250," where telephone or addresses appear for the "Information Officer, Information Resources Manager, or Office of Pipeline Safety."

Copies of the above referenced regulations can be viewed at the commission branch of the Washington state library or are available from the Government Printing Office Bookstore, Seattle, Washington.

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

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

AMENDATORY SECTION [(Amending Order R-465, Docket No. A-980247, filed 9/24/99)]

WAC 480-93-010 Compliance with federal standards. Gas companies' gathering, storage, distribution, and transmission facilities must be designed, constructed, maintained, and operated in compliance with the provisions of Title 49 Code of Federal Regulations (CFR), Parts 191, 192, 193 and 199 in effect on ~~September 7, 1999~~ **June 13, 2001**. The provisions of this chapter shall govern to the extent that the standards in the state regulations are compatible with the federal standards. Copies of the above referenced regulations can be viewed at the commission branch of the Washington state library or are available from the Government Printing Office Bookstore, Seattle, Washington.

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

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 01-13-045
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Docket No. UG-010522, General Order No. R-486—Filed June 14, 2001, 4:09 p.m.]

In the matter of adopting WAC 480-93-240 and 480-75-240 relating to pipeline safety funding.

1 This is an emergency rule-making proceeding to adopt rules that will become effective when filed. The emergency rules that are the subject of this rule making address chapter 238, Laws of 2001—Pipeline Safety—Funding to become effective July 1, 2001.

2 The Washington Utilities and Transportation Commission is conducting this rule making pursuant to RCW 80.01.040 and 34.05.350. This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

3 While the emergency rule process set forth in RCW 34.05.350 permits agencies to dispense with the requirements of notice and opportunity to comment, the commission did

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provide notice of its consideration of the rules including a CR-101 filed on April 26, 2001, opportunity to file comments by May 10, 2001, and May 31, 2001, and a stakeholder workshop held on May 17, 2001. Many of the comments proposed by the stakeholders have been incorporated in the proposed rule language.

4 The commission designates the discussion in this order as a concise explanatory statement,¹ supplemented where not inconsistent by the commission staff memoranda presented at the open meeting on June 13, 2001, where the commission considered whether to adopt an emergency rule.

5 The reasons requiring emergency action are as follows: Chapter 238, Laws of 2001 requires that the commission establish in rule a methodology by which fees are set and that the fees collected be based upon that methodology. The law does not become effective until July 1, 2001; funds to sustain the program are required immediately. Therefore, emergency rule making is required to set the methodology for calculating the fees and payments subject to revision upon adoption of a permanent rule. The purpose of this rule is to ensure a sustainable, comprehensive, pipeline safety program, to protect the health and safety of the citizens of Washington, and maintain the quality of the state's environment. This will be accomplished by securing permanent funding for the pipeline safety program through establishment of a regulatory fee imposed on hazardous liquids and gas pipeline companies. Current funding authority for the existing pipeline safety program expires June 30, 2001. Without an emergency rule in place, there would not be sufficient funds to meet program needs. These emergency rules will remain in effect only until permanent rules are adopted.

6 The program costs and the collection of the pipeline safety fee are based on the house, senate, and governor's budget recommendations. If the budget approved is different from the recommended budget, the fees will be adjusted to reflect the budget change.

7 For the reasons stated above, the Washington Utilities and Transportation Commission finds that an emergency exists. The commission finds that immediate adoption of new rules establishing the fee methodology by July 1, 2001, is necessary, 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. Chapter 238, Laws of 2001 requires that a new pipeline safety account be established and all monies be deposited to that account. Funding for the existing pipeline safety program ends on June 30, 2001; therefore, the rule is necessary to begin collecting pipeline fees to meet expenses payable after that date.

¹ A concise explanatory statement as provided for in RCW 34.05.325 is not required in emergency rule makings. Because of the level of interest in this rule and the public involvement, the commission believes that it is appropriate to acknowledge the involvement by describing in a concise explanatory statement how comments affected the development of the rule.

ORDER

8 THE COMMISSION ORDERS That WAC 480-93-240 and 480-75-240, as set forth in Appendix A, are adopted to take effect as emergency rules of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2), to be effective July 1, 2001.

9 THE COMMISSION FURTHER ORDERS That this order and the rules set forth in Appendix A, after being first recorded in the order register of the Washington Utilities and Transportation Commission, be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 14th day of June, 2001.

Washington Utilities and Transportation Commission
Marilyn Showalter, Chairwoman
Richard Hemstad, Commissioner

Attachment A

NEW SECTION

WAC 480-93-240 Annual pipeline safety fee methodology (1) Every gas company and every interstate gas pipeline company subject to inspection or enforcement by the commission will pay an annual pipeline safety fee as established in the methodology set forth in section (2) below.

(2) The fee will be set by general order of the commission entered before July 1 of each year and will be collected in four equal installments payable on the first day of each calendar quarter, beginning July 1, 2001.

(a) The total of pipeline safety fees will be calculated to recover the costs of the legislatively authorized workload represented by current appropriations, less the amount received in federal funds through the Federal Department of Transportation's Natural Gas Pipeline Safety Program base grant. Federal grants, other than the federal base grant, received by the commission for additional activities not included or anticipated in the legislatively directed workload will not be credited against company pipeline safety fees, nor will the work supported by such grants be considered a cost for purposes of calculating such fees.

(b) Total pipeline fees as determined in subsection (a) will be divided between gas companies and interstate gas pipeline companies based on two components:

(i) The first component is direct assignment of average costs associated with a company's standard inspections, including the average number of inspection days per year, which will be determined annually. Standard inspections are conducted to comply with the state's participation requirement under the "Guidelines for States Participating in the Pipeline Safety Program" of the Federal Department of Transportation, Office of Pipeline Safety.

(ii) The second component is an allocation of the remaining program costs that are not directly assigned in (i). Distribution of these costs between gas companies and interstate gas pipeline companies will be based on miles of transmission lines as defined in WAC 480-93-005(18) and miles of main as defined in WAC 480-93-005(12) operated within Washington state.

(c) The commission general order setting fees pursuant to this rule will detail the allocation of program costs between gas companies and interstate gas pipeline companies, and the specific calculation of each company's pipeline safety fee.

(3) By April 1 of each year every gas company and every interstate gas pipeline company subject to this section must file an annual report as prescribed by the Commission that is necessary to establish the annual pipeline safety fee. By June 1 of each year the commission staff will mail to each company subject to this section an annual invoice showing an estimate of the quarterly amounts.

(4) All pipeline safety fees received from gas companies and interstate gas pipeline companies will be deposited to the pipeline safety account. For those companies subject to RCW 80.24.010, the portion of the company's total regulatory fee applicable to pipeline safety will be transferred from the public service revolving fund to the pipeline safety account.

(5) Any company wishing to contest the amount of the fee imposed under this section must pay the fee and, within 6 months of the due date of the fee, file a petition in writing with the commission requesting a refund. The petition must state the name of the petitioner; the date and the amount paid, including a copy of any receipt, if available; the amount of the fee that is contested; and any reasons why the commission may not impose the fee. The commission may grant the petition administratively or may set the petition for adjudication or for brief adjudication.

NEW SECTION

WAC 480-75-240 Annual pipeline safety fee methodology (1) Every hazardous liquid pipeline company subject to inspection or enforcement by the commission will pay an annual pipeline safety fee as established in the methodology set forth in section (2) below.

(2) The fee will be set by general order of the commission entered before July 1 of each year and will be collected in four equal installments payable on the first day of each calendar quarter, beginning July 1, 2001.

(a) The total of pipeline safety fees will be calculated to recover the costs of the legislatively authorized workload represented by current appropriations, less the amount received in federal funds through the Federal Department of Transportation's Hazardous Liquids Pipeline Safety Program base grant. Federal grants, other than the federal base grant, received by the commission for additional activities not included or anticipated in the legislatively directed workload will not be credited against company pipeline safety fees, nor will the work supported by such grants be considered a cost for purposes of calculating such fees.

(b) Total pipeline fees as determined in (a) will be divided between intrastate hazardous liquid pipeline companies and interstate hazardous liquid pipeline companies based on two basic components:

(i) The first component is direct assignment of average costs associated with a company's standard inspections, including the average number of inspection days per year which will be determined annually. Standard inspections are conducted to comply with the state's participation requirement under the "Guidelines for States Participating in the Pipeline Safety Program" of the Federal Department of Transportation, Office of Pipeline Safety.

(ii) The second component is an allocation of the remaining program costs that are not directly assigned in (i). Distribution of these costs between interstate and intrastate hazardous liquid pipeline companies will be based on miles of pipeline operated within Washington state.

(c) The commission general order setting fees pursuant to this rule will detail the allocation of program costs between interstate and intrastate hazardous liquid companies and the specific calculation of each company's pipeline fee.

(3) By April 1 of each year every hazardous liquids pipeline company subject to this section must file an annual report as prescribed by the commission that is necessary to establish the annual pipeline safety fee. By June 1 of each year the commission staff will mail to each company subject to this section an annual invoice showing an estimate of the quarterly amounts.

(4) All pipeline safety fees received from hazardous liquid pipeline companies will be deposited to the pipeline safety account. For those companies subject to RCW 81.24.010 the portion of the company's total regulatory fee applicable to pipeline safety will be transferred from the public service revolving fund to the pipeline safety account.

(5) Any company wishing to contest the amount of the fee imposed under this section must pay the fee and, within 6 months of the due date of the fee, file a petition in writing with the commission requesting a refund. The petition shall state the name of the petitioner; the date and the amount paid, including a copy of any receipt, if available; the amount of the fee that is contested; and any reasons why the commission may not impose the fee. The commission may grant the petition administratively or may set the petition for adjudication or for brief adjudication.

Reviser's note: The unnecessary strike through 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 01-13-050
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-112—Filed June 14, 2001, 4:43 p.m., effective June 16, 2001,
12:01 a.m.]

Date of Adoption: June 14, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-24-02000R; and amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules are adopted at the recommendation of the Pacific Fisheries Management Coun-

cil, in accordance with preseason fishing plans. These rules are interim until permanent rules take effect.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 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: June 16, 2001, 12:01 a.m.

June 14, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-24-02000S Commercial salmon troll. Notwithstanding the provisions of WAC 220-24-020, effective immediately until further notice is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons and under the conditions as provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3 and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open immediately through June 15, 2001. Unlawful to retain coho. No more than 4 spreads per line. Cape Flattery and Columbia River Control Zones closed.

(2) Salmon Management and Catch Reporting Areas 2, 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open July 1, 2001 through July 27, 2001. Unlawful to retain wild coho. Gear is restricted to plugs with a plug body length of six inches or greater, and no more than 4 spreads per line. Cape Flattery Control Zone closed.

(3) Minimum size for chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon.

(4) Lawful troll gear is restricted to single point, single shank barbless hooks.

(5) It is unlawful for any fisher taking salmon north of the Queets River to fail to land the salmon north of the Queets River and west of Sekiu, or, if the fisher intends to land salmon outside this area, to fail to notify the department before leaving the area. Notification must be made by calling the department at 360-902-2739, and reporting the name of fisher and boat, the area fished, the day leaving the area, and the port of destination.

(6) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section,

and must land within the Salmon Management and Catch Reporting Areas fished, or within an adjacent Salmon Management and Catch Reporting Area closed to all-citizen troll fishing.

(7) The Cape Flattery Commercial Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ: and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and east of 125°05'00" W longitude.

(8) Columbia Control Zone - An area at the Columbia River mouth, bounded on the west by a line running north-east/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. 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. lat., 124°05'20" W. long.) 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 tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(9) Vessels intending to land their catch taken south of Cape Falcon in a Washington port must notify WDFW before traveling north of Cape Falcon by calling 360-902-2181 and report the name of the vessel, the intended port of landing, the estimated time and date of arrival and the catch aboard.

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

REPEALER

The following section of the Washington Administrative Code is repealed 12:01 a.m. June 16, 2001:

WAC 220-24-02000R Commercial salmon troll.
(01-76)

**WSR 01-13-072
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-113—Filed June 18, 2001, 3:32 p.m.]

Date of Adoption: June 18, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100L; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The state's share of spot shrimp in Marine Fish-Shellfish Management and Catch Reporting Areas 26B-1 and 26B-2 will be taken by the action date listed. The 2001 State/Tribal Puget Sound Shrimp Harvest Management Plan requires adoption of the harvest seasons and the prohibition on night time fishing contained in this rule. Emergency rapid reporting requirements are necessary as quotas can be far exceeded in one day of fishing. A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements and to ensure conservation. 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.

June 18, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-05100M Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 1A, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp species until further notice, except as provided below:

(b) For purposes of shrimp harvest allocation and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26B is divided into three subareas: 26B-1 is those waters of Catch Area 26B south of the 47 degrees 40.00 minutes latitude line (which is approximately 200 yards north of Skiff Point) and excluding the waters of 26B-3. 26B-2 is all waters of Catch Area 26B north of the 47 degrees 40.00 minutes latitude line (which is approximately 200 yards north of Skiff Point). 26B-3 is those waters easterly of a line projected from West Point to Alki Point.

(i) Effective 6:00 p.m., June 18, it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish Shellfish Catch and Reporting Area 26B-1

(ii) Effective 12:00 noon, June 19, it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish Shellfish Catch and Reporting Area 26B-1 and 26B-2.

(c) It is unlawful to harvest shrimp for commercial purposes in Crustacean Management Region 1B until further notice.

(d) 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 300 pounds per week from Crustacean Management Regions 2 or 4, or to exceed 600 pounds per week from Crustacean Management Regions 1 or 3 except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C, 23D, 29, or the western portion of Marine Fish-Shellfish Catch and Reporting Area 23A (west of a line projected 335 degrees true from the Dungeness lighthouse), or any combination of these areas, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(e) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(f) For purpose of shrimp pot catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected 335 degrees true from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(g) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A southerly of a line due west from Lime Kiln Point light on San Juan Island, to the international boundary, then south from Lime Kiln Point light on San Juan Island and south of the shores of San Juan Island, then south of a line from Cattle Point to Davis Point, then south of the shores of Lopez Island to Point Colville, shall be considered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(2) Shrimp beam trawl gear:

(a) Crustacean management area 1 - Open until further notice.

(b) Crustacean management area 3 - Open until further notice.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A except in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(e) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(iii) Closed in waters shallower than fifty fathoms through July 15

(f) For purpose of shrimp trawl catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(3) It is unlawful to harvest shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in the Discovery Bay Shrimp District, the Port Angeles Shrimp District, the Sequim Bay Shrimp District, the Hood Canal Shrimp District, and the Carr Inlet Shrimp District.

(5) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in waters of Lopez Sound (22A) south of a line projected east and west from the northern tip of Trump Island until 8:00 a.m. on July 10.

(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 wholesale 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 6:00 p.m. June 18, 2001:

WAC 220-52-05100L Puget Sound shrimp pot and beam trawl fishery-seasons and weekly trip limits. (01-64)

**WSR 01-13-085
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)**

[Filed June 19, 2001, 3:54 p.m., effective July 1, 2001]

Date of Adoption: June 14, 2001.

Purpose: New section WAC 388-462-0020 is necessary to implement a Medicaid option allowed under Public Law 106-354 and EHB 1058, which amends RCW 74.09.510. This option allows uninsured women under the age of sixty-five to receive treatment for breast and cervical cancer when they have been identified as needing treatment through the DCD detection program.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.04.057, 74.09.530 and 74.09.510 as amended by EHB 1058 during the 2001 legislative session.

Other Authority: Public Law 106-354.

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: This Medicaid expansion is authorized under EHB 1058.

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

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

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

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

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

Effective Date of Rule: July 1, 2001.

June 15, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-462-0020 Breast and cervical cancer treatment program (BCCTP). (1) Effective July 1, 2001, a woman, under the age of sixty-five, is eligible for categorically needy (CN) coverage under the BCCTP only when she:

(a) Has been screened for breast or cervical cancer under the center for disease control (CDC) breast and cervical cancer early detection program (BCCEDP);

(b) Is found to require treatment for either breast or cervical cancer or for a related precancerous condition;

(c) Is not eligible for another CN Medicaid program; and

(d) Is uninsured or does not otherwise have creditable coverage.

(2) In addition to the criteria in subsection (1), a woman must meet:

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(a) Residency requirements as described in WAC 388-468-0005;

(b) Social security number requirements as described in WAC 388-476-0005;

(c) Citizenship and alien status requirements as described in:

(i) WAC 388-424-0005 (1)(a) and (b); or

(ii) WAC 388-424-0010 (1) or (2)(a) and (b).

(3) The certification periods described in WAC 388-416-0015 (1), (4), and (6) apply to the BCCTP. Eligibility for Medicaid continues throughout the course of treatment as certified by the CDC-BCCEDP.

(4) Income and asset limits are set by the CDC-BCCEDP.

WSR 01-13-088
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed June 19, 2001, 3:55 p.m.]

Date of Adoption: June 15, 2001.

Purpose: To make WAC 388-513-1350 and 388-513-1380 consistent with the January 1, 2001, federal increase in the resource maximum and maintenance allocation standards for community spouses of long-term care Medicaid clients.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1350 and 388-513-1380.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500.

Other Authority: Section 1924 (42 U.S.C. 1396R-5).

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: Implementation of federal increases in standards is required to be effective January 1, 2001, in order to continue receiving federal funds.

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: Immediately.

June 15, 2001

Brian Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-01-051, filed 12/8/99, effective 1/8/00)

WAC 388-513-1350 Defining the ~~((resource standard))~~ maximum amount of resources allowed and determining ~~((available))~~ resources availability for long-term care (LTC) services. This section describes how the department defines the resource standard and available resources when determining a client's eligibility for LTC services. The department uses the term "resource standard" to describe the maximum amount of resources a client can have and still be resource eligible for program benefits.

(1) The resource standard used to determine eligibility for LTC services equals:

(a) Two thousand dollars for a single client; or

(b) Three thousand dollars for a legally married couple, unless subsection (2) applies.

(2) If the department has already established eligibility for one spouse, then it applies the standard described in subsection (1)(a) to each spouse, unless doing so would make one of the spouses ineligible.

(3) The department ~~((must apply))~~ applies the following rules when determining available resources for LTC services:

(a) WAC 388-470-0005, Resource eligibility and limits;

(b) WAC 388-470-0010, How to determine who owns a resource;

(c) WAC 388-470-0015, Availability of resources;

(d) WAC 388-470-0060(6), Resources of an alien's sponsor; and

(e) WAC 388-506-0620, SSI-related medical clients.

(4) For LTC services the department determines a client's nonexcluded resources ~~((used to establish eligibility for LTC services in the following way))~~ as follows:

(a) For an SSI-related client, the department reduces available resources by excluding resources described in WAC 388-513-1360;

(b) For an SSI-related client who has a community spouse, the department:

(i) Excludes resources described in WAC 388-513-1360; and

(ii) Adds together the available resources of both spouses according to subsection (5)(a) or (b) as appropriate;

(c) For a client not described in subsection (4)(a) or (b), the department applies the resource rules of the program used to relate the client to medical eligibility.

(5) ~~((A change in federal law that took effect on October 1, 1989 affects the way))~~ The department determines available resources of a legally married client, when both spouses are institutionalized, by following WAC 388-506-0620 (5) and (6). For legally married clients when only one spouse meets institutional status, the following rules apply. If the client's current period of institutional status began:

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(a) Before October 1, 1989, the department adds together one-half the total amount of nonexcluded resources held in the name of:

(i) The institutionalized spouse; or

(ii) Both spouses.

(b) On or after ((that date)) October 1, 1989, the department adds together the total amount of nonexcluded resources held in the name of:

(i) Either spouse; or

(ii) Both spouses.

~~((b) Before that date, the department adds together one-half the total amount of nonexcluded resources held in the name of:~~

~~(i) The institutionalized spouse; or~~

~~(ii) Both spouses;))~~

(6) If subsection (5)((a)) (b) applies, the department allocates the maximum amount of resources ordinarily allowed by law to the community spouse before determining nonexcluded resources used to establish eligibility for the institutionalized spouse. The maximum allocation amount is ((eighty-four thousand, one hundred and twenty)) eighty-seven thousand dollars effective January 1, ((2000)) 2001.

(7) The amount of allocated resources described in subsection (6) can be increased, only if:

(a) A court transfers additional resources to the community spouse; or

(b) An administrative law judge establishes in a fair hearing described in chapter ((388-08)) 388-02 WAC or by consent order, that the amount is inadequate to provide a minimum monthly maintenance needs amount for the community spouse.

(8) The department considers resources of the community spouse unavailable to the institutionalized spouse the month after eligibility for LTC services is established, unless subsection((s)) (9)(a), (b), or (c) ((apply)) applies.

(9) A redetermination of the ((couples')) couple's resources as described in subsections (4)(b) or (c) is required, if:

(a) The institutionalized spouse has a break of at least thirty consecutive days in a period of institutional status;

(b) The institutionalized spouse's nonexcluded resources exceed the standard described in subsection (1)(a), if subsection (5)((a))((b)) applies; or

(c) The institutionalized spouse does not transfer the amount described in subsections (6) or (7) to the community spouse or to another person for the sole benefit of the community spouse as described in WAC 388-513-1365(4) by either:

(i) The first regularly scheduled eligibility review; or

(ii) The reasonable amount of additional time necessary to obtain a court order for the support of the community spouse.

AMENDATORY SECTION (Amending WSR 00-17-058, filed 8/9/00, effective 9/9/00)

WAC 388-513-1380 Determining a client's participation in the cost of care for long-term care (LTC) services. This ~~((section))~~ rule describes how the department allocates income and excess resources when determining participation

in the cost of care (in the post-eligibility process). The department applies rules described in WAC 388-513-1315 to define ~~((what))~~ which income and resources must be used in this process.

(1) For a client receiving institutional or hospice services in a medical facility, the department applies all subsections of this rule.

(2) For a client receiving waived services at home or in an alternate living facility, the department applies only those subsections of this rule that are cited in the rules for those programs.

(3) For a client receiving hospice services at home, the department applies rules used for the community options program entry system (COPES).

(4) ~~((The department allocates))~~ Excess resources are reduced in an amount equal to incurred medical expenses ~~((for definition see WAC 388-519-0110(10))~~ that are not subject to third-party payment and for which the client is liable, including:

(a) Health insurance and Medicare premiums, deductions, and co-insurance charges; ((and))

(b) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan((

~~(5)); and~~

~~((c))~~ The amount of excess resources ((described in subsection(4)) is limited to the following amounts:

~~((a))~~ (i) For LTC services provided under the categorically needy (CN) program, the amount described in WAC 388-513-1315(3); or

~~((b))~~ (ii) For LTC services provided under the medically needy (MN) program, the amount described in WAC 388-513-1395 (2)(a) or (b).

~~((6))~~ (5) The department allocates nonexcluded income up to a total of the medically needy income level (MNIL) in the following order:

(a) A personal needs allowance (PNA) of:

(i) One hundred sixty dollars for a client living in a state veterans' home;

(ii) Ninety dollars for a veteran or a veteran's surviving spouse, who receives ((a)) a VA improved pension and does not live in a state veterans' home; or

(iii) Forty-one dollars and sixty-two cents for all other clients in a medical facility.

(b) Federal, state, or local income taxes ((

~~(i) Mandatorily withheld from earned or unearned income for income tax purposes before receipt by the client; or~~

~~((ii) Not covered by withholding, but are owed, become an obligation, or have been paid by the client))~~ incurred during the time period covered by the PNA, whether paid or unpaid.

(c) Wages for a client who:

(i) Is related to the supplemental security income (SSI) program as described in WAC 388-503-0510(1); and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction employment expenses are not deducted.

(d) Guardianship fees and administrative costs including any attorney fees paid by the guardian, after June 15, 1998, only as allowed by chapter 388-79 WAC.

~~((7))~~ (6) The department allocates nonexcluded income after deducting amounts described in subsection ~~((6))~~ (5) in the following order:

(a) Income garnisheed for child support:

(i) For the time period covered by the PNA; and

(ii) Not deducted under another provision in the post-eligibility process.

(b) A monthly maintenance needs allowance for the community spouse not to exceed, effective January 1, ~~((2000))~~ 2001, two thousand one hundred ~~((three))~~ seventy-five dollars, unless a greater amount is allocated as described in subsection ~~((9))~~ (8) of this section. The monthly maintenance needs allowance:

(i) Consists of a combined total of both:

(A) An amount added to the community spouse's gross income to provide a total of one thousand four hundred ~~((seven))~~ fifty-two dollars; and

(B) Excess shelter expenses as specified under subsection ~~((8))~~ (7) of this section; and

(ii) Is allowed only to the extent the client's income is made available to the community spouse.

(c) A monthly maintenance needs amount for each minor or dependent child, dependent parent or dependent sibling of the community or institutionalized spouse who:

(i) Resides with the community spouse, equal to one-third of the amount that one thousand four hundred ~~((seven))~~ fifty-two dollars exceeds the dependent family member's income.

(ii) Does not reside with the community spouse, equal to the MNIL for the number of dependent family members in the home less the income of the dependent family members.

(iii) Child support received from ~~((an absent))~~ noncustodial parent is the child's income.

(d) Incurred medical expenses described in subsections (4)(a) and (b) not used to reduce excess resources.

(e) Maintenance of the home of a single client or institutionalized couple:

(i) Up to one hundred percent of the one-person federal poverty level per month;

(ii) Limited to a six-month period;

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and

(iv) When social services staff documents initial need for the income exemption and reviews the client's circumstances after ninety days.

~~((8))~~ (7) For the purposes of this section, "excess shelter expenses" ~~((equal))~~ means the actual expenses under subsection ~~((8)(b))~~ (7)(b) less the standard shelter allocation under subsection ~~((8)(a))~~ (7)(a). For the purposes of this rule:

(a) The standard shelter allocation is four hundred ~~((twenty-two))~~ thirty-six dollars, effective April 1, ~~((2000))~~ 2001; and

(b) Shelter expenses are the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard utility allowance, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

~~((9))~~ (8) The amount allocated to the community spouse may be greater than the amount in subsection ~~((7)(b))~~ (6)(b) only when:

(a) A court enters an order against the client for the support of the community spouse; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

~~((10))~~ (9) A client who ~~((continues to receive SSI in))~~ is admitted to a medical facility ((does not participate)) for ninety days or less and continues to receive full SSI benefits is not required to use the SSI income in the cost of care for medical services. Income allocations are allowed as described in this section from non-SSI income.

WSR 01-13-092

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 01-114—Filed June 19, 2001, 4:33 p.m., effective June 21, 2001, 7:00 a.m.]

Date of Adoption: June 19, 2001.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-33000Q; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Crab hard shell condition meets the criteria for harvest in Marine Areas 12, 8-1, 8-2, and a portion of Marine Area 7. Day restrictions are needed to stay within state/tribal allocations. 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: June 21, 2001, 7:00 a.m.

June 19, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-33000R Crab—Areas and seasons.

Notwithstanding the provisions of WAC 220-56-330:

(1) Effective immediately until further notice, it is unlawful to fish for crab for personal use in Puget Sound in all waters of Marine Areas, 4, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13, except as provided herein:

(2) Effective immediately until further notice, it is lawful to fish for crab for personal use on Fridays, Saturdays, Sundays and Mondays in Marine Area 12 and that portion of Marine Area 9 south of a line from Foulweather Bluff to Olele Point.

(3) Effective immediately until further notice, it is lawful to fish for crab for personal use in that portion of Marine Area 9 north and west of a line from Foulweather Bluff to Double Bluff and north of a line from Foulweather Bluff to Olele Point.

(4) Effective immediately until further notice, it is lawful to fish for crab for personal use on Fridays, Saturdays, Sundays and Mondays in Marine Areas 8-1 and 8-2.

(5) Effective 7:00 a.m. Thursday June 21, 2001 until further notice, it is lawful to fish for crab for personal use in that portion of Marine Area 7 south and west of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island due west to the international boundary; and westerly of a straight line from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island; and west of a line projected from the southeast point of Sinclair Island to the ferry dock at Shannon Point.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:00 a.m. June 21, 2001:

WAC 220-56-33000Q Crab—Areas and seasons. (01-108)

WSR 01-13-119
EMERGENCY RULES
DEPARTMENT OF HEALTH
[Filed June 20, 2001, 10:51 a.m.]

Date of Adoption: June 11, 2001.

Purpose: To adopt a fee for 2001 legislation requiring licensure for mental health counselors, marriage and family therapists, advanced social workers and independent clinical social workers.

Statutory Authority for Adoption: Chapter 251, Laws of 2001.

Other Authority: RCW 43.70.250.

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: Without immediate implementation, counselors would either be forced to practice without a license or stop treating patients.

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

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

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

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

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

Effective Date of Rule: Immediately.

June 20, 2001

M. C. Selecky

Secretary

NEW SECTION

WAC 246-809-990 Fees and renewal cycle. (1)

Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

Title	Fee
(2) The following nonrefundable fees will be charged for licensed marriage and family therapist:	
Application	\$50.00
Initial license	25.00
Renewal	83.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Duplicate license	10.00
Certification of license	10.00
(3) The following nonrefundable fees will be charged for licensed mental health counselor:	
Application	25.00

EMERGENCY

Title	Fee
Initial license	25.00
Renewal	29.00
Late renewal penalty	29.00
Expired license reissuance	29.00
Duplicate license	10.00
Certification of license	10.00
(4) The following nonrefundable fees will be charged for licensed social worker:	
Application	25.00
Initial license	25.00
Renewal	42.00
Late renewal penalty	42.00
Expired license reissuance	42.00
Duplicate license	10.00
Certification of license	10.00



OFFICE OF THE CODE REVISER
 Quarterly Rule-Making Report
 Covering Registers 01-07 through 01-12

Type of Activity	New	Amended	Repealed
ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
ACCOUNTANCY, BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	4	1
Number of Rules Proposed for Permanent Adoption	13	10	3
Number of Rules Withdrawn	8	5	3
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	4	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	4	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	4	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
AGRICULTURE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	63	22	7
Number of Rules Proposed for Permanent Adoption	107	31	22
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	11	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	9	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	3	7
Number of Sections Adopted on the Agency's own Initiative	17	12	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	17	16	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
BLIND, WASHINGTON STATE SCHOOL FOR THE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	83	23	12
Number of Rules Withdrawn	2	0	0

MISC.

Type of Activity

New Amended Repealed

BUILDING CODE COUNCIL

Type of Activity

New Amended Repealed

Number of Rules Withdrawn

2 2 0

COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF

Type of Activity

New Amended Repealed

Number of Permanent Rules Adopted

1 1 0

Number of Sections Adopted at Request of a Nongovernmental Entity

0 0 0

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures

0 0 0

Number of Sections Adopted in Order to Comply with Federal Rules or Standards

0 0 0

Number of Sections Adopted in Order to Comply with Federal Statute

0 0 0

Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes

0 0 0

Number of Sections Adopted on the Agency's own Initiative

0 1 0

Number of Sections Adopted using Negotiated Rule Making

0 0 0

Number of Sections Adopted using Other Alternative Rule Making

0 0 0

Number of Sections Adopted using Pilot Rule Making

0 0 0

COUNTY ROAD ADMINISTRATION BOARD

Type of Activity

New Amended Repealed

Number of Permanent Rules Adopted

2 2 0

Number of Rules Proposed for Permanent Adoption

7 7 0

Number of Sections Adopted at Request of a Nongovernmental Entity

0 0 0

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures

0 0 0

Number of Sections Adopted in Order to Comply with Federal Rules or Standards

0 0 0

Number of Sections Adopted in Order to Comply with Federal Statute

0 0 0

Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes

0 0 0

Number of Sections Adopted on the Agency's own Initiative

0 0 0

Number of Sections Adopted using Negotiated Rule Making

0 0 0

Number of Sections Adopted using Other Alternative Rule Making

0 0 0

Number of Sections Adopted using Pilot Rule Making

0 0 0

DEAF, WASHINGTON STATE SCHOOL FOR THE

Type of Activity

New Amended Repealed

Number of Rules Proposed for Permanent Adoption

79 22 11

ECOLOGY, DEPARTMENT OF

Type of Activity

New Amended Repealed

Number of Permanent Rules Adopted

20 0 0

Number of Rules Adopted as Emergency Rules

47 0 9

Number of Sections Adopted at Request of a Nongovernmental Entity

2 0 0

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures

0 0 0

Number of Sections Adopted in Order to Comply with Federal Rules or Standards

0 0 0

Number of Sections Adopted in Order to Comply with Federal Statute

0 0 0

Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes

0 0 0

Number of Sections Adopted on the Agency's own Initiative

36 0 9

Number of Sections Adopted using Negotiated Rule Making

0 0 0

Number of Sections Adopted using Other Alternative Rule Making

0 0 0

Number of Sections Adopted using Pilot Rule Making

0 0 0

MISC.

Type of Activity	New	Amended	Repealed
EDUCATION, STATE BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	23	9	0
Number of Rules Adopted as Emergency Rules	10	8	2
Number of Rules Proposed for Permanent Adoption	17	13	4
Number of Rules Withdrawn	5	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	7	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	7	2	0
Number of Sections Adopted on the Agency's own Initiative	0	18	1
Number of Sections Adopted using Negotiated Rule Making	0	5	1
Number of Sections Adopted using Other Alternative Rule Making	0	11	0
Number of Sections Adopted using Pilot Rule Making	7	0	0
EMPLOYMENT SECURITY DEPARTMENT			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	39	0	3
Number of Rules Adopted as Emergency Rules	4	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
EXECUTIVE ETHICS BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	43	28	1
FINANCIAL INSTITUTIONS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	116	36	4
Number of Rules Proposed for Permanent Adoption	64	22	4
Number of Rules Withdrawn	3	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	40	37	3
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
FINANCIAL MANAGEMENT, OFFICE OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Proposed for Permanent Adoption	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FISH AND WILDLIFE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	62	36	6
Number of Rules Adopted as Emergency Rules	200	0	58
Number of Rules Proposed for Permanent Adoption	19	16	1
Number of Rules Withdrawn	4	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	81	36	66
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FOREST PRACTICES BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	153	64	1
Number of Rules Withdrawn	12	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	22	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	20	20	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	44	65	1
Number of Sections Adopted in Order to Comply with Federal Statute	44	65	1
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	44	65	1
Number of Sections Adopted on the Agency's own Initiative	44	65	1
Number of Sections Adopted using Negotiated Rule Making	44	65	1
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
GAMBLING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	1	1
Number of Rules Proposed for Permanent Adoption	36	26	2
Number of Rules Withdrawn	1	1	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	1
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

HEALTH CARE AUTHORITY

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Proposed for Permanent Adoption	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HEALTH, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	85	3	20
Number of Rules Proposed for Permanent Adoption	135	28	21
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	19	1	20
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	12	1	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	31	3	20
Number of Sections Adopted using Pilot Rule Making	0	0	0

HIGHER EDUCATION COORDINATING BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	19	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	8	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	8	0	0
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	0	3	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	0	0	
Number of Sections Adopted using Pilot Rule Making	0	0	0

HOUSING FINANCE COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	2	0
Number of Rules Proposed for Permanent Adoption	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	2	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

INDUSTRIAL INSURANCE APPEALS, BOARD OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

INSURANCE COMMISSIONER, OFFICE OF THE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Proposed for Permanent Adoption	2	2	0
Number of Rules Withdrawn	13	9	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

INTERAGENCY COMMITTEE, OFFICE OF THE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	12	10	0

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Type of Activity	New	Amended	Repealed
LABOR AND INDUSTRIES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	714	213	97
Number of Rules Adopted as Emergency Rules	3	1	0
Number of Rules Proposed for Permanent Adoption	133	71	12
Number of Rules Withdrawn	24	21	3
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	305	224	152
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	305	250	152
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	305	252	152
Number of Sections Adopted using Pilot Rule Making	0	0	0
LICENSING, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	249	63	32
Number of Rules Proposed for Permanent Adoption	183	30	31
Number of Rules Withdrawn	21	15	6
Number of Sections Adopted at Request of a Nongovernmental Entity	44	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	11	100	32
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	64	16	27
Number of Sections Adopted on the Agency's own Initiative	7	2	22
Number of Sections Adopted using Negotiated Rule Making	5	54	10
Number of Sections Adopted using Other Alternative Rule Making	4	44	22
Number of Sections Adopted using Pilot Rule Making	0	0	0
LIQUOR CONTROL BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	90	0	60
Number of Rules Proposed for Permanent Adoption	1	1	0
Number of Rules Withdrawn	3	0	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	15	0	59
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	15	0	59
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	15	0	59
Number of Sections Adopted using Pilot Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
LOTTERY, WASHINGTON STATE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	1	0
Number of Rules Proposed for Permanent Adoption	9	9	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	1	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
MILITARY DEPARTMENT			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	18	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	9	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
NATURAL RESOURCES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PENINSULA COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PERSONNEL, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	19	17	0
Number of Rules Proposed for Permanent Adoption	10	7	1
Number of Rules Withdrawn	3	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	16	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	18	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	18	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PIERCE COLLEGE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	2	0
Number of Rules Proposed for Permanent Adoption	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

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PILOTAGE COMMISSIONERS, BOARD OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Proposed for Permanent Adoption	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

Type of Activity	New	Amended	Repealed
PUBLIC DISCLOSURE COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	5	1
Number of Rules Proposed for Permanent Adoption	6	5	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	5	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	5	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
PUBLIC EMPLOYMENT RELATIONS COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	60	45	1
PUBLIC INSTRUCTION, SUPERINTENDENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	5	0
Number of Rules Proposed for Permanent Adoption	119	50	19
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	0	5	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	5	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PUBLIC WORKS BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	5	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
REDISTRICTING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	19	15	0

MISC.

Type of Activity	New	Amended	Repealed
RETIREMENT SYSTEMS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	10	8	0
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	13	9	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	8	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	1	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	4	0
Number of Sections Adopted on the Agency's own Initiative	1	6	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
REVENUE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	9	4	3
Number of Rules Proposed for Permanent Adoption	56	2	48
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	2	0
Number of Sections Adopted on the Agency's own Initiative	1	4	3
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	4	3
Number of Sections Adopted using Pilot Rule Making	0	0	0
SALARIES FOR ELECTED OFFICIALS, WASHINGTON CITIZENS' COMMISSION ON			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	28	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	14	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
SECRETARY OF STATE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	8	4	0
Number of Rules Adopted as Emergency Rules	28	0	10
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	8	0	10
Number of Sections Adopted on the Agency's own Initiative	2	4	0
Number of Sections Adopted using Negotiated Rule Making	10	4	10
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

SHORELINE COMMUNITY COLLEGE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	20	16	2

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1588	38	324
Number of Rules Adopted as Emergency Rules	10	8	0
Number of Rules Proposed for Permanent Adoption	1541	83	374
Number of Rules Withdrawn	919	2	211
Number of Sections Adopted at Request of a Nongovernmental Entity	2	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	366	20	211
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	20	9	10
Number of Sections Adopted in Order to Comply with Federal Statute	1	5	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	6	2	1
Number of Sections Adopted on the Agency's own Initiative	139	30	27
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	555	37	320
Number of Sections Adopted using Pilot Rule Making	0	0	0

TOXICOLOGIST, STATE

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	3	1	0
Number of Rules Proposed for Permanent Adoption	8	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

TRANSPORTATION, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

TREASURER, OFFICE OF THE STATE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	16	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	8	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

UNIVERSITY OF WASHINGTON

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	13	0
Number of Rules Proposed for Permanent Adoption	30	27	3
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	10	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	3	0
Number of Sections Adopted on the Agency's own Initiative	0	13	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	10	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

UTILITIES AND TRANSPORTATION COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	569	2	157
Number of Rules Adopted as Emergency Rules	2	0	0
Number of Rules Withdrawn	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	202	1	157
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	7	0	1
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	105	1	90
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

WASHINGTON STATE PATROL

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	3	0
Number of Rules Withdrawn	9	9	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	3	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	3	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

WASHINGTON STATE UNIVERSITY

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	17	1	0

WENATCHEE VALLEY COLLEGE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	273	0	75
Number of Rules Proposed for Permanent Adoption	257	0	11
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	98	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	98	0	75
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

WESTERN WASHINGTON UNIVERSITY

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	8	3	3
Number of Rules Withdrawn	2	0	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	3	3
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	3	3
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

TOTALS FOR THE QUARTER:

Number of Permanent Rules Adopted	4245	582	795
Number of Rules Adopted as Emergency Rules	308	21	79
Number of Rules Proposed for Permanent Adoption	3108	620	584
Number of Rules Withdrawn	1033	79	226
Number of Sections Adopted at Request of a Nongovernmental Entity	70	7	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1059	444	637

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	72	76	12
Number of Sections Adopted in Order to Comply with Federal Statute	55	72	1
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	152	102	46
Number of Sections Adopted on the Agency's own Initiative	925	535	515
Number of Sections Adopted using Negotiated Rule Making	59	136	22
Number of Sections Adopted using Other Alternative Rule Making	930	413	580
Number of Sections Adopted using Pilot Rule Making	7	0	0

WSR 01-13-011
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—June 11, 2001]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, June 21, 2001, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 01-13-014
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Barley Commission)
 [Memorandum—June 7, 2001]

The Washington Barley Commission's June 28, 2001, annual meeting has been rescheduled. The meeting will now be held on June 29, 2001. The meeting will begin at 9 a.m. and will be held at the Washington Wheat Commission's conference room located at 907 West Riverside Avenue, Spokane, WA.

If you have any questions, please call (509) 456-4400.

WSR 01-13-016
RULES OF COURT
STATE SUPREME COURT
 [June 8, 2001]

IN THE MATTER OF THE ADOPTION) ORDER
 OF NEW GR 24 AND GR 25) NO. 25700-A-704

The Washington State Bar Association having recommended the adoption of proposed new rules GR 24 and GR 25, and the Court having considered the proposed new rules and comments submitted thereto, and having determined that the proposed rules will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the new rules as attached hereto are adopted.

(b) That the rules will be published in the Washington Reports and will become effective September 1, 2001.

DATED at Olympia, Washington this 8th day of June 2001.

 Alexander, C. J.

 Smith, J.

 Johnson, J.

 Bridge, J.

 Chambers, J.

 Ireland, J.

 Owens, J.

PROPOSED AMENDMENT
GENERAL RULES (GR)
GR 24 DEFINITION OF THE PRACTICE OF LAW
 (new rule, rev. 10/6/00)
Submitted by the Board of Governors of the Washington State Bar Association

(a) General Definition: The practice of law is the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) which require the knowledge and skill of a person trained in the law. This includes but is not limited to:

(1) Giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration.

(2) Selection, drafting, or completion of legal documents or agreements which affect the legal rights of an entity or person(s).

(3) Representation of another entity or person(s) in a court, or in a formal administrative adjudicative proceeding or other formal dispute resolution process or in an administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review.

(4) Negotiation of legal rights or responsibilities on behalf of another entity or person(s).

(b) Exceptions and Exclusions: Whether or not they constitute the practice of law, the following are permitted:

(1) Practicing law authorized by a limited license to practice pursuant to Admission to Practice Rules 8 (special

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admission for: a particular purpose or action; indigent representation; educational purposes; emeritus membership; house counsel), 9 (legal interns), 12 (limited practice for closing officers), or 14 (limited practice for foreign law consultants).

(2) Serving as a court house facilitator pursuant to court rule.

(3) Acting as a lay representative authorized by administrative agencies or tribunals.

(4) Serving in a neutral capacity as a mediator, arbitrator, conciliator, or facilitator.

(5) Participation in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements.

(6) Providing assistance to another to complete a form provided by a court for protection under RCW chapters 10.14 (harassment) or 26.50 (domestic violence prevention) when no fee is charged to do so.

(7) Acting as a legislative lobbyist.

(8) Sale of legal forms in any format.

(9) Activities which are preempted by Federal law.

(10) Such other activities that the Supreme Court has determined by published opinion do not constitute the unlicensed or unauthorized practice of law or that have been permitted under a regulatory system established by the Supreme Court.

(c) **Nonlawyer Assistants:** Nothing in this rule shall affect the ability of nonlawyer assistants to act under the supervision of a lawyer in compliance with Rule 5.3 of the Rules of Professional Conduct.

(d) **General Information:** Nothing in this rule shall affect the ability of a person or entity to provide information of a general nature about the law and legal procedures to members of the public.

(e) **Governmental agencies:** Nothing in this rule shall affect the ability of a governmental agency to carry out responsibilities provided by law.

(f) **Professional Standards:** Nothing in this rule shall be taken to define or affect standards for civil liability or professional responsibility.

SUGGESTED AMENDMENT

GENERAL RULES (GR)

GR 25 PRACTICE OF LAW BOARD

(new rule)

Submitted by the Board of Governors of the Washington State Bar Association

(a) **Purpose.** The purpose of this rule is to create a Practice of Law Board in order to promote expanded access to affordable and reliable legal and law-related services, expand public confidence in the administration of justice, make recommendations regarding the circumstances under which nonlawyers may be involved in the delivery of certain types of legal and law-related services, enforce rules prohibiting individuals and organizations from engaging in unauthorized legal and law-related services that pose a threat to the general public, and to ensure that those engaged in the delivery of

legal services in the state of Washington have the requisite skills and competencies necessary to serve the public.

(b) **Appointment.** The Practice of Law Board shall consist of 13 members, at least four of whom shall be non-lawyers. The appointments shall be made by the Supreme Court after considering nominations from the Board of Governors of the Washington State Bar Association and other interested people and organizations. The members shall be appointed to staggered 3-year terms of 3 years and no member may serve more than 2 consecutive full 3-year terms. Any vacancy shall be filled for the unexpired term. The Supreme Court shall annually designate a chair and vice-chair, who shall be members of the Board.

(c) Powers of the Practice of Law Board.

(1) **Advisory Opinions.** On request of any person, or in connection with the consideration of any complaint or any investigation made on its own initiative, the Board may render advisory opinions relating to the authority of non-lawyers to perform legal and law-related services and arrange for their publication. No opinion shall be rendered if, to the Board's knowledge, the subject matter either involves or might affect a case or controversy pending in any court. An advisory opinion shall be issued by the Board in writing and shall be transmitted to the person making the inquiry. At the direction of the Board, an opinion may be published in the *Washington State Bar News*. Published opinions shall not, insofar as practicable, identify the party or parties making an inquiry, or the complainant or respondent.

(2) **Complaints.** The Board shall have jurisdiction over and shall inquire into and consider complaints alleging the unauthorized practice of law by any person or entity in accordance with the procedures outlined in this rule.

(3) **Investigation.** The Board may, on its own initiative, and without any complaint being made to it, investigate any condition or situation of which it becomes aware that may involve the unauthorized practice of law.

(4) **Recommendations to the Supreme Court Regarding the Provision of Legal and Law-Related Services by Non-Lawyers.** On request of the Supreme Court or any person or organization, or on its own initiative, the Board may recommend that non-lawyers be authorized to engage in certain defined activities that otherwise constitute the practice of law as defined in GR 24. In forwarding a recommendation that non-lawyers be authorized to engage in certain legal or law-related activities that constitute the practice of law as defined in GR 24, the Board shall determine whether regulation under authority of the Supreme Court (including the establishment of minimum and uniform standards of competency, conduct, and continuing education) is necessary to protect the public interest. Any recommendation that non-lawyers be authorized to engage in the limited provision of legal or law-related services shall be accompanied by a determination:

(A) that access to affordable and reliable legal and law-related services consistent with protection of the public will be enhanced by permitting non-lawyers to engage in the defined activities set forth in the recommendation;

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(B) that the defined activities outlined in the recommendation can be reasonably and competently provided by skilled and trained non-lawyers;

(C) if the public interest requires regulation under authority of the Supreme Court, such regulation is tailored to promote access to affordable legal and law-related services while ensuring that those whose important rights are at stake can reasonably rely on the quality, skill and ability of those non-lawyers who will provide such services;

(D) that, to the extent that the activities authorized will involve the handling of client trust funds, provision has been made to ensure that such funds are handled in a manner consistent with RPC 1.14 and APR 12.1, including the requirement that such funds be placed in interest bearing accounts, with interest paid to the Legal Foundation of Washington; and

(E) that the costs of regulation, if any, can be effectively unwritten within the context of the proposed regulatory regime.

Recommendations to authorize non-lawyers to engage in the limited practice of law pursuant to this section shall be forwarded to the Washington State Board of Governors for consideration and comment before transmission to the Supreme Court. Upon approval of such recommendations by the Supreme Court pursuant to the procedures set out in GR 9, those who meet the requirements and comply with applicable regulatory and licensing provisions shall be deemed to be engaged in the authorized practice of law.

(d) Expenses of the Practice of Law Board. The Practice of Law Board shall be supported through annual commitments from the Washington State Bar Association and through a portion of other licensing fees established by the Supreme Court for nonlawyers authorized to engage in the regulated practice of law. The Board shall be administered and staffed by the Washington State Bar which shall pay all expenses reasonably and necessarily incurred by the Board, pursuant to a budget approved by the Board of Governors. Members of the Board shall not be compensated for their services, but shall be reimbursed for their necessary expenses incurred in connection with the Board in a manner consistent with the Association's reimbursement policies.

(e) Records. All records of the Board shall be filed and maintained at the principal office of the Association.

(f) Procedure.

(1) Committees. The Board may establish such committees as the membership may deem necessary and appropriate to the performance of its assigned tasks.

(2) Quorum. A majority of the Board shall constitute a quorum. The chairperson of the Board may appoint temporary members of the Board or a committee when a member is disqualified or unable to function on a specific matter for good cause.

(3) Action by Board. The full jurisdiction and authority of the Board, as provided in this rule, may be exercised by a committee, except that (1) no advisory opinion may be given without the approval of a majority of the Board; (2) no determination of the unauthorized practice of law by a respondent and referral of a matter to a law enforcement or other agency may be made without the approval of a majority of the Board;

and (3) the action of a committee on any matter shall be subject to review and the approval or disapproval of the Board.

(4) Formal Complaint Procedure.

(A) Preliminary Investigation. The investigation or review of a complaint shall be promptly instituted by the Board or by a member thereof designated by the chair of the Board. If a complaint has been filed, the investigating member shall interview the complainant and respondent and shall conduct such further investigation as is deemed appropriate.

(B) Report and Written Agreement. Upon the conclusion of an investigation of a complaint, a report shall be made to the Board. If, after consideration of the report, the Board concludes that there has been no unauthorized practice of law, the complaint shall be dismissed and the Board shall so notify the complainant and the respondent in writing and shall close the file in the matter. If the Board concludes that there has been unauthorized practice of law, the Board shall attempt to persuade the respondent to enter into a written agreement to refrain from such conduct in the future. The written agreement may include a stipulation to penalties in the event of continued violation.

(C) Pending Controversy. The Board may defer investigation if, to the Board's knowledge, the conduct complained of is the subject matter of or might affect a case or controversy pending in any court.

(D) Informal Disposition. The Board may attempt to arrive at an amicable disposition of any matter within its jurisdiction with the respondent. At any time during the pendency of a matter before it, the Board may conduct an informal conference with the respondent. At the Board's discretion, an electronic recording or written transcription of the proceeding may be made. A respondent subject to an informal conference may be represented by counsel. After a finding by the Board of the unauthorized practice of law, the Board shall endeavor to have the respondent enter into a written agreement to refrain in the future from such conduct. If the respondent declines to enter into a written agreement pursuant to this rule, the Board shall refer the matter to an appropriate law enforcement or other agency in accordance with this rule.

(g) Petitions for Review.

(1) Notice. Within 20 days after an opinion is published, or within 30 days after any final action of the Board other than the publication of any opinion, any aggrieved member of the bar, bar association, person or entity may seek review thereof by serving on the Board a notice of petition for review by the Supreme Court and by filing the original notice with the Clerk of the Supreme Court. The notice shall set forth the petitioner's name and address and, if represented, the name and address of counsel. The notice shall designate the action of the Board sought to be reviewed and shall concisely state the manner in which the petitioner is aggrieved.

(2) Procedure. Petitions for review to the Supreme Court shall comply with the Rules for Appellate Procedure.

(3) Final Determination. The final determination of a petition for review may be either by written opinion or by order of the Supreme Court and shall state whether the opinion or the action of the Board is affirmed, reversed or modi-

fied or shall provide for such other final disposition as is appropriate.

(h) Referral to Enforcement Agency.

(1) Referral. When the Board concludes from its preliminary investigation, or from the failure of an informal conference as provided in these rules, that an amicable disposition of any matter within its jurisdiction cannot be effected with the respondent, it shall, based upon the nature of the complaint, the relief sought, and the facts as then known, refer the matter to the law enforcement or other agency the Board determines is best suited to conduct an investigation and any prosecution of such matter.

(2) Contents of File. Upon making a determination that an amicable disposition of a matter cannot be effected, and that the matter should be referred to a particular law enforcement or other agency, the Board shall send such agency the original complaint, response, evidence or other proof, investigative report and, if an informal conference has been conducted, a transcript of such proceedings. The Board shall retain copies of all such documents for its file.

(3) Notice to Complainant. Upon referring a matter to a law enforcement or other agency, the Board shall notify the complainant of such action in writing.

(i) Immunity from Suit.

(1) The members and staff of the Board shall be absolutely immune from suit, whether legal or equitable in nature, for any conduct in the performance of their official duties.

(2) Persons who bring allegations concerning any individual or entity to the Board shall be immune from suit, whether legal or equitable in nature, for all communications to the Board or to its staff.

(j) Regulations.

The Board may adopt regulations pertinent to these powers subject to the approval of the Supreme Court.

**WSR 01-13-017
RULES OF COURT
STATE SUPREME COURT
[June 8, 2001]**

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO CrR 3.3(j)) NO. 25700-A-705

The Superior Court Judges' Association having recommended the adoption of the proposed amendment to CrR 3.3(j), and the Court having considered the amendment and comments submitted thereto, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That the amendment will be published in the Washington Reports and will become effective September 1, 2001.

DATED at Olympia, Washington this 8th day of June 2001.

Alexander, C. J.

Smith, J.

Sanders, J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Ireland, J.

Owens, J.

**SUGGESTED AMENDMENT
[NEW SECTION]
CrR 3.3(j)
TIME FOR TRIAL**

(a) - (i) [Unchanged.]

(j) Waiver. A defendant may waive his or her time for trial rights. A waiver shall be in writing and shall be signed by the defendant. The waiver shall be to a date certain beyond the current expiration date as calculated pursuant to this rule or for a period of days beyond the current expiration date.

Reviser's note: The brackets and enclosed material in the text 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.

**WSR 01-13-018
RULES OF COURT
STATE SUPREME COURT**

[June 8, 2001]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO CR 28, CR) NO. 25700-A-706
35, CR 49, MAR 4.1 AND MAR 7.1)

The Washington State Bar Association having recommended the adoption of the proposed amendments to CR 28, CR 35; CR 49; MAR 4.1 and MAR 7.1, 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 amendment as attached hereto are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2001.

DATED at Olympia, Washington this 8th day of June 2001.

Alexander, C. J.

Smith, J.

Sanders, J.

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<u>Johnson, J.</u>	<u>Bridge, J.</u>
<u>Madsen, J.</u>	<u>Chambers, J.</u>
<u>Ireland, J.</u>	<u>Owens, J.</u>

WSR 01-13-019
RULES OF COURT
STATE SUPREME COURT
 [June 8, 2001]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENTS TO RLD 2.6,) NO. 25700-A-707
 RLD 2.9, RLD 11.1 AND NEW RLD 14)

CIVIL RULE 49
VERDICTS

- (—) Unchanged.
- (a) - (k). Unchanged.

(l) Any Juror Verdict. When a jury decides a verdict, any juror may vote on any of the questions posed. It is not necessary that the same ten jurors agree on every answer, as long as each answer is agreed to by any ten or more jurors.

MANDATORY ARBITRATION RULE 4.1
RESTRICTIONS ON COMMUNICATION BETWEEN
ARBITRATOR AND PARTIES

No disclosure of any offers of settlement made by any party shall be made to the arbitrator prior to the announcement of the award. Neither counsel nor a party may communicate with the arbitrator regarding the merits of the case except in the presence of, or on reasonable notice to, all other parties.

MANDATORY ARBITRATION RULE 7.1
REQUEST FOR TRIAL DE NOVO

(a) Service and Filing. Within 20 days after the arbitration award is filed with the clerk, any aggrieved party not having waived the right to appeal may serve and file with the clerk a written request for a trial de novo in the superior court along with proof that a copy has been served upon all other parties appearing in the case. The 20-day period within which to request a trial de novo may not be extended. The request for a trial de novo shall not refer to the amount of the award and shall be in substantially the following form set forth below:

[Form unchanged]

- (b) Unchanged.**

Reviser's note: The brackets and enclosed material in the text 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.

The Washington State Bar Association having recommended the adoption of the proposed amendments to RLD 2.6, RLD 2.9, RLD 11.1 and New RLD 14, and the Court having considered the amendments and new rule submitted thereto, and having determined that the proposed amendments and new rule will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments and new rule as attached hereto are adopted.

(b) That the amendments and new rule will be published in the Washington Reports and will become effective September 1, 2001.

DATED at Olympia, Washington this 8th day of June 2001.

Alexander, C. J.

Smith, J.

Sanders, J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Ireland, J.

Owens, J.

SUGGESTED AMENDMENT
RULES FOR LAWYER DISCIPLINE (RLD)
NEW TITLE 14 TO IMPLEMENT A PROGRAM OF
DIVERSION

[NEW TITLE]

TITLE 14 DIVERSION

[NEW SECTION]

RULE 14.1 REFERRAL TO DIVERSION. In a matter involving less serious misconduct as defined in rule 14.2, prior to the filing of a formal complaint, disciplinary counsel may refer a respondent lawyer to diversion. Diversion may include fee arbitration, arbitration, mediation, law office management assistance, lawyer assistance programs, psychological and behavioral counseling, monitoring, restitution, continuing legal education programs, or any other program or corrective course of action agreed upon by disciplinary counsel and respondent to address respondent's misconduct.

[NEW SECTION]

RULE 14.2 LESS SERIOUS MISCONDUCT. Less serious misconduct is conduct that does not warrant a sanction restricting the respondent's license to practice law. Conduct shall not ordinarily be considered less serious misconduct if any of the following considerations apply:

(a) the misconduct involves the misappropriation of funds;

(b) the misconduct results in or is likely to result in substantial prejudice to a client or other person, absent adequate provisions for restitution being made;

(c) the respondent has been publicly disciplined in the last three years;

(d) the misconduct is of the same nature as misconduct for which the respondent has been publicly disciplined in the last five years;

(e) the misconduct involves dishonesty, deceit, fraud or misrepresentation by the respondent;

(f) the misconduct constitutes a "serious crime" as defined in rule 3.1(i);

(g) the misconduct is part of a pattern of similar misconduct.

[NEW SECTION]

RULE 14.3 NOTICE TO GRIEVANT. Pursuant to rule 2.9 (a)(8), the grievant, if any, shall be notified of disciplinary counsel's proposed decision to refer the respondent to diversion, and shall have a reasonable opportunity to submit to disciplinary counsel a written comment thereon. The grievant shall be notified when the grievance is diverted and when the grievance is dismissed upon completion of diversion. Such decisions to divert or dismiss are not appealable.

[NEW SECTION]

RULE 14.4 FACTORS FOR DIVERSION. The following factors shall be considered by disciplinary counsel in determining whether to refer a respondent to diversion:

(a) whether the presumptive sanction under the ABA Standards for Imposing Lawyer Sanctions for the violations raised by the grievance or grievances is likely to be no more severe than reprimand, censure or admonition;

(b) whether participation in diversion is likely to improve the future professional conduct of the respondent and accomplish the goals of lawyer discipline;

(c) whether aggravating or mitigating factors exist; and

(d) whether diversion was already tried.

[NEW SECTION]

RULE 14.5 DIVERSION CONTRACT. Disciplinary counsel and the respondent shall negotiate a contract, the terms of which shall be tailored to the individual circumstances. In each case, the contract shall be signed by the respondent and disciplinary counsel. The contract shall set forth the terms and conditions of the plan for the respondent and, if appropriate, shall identify the use of a practice monitor and/or a recovery monitor and the responsibilities of any monitor. The contract shall provide for oversight of fulfillment of the contract

terms. Oversight includes reporting of any alleged breach of the contract to disciplinary counsel. The contract shall also provide that the respondent will pay all costs incurred in connection with the contract. The contract may also provide that the respondent will pay the costs associated with the disciplinary grievances to be deferred. The contract shall include a specific acknowledgment that a material violation of a term of the contract renders the respondent's participation in diversion as to the allegations of misconduct in the grievance voidable by disciplinary counsel. The contract may be amended upon agreement of the respondent and disciplinary counsel. If a recovery monitor is assigned, the contract shall include respondent's limited waiver of confidentiality permitting the recovery monitor to make appropriate disclosures in order to fulfill the monitor's duties under the contract.

[NEW SECTION]

RULE 14.6 AFFIDAVIT SUPPORTING DIVERSION. A diversion contract must be supported by the respondent's affidavit or declaration as approved by disciplinary counsel setting forth the respondent's misconduct related to the grievance or grievances to be held in abeyance under this rule, which affidavit or declaration, in the event of termination of the diversion contract due to a material breach of the diversion contract will be admissible into evidence in any ensuing disciplinary proceeding and may be made available to the review committee or the Board considering the grievance. Unless admitted into evidence at a disciplinary hearing, the affidavit or declaration will remain confidential and will not be provided to the grievant or any other individual outside the Office of Disciplinary Counsel.

[NEW SECTION]

RULE 14.7 EFFECT OF NON-PARTICIPATION IN DIVERSION. The respondent has the right to decline disciplinary counsel's offer to participate in diversion. If the respondent chooses not to participate, the matter will proceed as though no referral to diversion had been made.

[NEW SECTION]

RULE 14.8 STATUS OF GRIEVANCE. After a diversion contract is executed by the respondent and disciplinary counsel, the disciplinary grievance shall be held in abeyance pending successful completion of the terms of the contract.

[NEW SECTION]

RULE 14.9 TERMINATION OF DIVERSION.

(a) **Fulfillment of the Contract.** The contract is terminated when respondent has fulfilled the terms of the contract and submits to disciplinary counsel an affidavit or declaration demonstrating the same. Upon receipt of such affidavit or declaration, disciplinary counsel will acknowledge receipt and either dismiss any grievances held in abeyance pending successful completion of the contract, or give notice to respondent that fulfillment of the contract is disputed. Such a dismissal is not appealable by the grievant. Successful com-

pletion of the contract constitutes a bar to any further disciplinary proceedings based upon the same allegations.

(b) Material Breach. A material breach of the contract shall be cause for termination of respondent's diversion. After a material breach, disciplinary counsel will give respondent notice of termination from diversion and disciplinary proceedings may be instituted, resumed or reinstated.

(c) Review by the Chairperson. Disputes regarding fulfillment of the terms of the contract and/or material breach of the contract may be reviewed by the chairperson of the Board upon the request of the respondent or disciplinary counsel. Such request must be filed with the Board within 15 days of notice to respondent of the determination for which review is sought. Determinations by the chairperson under this section shall be final and the matters determined shall not be reviewable in any proceeding.

Supporting Amendments to Rules for Lawyer Discipline 2.6, 2.9 & 11.1

RULE 2.6 DISCIPLINARY COUNSEL

- (a) No Change.
- (b) No Change.
- (c) No Change.
- (d) No Change.

(e) Diversion. Disciplinary counsel shall have the authority to determine pursuant to rule 14.1 those grievances appropriate for diversion, after giving notice to any grievants pursuant to rule 2.9 (a)(8). Disciplinary counsel shall have the authority to negotiate and execute diversion contracts, to monitor and determine compliance with the terms of diversion contracts and to determine fulfillment of or any material breach of diversion contracts, subject to the review authorized by rule 14.9.

RULE 2.9 GRIEVANT

(a) Rights. Any person filing a grievance with the Association alleging an act of misconduct by a lawyer shall have the right to:

(1) Be advised promptly of the receipt of the grievance, and of the name, address and office phone number of the person assigned to its investigation if such an assignment is made;

(2) Request reconsideration by a review committee of a dismissal of the grievance by disciplinary counsel by serving upon the Association a request for review within 45 days of mailing of the notice of dismissal, or reconsideration, when the chairperson of the Board so directs, by the Board of a dismissal of the grievance by a review committee by serving upon the Association a request for review within 45 days of mailing of the notice of dismissal by a review committee;

(3) Have a reasonable opportunity to speak with the investigator assigned to the grievance, by telephone or in person, concerning the substance of the grievance or its status;

(4) Receive a copy of any response submitted by the lawyer against whom a grievance is filed, except when that response makes reference to confidences or secrets of a client of the lawyer to which the grievant is not privy, or contains information of a personal and private nature regarding the lawyer, or when a review committee determines that the

interests of justice would better be served if the response is not released;

(5) Submit additional supplemental written information or documentation at any time;

(6) Attend any hearing conducted into the grievance, subject to the applicable rules of evidence and any protective order issued pursuant to rule 11.1(g);

(7) Testify as a witness at any hearing conducted into the grievance, subject to the applicable rules of evidence and any protective order issued pursuant to rule 11.1(g);

(8) Be notified of any proposed decision to refer the respondent to diversion and be given a reasonable opportunity to submit to disciplinary counsel a written comment thereon;

~~(8)~~ (9) Be advised of the disposition of the grievance.

(b) No Change.

(c) No Change.

(d) No Change.

RULE 11.1 DISCLOSURE

(a) No Change.

(b) No Change.

(c) No Change.

(d) No Change.

(e) No Change.

(f) No Change.

(g) No Change.

(h) No Change.

(i) No Change.

(j) No Change.

(k) No Change.

(l) No Change.

(m) No Change.

(n) No Change.

(o) No Change.

(p) No Change.

(q) No Change.

(r) Diversion Contracts. Diversion contracts and supporting affidavits and declarations under rules 14.5 & 14.6 are confidential, notwithstanding the provisions of subsection (c), unless admitted into evidence in a disciplinary proceeding following a termination of the diversion contract based on a material breach of the diversion contract. When a matter that has previously become public under rule 11.1(c) is diverted by execution of a diversion contract, that contract and the supporting documents will remain confidential but the fact that the matter has been diverted from discipline will be public information.

~~(s)~~ **(s) Regulations.** Public access to file materials and proceedings as permitted by this rule may be subject to reasonable regulation as to time, place and circumstances. Certified copies of public bar file documents shall be made available at the same rate as certified copies of superior court records. Uncertified copies of public bar file documents shall be made available at a rate to be set by the Executive Director of the Association.

~~(t)~~ **(t) Release to Lawyers' Fund for Client Protection.** Nothing in these rules shall prohibit the release of informa-

tion obtained during the course of an investigation to the Lawyers' Fund for Client Protection concerning applications which are pending before it. The Fund shall treat such information as confidential unless release is authorized by this rule or the Executive Director.

(+) (u) Wrongful Disclosure. Disclosure, except as permitted by these rules, by any person involved with an investigation or proceeding, either as an officer or agent of the Association (including, but not limited to, its staff, members of the Board of Governors, the Disciplinary Board, a review committee, hearing panels, hearing officers, disciplinary counsel, special district counsel, a lawyer appointed pursuant to rule 8.6, or any other individual acting under authority of these rules) of any information concerning a pending or completed investigation or proceeding, except as permitted by these rules, may subject that person to an action for contempt of the Supreme Court. When the person is also a lawyer, such wrongful disclosure may also be grounds for discipline.

Reviser's note: The brackets and enclosed material in the text 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 errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 01-13-022

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—June 12, 2001]

The board of trustees of Bellingham Technical College will meet on Wednesday, June 13, 2001, 9 a.m. to 10 a.m., in the College Services Building Board Room on the Bellingham Technical College campus, in a special session to discuss whether to delegate to the president certain powers related to labor disputes. Action may be taken, if necessary, as a result of board discussion. Call 738-3105 ext. 334 for information.

WSR 01-13-023

**NOTICE OF PUBLIC MEETINGS
ECONOMIC DEVELOPMENT
FINANCE AUTHORITY**

[Memorandum—June 11, 2001]

The Washington Economic Development Finance Authority (WEDFA) is an independent agency (#106) within the executive branch of the state government. The authority has four regular board meetings each year, one per quarter. The authority's meetings are open to the public, and access for persons with disabilities is provided at all meetings of the authority.

The previously published location for the Wednesday, September 19th meeting has been changed. The meeting will be held at 10 a.m., Wednesday, September 19th at the Rainier Club, 820 Fourth Avenue, Seattle, WA.

Please call (206) 587-5634 if you have any questions.

WSR 01-13-024

**NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES**

[Memorandum—June 7, 2001]

Revised Regular Board of Trustees Meeting Schedule - 2001
Seattle Community College District VI

The Seattle Community College District VI board of trustees meeting times for June, July, and September have been revised to:

June 19, 2001	2:30 p.m.	Study Session
	3:30 p.m.	Regular Session
July 17, 2001	2:30 p.m.	Study Session
	3:30 p.m.	Regular Session
September 11, 2001	2:30 p.m.	Study Session
	3:30 p.m.	Regular Session

BOARD OF TRUSTEES

2001 REGULAR MEETING SCHEDULE

Approved by the Board of Trustees 12/5/00

The board of trustees meetings begin with a worksession or reception at 12 noon. Regular meeting agenda sessions will begin at 1:00 p.m. **Exceptions to worksession start times are noted below.** Dates and locations of the meetings are noted below.

DATE	LOCATION
January 16	Holly Park (SSCC) 7058 32nd Avenue South Seattle, WA 98118
February 20	North Seattle Community College 9600 College Way North Seattle, WA 98103
March 13	Seattle Central Community College 1701 Broadway Seattle, WA 98122
April 17	Duwamish Branch (SSCC) 6770 East Marginal Way South Seattle, WA 98108
May 15	South Seattle Community College 6000 16th Avenue S.W. Seattle, WA 98106
June 19 2:30 p.m.	Seattle Vocational Institute (SCCC) 2120 South Jackson Street Seattle, WA 98144
July 17 2:30 p.m.	Sand Point Education Center (NSCC) 6208 60th Avenue N.E. Seattle, WA 98115
August	NO MEETING
September 11 2:30 p.m.	SCCD (Siegal Center) 1500 Harvard Avenue Seattle, WA 98122

MISC.

DATE	LOCATION
October 2	North Seattle Community College 9600 College Way North Seattle, WA 98103
November 6	Seattle Maritime Academy (SCCC) 4455 Shilshole Avenue N.W. Seattle, WA 98107
December 4	SCCD (Siegal Center) 1500 Harvard Avenue Seattle, WA 98122

WSR 01-13-027
POLICY STATEMENT
MARINE EMPLOYEES' COMMISSION
 [Memorandum—June 11, 2001]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Conflict of Interest.
 Issuing Entity: Marine Employees' Commission.
 Description: Policy requiring all employees to abide by chapter 42.52 RCW and listing specific actions and duties.
 Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.
 Effective Date: June 8, 2001.

Kathy Marshall
Administrator

WSR 01-13-028
RULES COORDINATOR
DEPARTMENT OF
VETERANS AFFAIRS
 [Filed June 13, 2001, 9:30 a.m.]

Please be advised that Heidi Audette is assuming the responsibilities of rules coordinator for the Washington Department of Veterans Affairs.

If you have any questions, you may contact my office at (360) 725-2153.

Ms. Audette's contact information is as follows: Heidi Audette, Legislative Liaison, Washington Department of Veterans Affairs, P.O. Box 41150, Olympia, WA 98504, (360) 725-2154.

John King

WSR 01-13-029

NOTICE OF PUBLIC MEETINGS
EXECUTIVE ETHICS BOARD

[Memorandum—June 11, 2001]

The location for the Executive Ethics Board's regular meetings on the dates below have been changed to:

June 8	Labor and Industries Tukwila Field Service Office 12806 Gateway Drive Tukwila, WA 98168
July 13	Attorney General Lee Ann Miller Conference Center 4224 6th Avenue, Building 1 Olympia, WA 98504-0130
September 14	Labor and Industries Tukwila Field Service Office 12806 Gateway Drive Tukwila, WA 98168
October 12	Office of the Attorney General 120 South Third Street #100 Yakima, WA 98901
November 9	Attorney General Lee Ann Miller Conference Center 4224 6th Avenue, Building 1 Olympia, WA 98504-0130

If you have any questions, please contact (360) 664-0871.

WSR 01-13-034
RULES OF COURT
STATE SUPREME COURT
 [June 12, 2001]

IN THE MATTER OF THE ADOPTION)	ORDER
OF THE AMENDMENT TO NEW ARLJ)	NO. 25700-A-708
11)	

The District and Municipal Court Judges' Association having recommended the adoption of proposed new rule ARLJ 11, and the Court having considered the proposed rule and comments submitted thereto, and having determined that the proposed rule will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the new rule as attached hereto is adopted.

(b) That the new rule will be published in the Washington Reports and will become effective September 1, 2001.

DATED at Olympia, Washington this 12th day of June 2001.

Alexander, C. J.

Smith, J.

Sanders, J.

MISC.

Johnson, J.	Bridge, J.
Madsen, J.	Chambers, J.
Ireland, J.	Owens, J.

Proposed Rule 11

**Administrative Rules for Courts of Limited Jurisdiction
(ARLJ)
Misdemeanant Probation Department**

RULE 11 PROBATION DEPARTMENT

RULE 11.1 DEFINITION

A misdemeanor probation department, if a court elects to establish one, is an entity that provides services designed to assist the court in the management of criminal justice and thereby aid in the preservation of public order and safety. This entity may consist of probation officers and probation clerks. The method of providing these services shall be established by the presiding judge of the local court to meet the specific needs of the court.

RULE 11.2 QUALIFICATIONS AND CORE SERVICES OF PROBATION DEPARTMENT PERSONNEL

(a) Probation Officer Qualifications.

(1) A minimum of a bachelor of arts or bachelor of science degree that provides the necessary education and skills in dealing with complex legal and human issues, as well as competence in making decisions and using discretionary judgment. A course of study in sociology, psychology, or criminal justice is preferred.

(2) Counseling skills necessary to evaluate and act on offender crisis, assess offender needs, motivate offenders, and make recommendations to the court.

(3) Education and training necessary to communicate effectively, both orally and in writing, to interview and counsel offenders with a wide variety of offender problems, including but not limited to alcoholism, domestic violence, mental illness, sexual deviancy; to testify in court, to communicate with referral resources, and to prepare legal documents and reports.

(4) Anyone not meeting the above qualifications and having competently held the position of probation officer for the past two years shall be deemed to have met the qualifications.

(b) Probation Officer - Core Services.

(1) Conduct pre/post-sentence investigations with face to face interviews and extensive research that includes but is not limited to criminal history, contact with victims, personal history, social and economic needs, community resource needs, counseling/treatment needs, work history, family and employer support, and complete written pre/post-sentence reports, which includes sentencing recommendations to the court.

(2) For offenders referred to the misdemeanor probation department, determine their risk to the community using a standardized classification system with a minimum of monthly fact to face interviews for offenders classified at the highest level.

(3) Evaluate offenders' social problems, amenability to different types of treatment programs, and determine appropriate referral.

(4) Supervise offenders with face to face interviews depending on risk classification system.

(5) Oversee community agencies providing services required of offenders with input to the judicial officer (e.g. alcohol/drug, domestic violence, sexual deviancy, and mental illness).

(6) Other Duties. The core services listed under both probation officer and probation clerk are not meant to exclude other duties that may be performed by either classification of employee or other court clerical staff, such as record checks, calendaring court proceedings, and accounting of fees.

(c) Probation Clerk Qualifications.

(1) High school or equivalent diploma.

(2) Efficient in all facets of basic clerical skills including but not limited to keyboarding, computer familiarity and competence, filing, and positive public interaction.

(3) Above average ability in dealing with stress and difficult clients.

(4) Ability to complete and perform multi-task assignments.

(d) Probation Clerk - Core Services.

(1) Monitor compliance of treatment obligations with professional treatment providers.

(2) Report offender non-compliance with conditions of sentence to the court.

(3) Coordinate treatment referral information, and monitor community agencies for statutory reporting compliance.

(4) Anyone not meeting the above qualifications and having held the position of probation clerk for the past two years shall be deemed to have met the qualifications.

(5) Other Duties. The core services listed under both probation officer and probation clerk are not meant to exclude other duties that may be performed by either classification of employee or other court clerical staff, such as record checks, calendaring court proceedings, and accounting of fees.

RULE 11.3 STATUTORY PROBATION SERVICE FEES TO BE USED FOR PROBATION SERVICES

All positions, which are funded by statutory probation service fees, shall be limited to working with individuals or cases who are on probation. Any additional funds raised from statutory probation services fees beyond what is necessary to fund the positions in the probation department shall be used to provide additional levels of probation services.

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.

MISC.

WSR 01-13-035
RULES OF COURT
STATE SUPREME COURT
[June 12, 2001]

IN THE MATTER OF THE ADOPTION) ORDER
OF NEW RULE APR 19 AND REPEAL) NO. 25700-A-709
OF RLD 12.17)

The Washington State Bar Association having recom-
mended the adoption of proposed New Rule APR 19 and the
repeal of RLD 12.17, and the Court having considered the
new rule, and having determined that the proposed new rule
will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That New APR 19 is adopted and RLD 12.17 is
repealed.

(b) That the new rule will be published in the Washing-
ton Reports and will become effective September 1, 2001.

DATED at Olympia, Washington this 12th day of June
2001.

Alexander, C. J.

Smith, J.

Johnson, J.

Madsen, J.

Ireland, J.

Bridge, J.

Chambers, J.

Owens, J.

SUGGESTED AMENDMENT

ADMISSION TO PRACTICE RULES (APR)
APR 19. LAWYER SERVICES DEPARTMENT

(a) Purpose. The purpose of this rule is to protect the
public, to assist lawyers in the performance of their duties
and responsibilities in the representation of clients, to main-
tain and improve the integrity of the legal profession, and to
promote the interests of justice.

(b) Lawyers' Assistance Program (LAP).

(1) Authorization. The Washington State Bar Associa-
tion is authorized to create a program to help prevent and
alleviate problems that may detrimentally influence a law-
yer's performance, including physical illnesses, emotional
problems or addictions.

(2) Confidentiality. Confidential communications
between a lawyer-client and staff or peer counselors of the
Lawyers' Assistance Program shall be privileged against dis-
closure without the consent of the lawyer-client to the same
extent and subject to the same conditions as confidential
communications between a client and psychologist.

(3) Exoneration From Liability.

(i) Bar Association and Its Agents. No cause of action
shall accrue in favor of any person, arising from any action or

proceeding pursuant to these rules, against the Bar Associa-
tion, or its officers or agents (including but not limited to its
staff, members of the Board of Governors, or any other indi-
vidual acting under the authority of these rules) provided
only that the Bar Association, officer or agent shall have
acted in good faith. The burden of proving bad faith in this
context shall be upon the person asserting it. The Bar Asso-
ciation shall provide defense to any action brought against an
officer or agent of the Bar Association for actions taken in
good faith under these rules and shall bear the costs of that
defense and shall indemnify the officer or agent against any
judgment taken therein.

(ii) Other persons. Communications to the Bar Associa-
tion, Board of Governors, staff, or any other individual acting
under the authority of these rules, are absolutely privileged,
and no lawsuit predicated thereon may be instituted against
them or other person providing information.

(c) Fee Arbitration Program. [Reserved.]

(d) Law Office Management Assistance Program.
[Reserved.]

(e) Ethics Program. [Reserved.]

SUGGESTED AMENDMENT

RULES FOR LAWYER DISCIPLINE (RLD)
RLD 12.17 LAWYERS' ASSISTANCE PROGRAM:
CONFIDENTIALITY

RLD 12.17 LAWYERS' ASSISTANCE PROGRAM;
CONFIDENTIALITY Confidential communications
between a lawyer and staff or peer counselors of the Lawyers'
Assistance Program shall be privileged against disclosure
without the consent of the client to the same extent and sub-
ject to the same conditions as confidential communications
between a client and psychologist.

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

Reviser's note: The bracketed and enclosed material above occurred
in the copy filed by the State Supreme Court and appears in the Register pur-
suant to 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.

WSR 01-13-036
RULES OF COURT
STATE SUPREME COURT
[June 12, 2001]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO LIMITED) NO. 25700-A-710
PRACTICE ADMISSION AND CERTIFI-)
CATION RULES 2, 10, 11, 13, 14, 15, 16)
AND NEW RULE 20; DISCIPLINARY)
RULES 1.3, 1.5, 1.6, 1.7, 2.6, 3.2, 8.6, 9.1)
AND 11.4 AND TITLE TO DISCIPLIN-)
ARY REGULATIONS)

The Limited Practice Board having recommended the adoption of the proposed amendments to Limited Practice Admission and Certification Rules 2, 10, 11, 13, 14, 15, 16 and New Rule 20; Disciplinary Rules 1.3, 1.5, 1.6, 1.7, 2.6, 3.2, 8.6, 9.1 and 11.4 and Title to Disciplinary Regulations, 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 July 2, 2001.

DATED at Olympia, Washington this 12th day of June 2001.

	<u>Alexander, C. J.</u>
<u>Smith, J.</u>	
<u>Johnson, J.</u>	<u>Bridge, J.</u>
<u>Madsen, J.</u>	<u>Chambers, J.</u>
<u>Ireland, J.</u>	<u>Owens, J.</u>

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 01-14 issue of the Register.

WSR 01-13-037
RULES OF COURT
STATE SUPREME COURT

[June 12, 2001]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO JISCR 18) NO. 25700-A-711

The JIS Committee and Office of the Administrator for the Courts having recommended the adoption of the proposed amendment to JISCR 18, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously and become effective July 22, 2001.

DATED at Olympia, Washington this 12th day of June 2001.

	<u>Alexander, C. J.</u>
<u>Smith, J.</u>	<u>Sanders, J.</u>
<u>Johnson, J.</u>	<u>Bridge, J.</u>
<u>Madsen, J.</u>	<u>Chambers, J.</u>
<u>Ireland, J.</u>	<u>Owens, J.</u>

RULE 18. ADDING RECORDS TO THE JUDICIAL INFORMATION SYSTEM

In all courts adding records to the Judicial Information System, for all persons on whom a ~~case is filed on~~ juvenile or adult criminal offenses, infraction, or infractions, a juvenile non-offender case is filed, a record will be created in the person data base according to rules and procedures adopted by the Judicial information System Committee. Provided, truancy records associated with a juvenile who has no other case history, and records of a juvenile's parents who have no other case history, shall be removed from the judicial information system when the juvenile is no longer subject to the compulsory attendance laws under Chapter 28A.225 RCW.

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.

WSR 01-13-038
NOTICE OF PUBLIC MEETINGS
MARINE EMPLOYEES' COMMISSION

[Memorandum—June 12, 2001]

There will be a change in the previously adopted schedule for the 2001 meeting schedule of the Marine Employees' Commission. The August 24, 2001, meeting has been changed to August 30, 2001. It will be held in the new Spike Eikum Conference Room, Colman Dock Pier 52, 801 Alaskan Way, Seattle and will begin at **10:00 a.m.**

For further information, please call (360) 586-6354 or send an e-mail to mec@olywa.net

WSR 01-13-040
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION

(State Capitol Committee)

(Legislative Building Renovation Oversight Committee)

[Memorandum—June 12, 2001]

Following is the joint State Capitol Committee and Legislative Building Renovation Oversight Committee meeting date:

MISC.

Date: Thursday, July 19, 2001
 Time: 11:00 a.m. to 1:00 p.m.
 Location: General Administration Building, Room 207

If you have any questions, call (360) 902-0979.

WSR 01-13-041
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
 [Filed June 14, 2001, 12:45 p.m.]

Interim Audit Guideline 04.01 - Taxability of Investment Income

This announcement of the adoption of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has adopted the following interim audit guideline.

Interim Audit Guideline 04.01 - Instructs department personnel that, evaluating whether business and occupation tax applies to the investment income of any business, auditors may only use department policies and interpretations existing prior to the Washington Supreme Court's decision in *Simpson Investment Co. v. Department of Revenue*, 141 Wn.2d 139 (2000). The interpretive statement also provides procedures for auditors that discover incorrect deductions of investment income from taxable income.

Request for copies of this guideline may be directed to Roseanna Hodson, Legislation and Policy Division, P.O. Box 47467, Olympia, WA 98504-7467, e-mail RoseannaH@dor.wa.gov.

Claire Hesselholt
 Policy Counsel

WSR 01-13-043
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—June 13, 2001]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on Wednesday, June 20, 2001, at 1:30 p.m. in Room 310 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 01-13-053
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
 [Memorandum—June 14, 2001]

At the June 7, 2001, board of trustees meeting, the following schedule was approved by the trustees for the July-

December 2001 meeting dates. All meetings will be held on the Mount Vernon campus and will begin at 5:30 p.m., unless otherwise noted.

July-December 2001 Board Meeting Dates	Location
Monday, July 9, 2001	MV Board Room
Monday, September 10, 2001	MV Board Room
Monday, October 8, 2001, 5:30 p.m.	South Whidbey Center 11042 SR 525 Suite 138 Clinton
Tuesday, November 13, 2001	MV Board Room
Monday, December 10, 2001	MV Board Room

WSR 01-13-054
RULES COORDINATOR
COMMUNITY COLLEGES OF SPOKANE

[Filed June 15, 2001, 12:09 p.m.]

The rules coordinator for Community Colleges of Spokane (CCS) has been changed.

Please add Connie Stafford Sherman, (509) 434-5060, to the published list as the present rules coordinator at CCS.

Charles A. Taylor
 Chancellor/Chief Executive Officer

WSR 01-13-057
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
 (Capitol Campus Design Advisory Committee)
 [Memorandum—June 15, 2001]

Following is the Capitol Campus Design Advisory Committee meeting date, time and location:

Date: Wednesday, July 11th
 Time: 11:00 a.m. to 2:00 p.m.
 Location: General Administration Building, Room 207

If you have any questions, please contact Lenore Miller at (360) 902-0970 or Kim M. Moore at (360) 902-0955.

WSR 01-13-064
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
 [Memorandum—June 15, 2001]

The Workforce Training and Education Coordinating Board September 12, 2001, meeting will be held at the Belle-

vue Community College, 3000 Landerholm Circle S.E., Room N201, Bellevue, 98007, from 8:30 a.m. to 4:00 p.m.

Please call Caroline Haggard if you have any questions, 753-5677.

Olympia, WA 98504-7467, phone (360) 570-6119, fax (360) 664-0693.

Claire Hesselholt
Policy Counsel

WSR 01-13-071
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 18, 2001, 3:26 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN-209 Reporting Suspected Fraud.

Subject: Reporting suspected fraud.

Effective Date: June 8, 2001.

Document Description: Canary Notice 209 provides Division of Child Support (DCS) staff with instructions about how to report cases of suspected fraud.

To receive a copy of the interpretive or policy statement, contact Martha Dickens, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5217, TDD (360) 753-9122, fax (360) 664-5209, e-mail mdickens@dshs.wa.gov.

June 14, 2001
Martha Dickens

WSR 01-13-076
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE

[Memorandum—June 15, 2001]

The following is South Puget Sound Community College District 24 board of trustees regular meeting schedule for 2001-2002, submitted pursuant to RCW 42.30.075:

Thursday, August 30, 2001	3:00 p.m.
Tuesday, October 9, 2001	3:00 p.m.
Thursday, November 8, 2001	3:00 p.m.
Thursday, December 13, 2001	3:00 p.m.
Thursday, January 10, 2002	3:00 p.m.
Thursday, February 14, 2002	3:00 p.m.
Thursday, March 14, 2002	3:00 p.m.
Thursday, April 11, 2002	3:00 p.m.
Thursday, May 9, 2002	3:00 p.m.
Thursday, June 13, 2002	3:00 p.m.

WSR 01-13-075
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed June 18, 2001, 3:55 p.m.]

ADOPTION OF INTERPRETIVE STATEMENT

Excise Tax Advisory 2002.16.179—Low-density light and power utility deduction

This announcement of the adoption of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has adopted a revision to Excise Tax Advisory 2002 (Low-density light and power utility deduction). This advisory explains the public utility tax deduction provided by RCW 82.16.053 to qualifying power and light businesses.

RCW 82.16.053 requires that the department determine the state average electric power rate each year and inform taxpayers of this rate. This rate is used by the power and light business to compute the amount of the deduction. This document updates the information to provide the rate to be used during for the period of July 2001 through June 2002.

A copy of this advisory can be obtained via the internet at <http://dor.wa.gov/eta/2002r3.pdf> or by contacting Roseanna Hodson, Legislation and Policy, P.O. Box 47467,

WSR 01-13-100
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE

(Interagency Committee for Outdoor Recreation)

[Memorandum—June 20, 2001]

The Interagency Committee for Outdoor Recreation (IAC) will meet Wednesday, July 18 and Thursday, July 19, 2001, beginning with the regular IAC business meeting on Wednesday, July 18, 8:30 a.m. in O'Reilly's Banquet and Conference Center in East Wenatchee. There will be a tour on Thursday the 19th in conjunction with the Salmon Recovery Funding Board, and will highlight both boards' work in the area.

The draft agenda for this meeting includes updates on legislative issues, the NOVA plan review, and statewide boating infrastructure grant cycles. Action items include the public lands inventory project, WWRP 1st year list approval, and LWCF FFY 2000 and 2001 project decisions.

If you plan to participate or have materials for committee review, please submit information to IAC no later than July 3, 2001. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by July 3, at (360) 902-2637 or TDD (360) 902-1996.

MISC.

WSR 01-13-101
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
[Memorandum—June 20, 2001]

BOARD OF TRUSTEES
June 22, 2001—10:00 a.m.
Pence Union Building Room 263-7
Cheney Campus

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-6598.

WSR 01-13-122
NOTICE OF PUBLIC MEETINGS
REDISTRICTING COMMISSION
[Memorandum—June 20, 2001]

In accordance with the Open Public Meetings Act, chapter 42.30 RCW, the 2001-2002 Washington State Redistricting Commission has cancelled the July 5, 2001, regular meeting. The commission will hold a special meeting at the Vancouver, Franklin Building, Commissioners Hearing Room, July 13, 2001. The meeting will begin at 3:00 p.m.

An agenda will be distributed to the commissioners, the media, and to others who have requested notice at the earliest practical date, per WAC 417-01-150(3).

Additionally, the August 2, 2001, regular meeting has been moved to the Seattle, Municipal Building, 600 Fourth Avenue, Seattle, WA. The meeting will begin at 1:00 p.m.

For other information regarding commission meetings, please call (360) 586-9000 or visit the commission's web site at www.redistricting.wa.gov.

MISC.



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 #
3- 20-100	NEW-P	01-05-034	16-143-060	REP-P	01-11-144	16-202-2000	REP-P	01-06-053
3- 20-100	NEW	01-11-035	16-143-070	REP-P	01-11-144	16-202-2001	NEW-P	01-06-053
4- 25	PREP	01-11-076	16-143-080	REP-P	01-11-144	16-202-2001	NEW	01-13-063
4- 25-410	AMD-P	01-07-033	16-143-090	REP-P	01-11-144	16-202-2002	NEW-P	01-06-053
4- 25-410	AMD	01-11-124	16-143-100	REP-P	01-11-144	16-202-2003	NEW-P	01-06-053
4- 25-520	AMD-P	01-07-034	16-143-110	REP-P	01-11-144	16-202-2004	NEW-P	01-06-053
4- 25-520	AMD	01-11-125	16-156	AMD-P	01-12-100	16-202-2004	NEW	01-13-063
4- 25-521	AMD-P	01-07-035	16-156-004	AMD-P	01-12-100	16-202-2005	NEW-P	01-06-053
4- 25-521	AMD	01-11-126	16-156-030	AMD-P	01-12-100	16-202-2006	NEW-P	01-06-053
4- 25-600	AMD-P	01-07-036	16-156-035	AMD-P	01-12-100	16-202-2007	NEW-P	01-06-053
4- 25-600	AMD-W	01-11-123	16-156-050	AMD-P	01-12-100	16-202-2007	NEW	01-13-063
4- 25-610	AMD-P	01-07-037	16-156-060	AMD-P	01-12-100	16-202-2008	NEW-P	01-06-053
4- 25-610	AMD-W	01-11-123	16-156-070	NEW-P	01-12-100	16-202-2008	NEW	01-13-063
4- 25-620	REP-P	01-07-037	16-202	AMD-C	01-11-130	16-202-2009	NEW-P	01-06-053
4- 25-620	REP-W	01-11-123	16-202	AMD-C	01-13-062	16-202-2009	NEW	01-13-063
4- 25-622	AMD-P	01-07-038	16-202-1000	REP-P	01-06-052	16-202-2010	NEW-P	01-06-053
4- 25-622	AMD-W	01-11-123	16-202-1001	NEW-P	01-06-052	16-202-2010	NEW	01-13-063
4- 25-626	AMD	01-03-012	16-202-1002	NEW-P	01-06-052	16-202-2011	NEW-P	01-06-053
4- 25-630	REP-P	01-07-037	16-202-1003	NEW-P	01-06-052	16-202-2011	NEW	01-13-063
4- 25-630	REP-W	01-11-123	16-202-1004	NEW-P	01-06-052	16-202-2012	NEW-P	01-06-053
4- 25-631	PREP	01-06-002	16-202-1006	NEW-P	01-06-052	16-202-2012	NEW	01-13-063
4- 25-640	AMD-P	01-07-039	16-202-1007	NEW-P	01-06-052	16-202-2013	NEW-P	01-06-053
4- 25-640	AMD-W	01-11-123	16-202-1008	NEW-P	01-06-052	16-202-2013	NEW	01-13-063
4- 25-650	AMD-P	01-07-040	16-202-1009	NEW-P	01-06-052	16-202-2014	NEW-P	01-06-053
4- 25-650	AMD-W	01-11-123	16-202-1010	NEW-P	01-06-052	16-202-2014	NEW	01-13-063
4- 25-720	AMD-P	01-07-041	16-202-1011	NEW-P	01-06-052	16-202-2015	NEW-P	01-06-053
4- 25-721	AMD-P	01-07-042	16-202-1012	NEW-P	01-06-052	16-202-2015	NEW	01-13-063
4- 25-721	AMD	01-11-127	16-202-1013	NEW-P	01-06-052	16-202-2016	NEW-P	01-06-053
4- 25-722	REP-P	01-07-043	16-202-1014	NEW-P	01-06-052	16-202-2016	NEW	01-13-063
4- 25-722	REP-W	01-11-123	16-202-1015	NEW-P	01-06-052	16-202-2017	NEW-P	01-06-053
4- 25-722	REP	01-11-128	16-202-1016	NEW-P	01-06-052	16-202-2017	NEW	01-13-063
4- 25-730	AMD	01-03-011	16-202-1017	NEW-P	01-06-052	16-202-2018	NEW-P	01-06-053
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16-238-010	NEW-P	01-09-075	16-401-026	AMD-P	01-07-099	16-602-025	AMD	01-11-146
16-238-010	NEW	01-12-021	16-401-026	AMD	01-11-031	16-602-026	AMD-P	01-08-087
16-238-010	NEW-E	01-13-001	16-401-027	NEW-P	01-07-099	16-602-026	AMD	01-11-146
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16-238-020	NEW-P	01-09-075	16-401-031	AMD-P	01-07-099	16-602-027	REP	01-11-146
16-238-020	NEW	01-12-021	16-401-031	AMD	01-11-031	16-602-030	REP-P	01-08-087
16-238-020	NEW-E	01-13-001	16-401-032	NEW-P	01-07-099	16-602-030	REP	01-11-146
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16-238-070	NEW-P	01-09-075	16-403-143	AMD-P	01-08-068	16-750	PREP	01-12-078
16-238-070	NEW	01-12-021	16-403-143	AMD	01-12-079	51- 04-040	PREP	01-11-072
16-238-070	NEW-E	01-13-001	16-403-220	AMD-P	01-08-068	51- 11-0101	AMD	01-03-010
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16-238-090	NEW-E	01-13-001	16-470-111	NEW-P	01-11-145	51- 11-0605	AMD	01-03-010
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16-328-010	AMD-P	01-07-098	16-470-912	NEW-P	01-07-096	51- 11-1005	AMD	01-03-010
16-328-010	AMD	01-11-032	16-470-912	NEW	01-11-033	51- 11-1006	AMD	01-03-010
16-328-011	NEW-P	01-07-098	16-470-916	AMD-P	01-07-096	51- 11-1007	AMD	01-03-010
16-328-011	NEW	01-11-032	16-470-916	AMD	01-11-033	51- 11-1008	AMD	01-03-010
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16-333-085	AMD	01-11-030	16-550-040	AMD	01-05-047	51- 11-1331	AMD	01-03-010
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51-11-1416	NEW	01-03-010	51-42-0405	NEW	01-02-098	51-46-0501	REP-W	01-05-029
51-11-1423	AMD	01-03-010	51-42-1101	AMD-W	01-05-030	51-46-0502	REP-W	01-05-029
51-11-1433	AMD	01-03-010	51-42-1103	AMD	01-02-098	51-46-0505	REP-W	01-05-029
51-11-1435	AMD	01-03-010	51-42-1105	AMD	01-02-098	51-46-0507	REP-W	01-05-029
51-11-1438	AMD	01-03-010	51-42-1109	NEW	01-02-098	51-46-0509	REP-W	01-05-029
51-11-1439	NEW	01-03-010	51-42-1110	NEW	01-02-098	51-46-0512	REP-W	01-05-029
51-11-1443	NEW	01-03-010	51-42-1111	NEW	01-02-098	51-46-0513	REP-W	01-05-029
51-11-1454	AMD	01-03-010	51-42-1112	NEW	01-02-098	51-46-0514	REP-W	01-05-029
51-11-1512	AMD	01-03-010	51-42-1113	NEW	01-02-098	51-46-0515	REP-W	01-05-029
51-11-1513	AMD	01-03-010	51-42-1114	NEW	01-02-098	51-46-0516	REP-W	01-05-029
51-11-1521	AMD	01-03-010	51-42-1115	NEW	01-02-098	51-46-0517	REP-W	01-05-029
51-11-1530	AMD	01-03-010	51-42-1116	NEW	01-02-098	51-46-0518	REP-W	01-05-029
51-11-1531	AMD	01-03-010	51-42-1117	NEW	01-02-098	51-46-0519	REP-W	01-05-029
51-11-1532	AMD	01-03-010	51-42-1118	NEW	01-02-098	51-46-0520	REP-W	01-05-029
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51-11-2000	REP	01-03-010	51-42-1120	NEW	01-02-098	51-46-0522	REP-W	01-05-029
51-11-2001	REP	01-03-010	51-42-1121	NEW	01-02-098	51-46-0523	REP-W	01-05-029
51-11-2002	REP	01-03-010	51-42-1122	NEW	01-02-098	51-46-0524	REP-W	01-05-029
51-11-2003	REP	01-03-010	51-42-1123	NEW	01-02-098	51-46-0525	REP-W	01-05-029
51-11-2004	REP	01-03-010	51-42-1124	NEW	01-02-098	51-46-0600	REP-W	01-05-029
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51-11-2007	REP	01-03-010	51-42-1301	NEW	01-02-098	51-46-0604	REP-W	01-05-029
51-11-2008	REP	01-03-010	51-44-0103	AMD	01-02-096	51-46-0608	REP-W	01-05-029
51-11-2009	REP	01-03-010	51-44-0105	NEW	01-02-096	51-46-0609	REP-W	01-05-029
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51-11-99903	AMD	01-03-010	51-44-1007	AMD	01-02-096	51-46-0700	REP-W	01-05-029
51-11-99904	AMD	01-03-010	51-44-1102	NEW	01-02-096	51-46-0701	REP-W	01-05-029
51-13-101	AMD	01-02-099	51-44-1109	AMD	01-02-096	51-46-0704	REP-W	01-05-029
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51-13-302	AMD	01-02-099	51-44-5200	AMD	01-02-096	51-46-0713	REP-W	01-05-029
51-13-303	AMD	01-02-099	51-44-6100	AMD-W	01-05-031	51-46-0793	REP-W	01-05-029
51-13-304	AMD	01-02-099	51-44-6300	AMD-W	01-05-031	51-46-0800	REP-W	01-05-029
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51-40-0313	AMD	01-02-095	51-45-10100	NEW-W	01-05-031	51-46-0900	REP-W	01-05-029
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51-40-1105	AMD	01-02-095	51-46-0102	REP-W	01-05-029	51-46-1303	REP-W	01-05-029
51-40-1106	AMD	01-02-095	51-46-0103	REP-W	01-05-029	51-46-1304	REP-W	01-05-029
51-40-1202	NEW	01-02-095	51-46-0200	AMD	01-02-097	51-46-1305	REP-W	01-05-029
51-40-1203	AMD	01-02-095	51-46-0205	REP-W	01-05-029	51-46-1400	REP-W	01-05-029
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51-40-1700	NEW-W	01-05-028	51-46-0301	REP-W	01-05-029	51-46-97121	REP-W	01-05-029
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51-47-007	REP-W	01-05-029	72-171-220	AMD-P	01-09-019	132G-120-065	AMD	01-13-065
51-47-008	REP-W	01-05-029	72-171-230	AMD-P	01-09-019	132G-120-070	AMD-P	01-08-082
51-56-001	NEW-W	01-05-029	72-171-240	AMD-P	01-09-019	132G-120-070	AMD	01-13-065
51-56-002	NEW-W	01-05-029	72-171-242	NEW-P	01-09-019	132G-120-080	AMD-P	01-08-082
51-56-003	NEW-W	01-05-029	72-171-244	NEW-P	01-09-019	132G-120-080	AMD	01-13-065
51-56-007	NEW-W	01-05-029	72-171-400	REP-P	01-09-019	132G-120-090	AMD-P	01-08-082
51-56-008	NEW-W	01-05-029	72-171-410	AMD-P	01-09-019	132G-120-090	AMD	01-13-065
51-56-0100	NEW-W	01-05-029	72-171-420	REP-P	01-09-019	132G-120-100	AMD-P	01-08-082
51-56-0200	NEW-W	01-05-029	72-171-430	REP-P	01-09-019	132G-120-100	AMD	01-13-065
51-56-0300	NEW-W	01-05-029	72-171-500	AMD-P	01-09-019	132G-120-110	AMD-P	01-08-082
51-56-0400	NEW-W	01-05-029	72-171-510	AMD-P	01-09-019	132G-120-110	AMD	01-13-065
51-56-0500	NEW-W	01-05-029	72-171-512	NEW-P	01-09-019	132G-120-120	REP-P	01-08-082
51-56-0600	NEW-W	01-05-029	72-171-514	NEW-P	01-09-019	132G-120-120	REP	01-13-065
51-56-0700	NEW-W	01-05-029	72-171-550	NEW-P	01-09-019	132G-120-130	AMD-P	01-08-082
51-56-0800	NEW-W	01-05-029	72-171-600	REP-P	01-09-019	132G-120-130	AMD	01-13-065
51-56-0900	NEW-W	01-05-029	72-171-601	NEW-P	01-09-019	132G-120-140	AMD-P	01-08-082
51-56-1300	NEW-W	01-05-029	72-171-605	NEW-P	01-09-019	132G-120-140	AMD	01-13-065
51-56-1400	NEW-W	01-05-029	72-171-610	REP-P	01-09-019	132K-122-020	PREP	01-03-125
51-56-1500	NEW-W	01-05-029	72-171-620	REP-P	01-09-019	132K-122-020	AMD-P	01-07-062
51-56-201300	NEW-W	01-05-029	72-171-630	REP-P	01-09-019	132K-122-020	AMD	01-11-068
51-57-001	NEW-W	01-05-029	72-171-640	REP-P	01-09-019	132K-122-100	PREP	01-03-126
51-57-002	NEW-W	01-05-029	72-171-650	AMD-P	01-09-019	132K-122-100	AMD-P	01-07-061
51-57-003	NEW-W	01-05-029	72-171-700	REP-P	01-09-019	132K-122-100	AMD	01-11-067
51-57-007	NEW-W	01-05-029	72-171-710	NEW-P	01-09-019	132W-104	PREP	01-03-103
51-57-008	NEW-W	01-05-029	72-171-710	NEW-W	01-10-018	132W-104-010	REP-P	01-04-004
51-57-790000	NEW-W	01-05-029	82-50-021	AMD-P	01-09-085	132W-104-010	REP	01-07-059
51-57-895000	NEW-W	01-05-029	82-50-021	AMD	01-12-007	132W-104-020	REP-P	01-04-004
72-120-100	AMD-P	01-09-057	118-68-010	NEW	01-09-045	132W-104-020	REP	01-07-059
72-120-200	AMD-P	01-09-057	118-68-020	NEW	01-09-045	132W-104-030	REP-P	01-04-004
72-120-220	AMD-P	01-09-057	118-68-030	NEW	01-09-045	132W-104-030	REP	01-07-059
72-120-225	AMD-P	01-09-057	118-68-040	NEW	01-09-045	132W-104-040	REP-P	01-04-004
72-120-230	AMD-P	01-09-057	118-68-050	NEW	01-09-045	132W-104-040	REP	01-07-059
72-120-234	AMD-P	01-09-057	118-68-060	NEW	01-09-045	132W-104-050	REP-P	01-04-004
72-120-236	AMD-P	01-09-057	118-68-070	NEW	01-09-045	132W-104-050	REP	01-07-059
72-120-300	NEW-P	01-09-057	118-68-080	NEW	01-09-045	132W-104-060	REP-P	01-04-004
72-120-301	NEW-P	01-09-057	118-68-090	NEW	01-09-045	132W-104-060	REP	01-07-059
72-120-302	NEW-P	01-09-057	131	PREP	01-09-061	132W-104-060	REP-P	01-04-004
72-120-303	NEW-P	01-09-057	132A-120-011	AMD-P	01-03-116	132W-104-070	REP-P	01-04-004
72-120-304	NEW-P	01-09-057	132A-120-011	AMD	01-08-071	132W-104-070	REP	01-07-059
72-120-305	NEW-P	01-09-057	132A-120-021	AMD-P	01-03-116	132W-104-080	REP-P	01-04-004
72-120-306	NEW-P	01-09-057	132A-120-021	AMD	01-08-071	132W-104-080	REP	01-07-059
72-120-307	NEW-P	01-09-057	132G-120-010	AMD-P	01-08-082	132W-104-090	REP-P	01-04-004
72-120-308	NEW-P	01-09-057	132G-120-010	AMD	01-13-065	132W-104-090	REP	01-07-059
72-120-309	NEW-P	01-09-057	132G-120-010	AMD	01-13-065	132W-104-100	REP-P	01-04-004
72-120-310	NEW-P	01-09-057	132G-120-015	NEW-P	01-08-082	132W-104-100	REP	01-07-059
72-120-311	NEW-P	01-09-057	132G-120-015	NEW	01-13-065	132W-104-100	REP	01-07-059
72-120-312	NEW-P	01-09-057	132G-120-020	REP-P	01-08-082	132W-104-110	REP-P	01-04-004
72-120-313	NEW-P	01-09-057	132G-120-020	REP	01-13-065	132W-104-110	REP	01-07-059
72-120-314	NEW-P	01-09-057	132G-120-030	AMD-P	01-08-082	132W-104-111	REP-P	01-04-004
72-171-001	AMD-P	01-09-019	132G-120-030	AMD	01-13-065	132W-104-111	REP	01-07-059
72-171-010	AMD-P	01-09-019	132G-120-040	AMD-P	01-08-082	132W-104-120	REP-P	01-04-004
72-171-015	AMD-P	01-09-019	132G-120-040	AMD	01-13-065	132W-104-120	REP	01-07-059
72-171-016	AMD-P	01-09-019	132G-120-060	AMD-P	01-08-082	132W-104-130	REP-P	01-04-004
72-171-100	REP-P	01-09-019	132G-120-060	AMD	01-13-065	132W-104-130	REP	01-07-059
72-171-110	AMD-P	01-09-019	132G-120-060	AMD	01-13-065	132W-105-010	NEW-P	01-07-058
72-171-120	AMD-P	01-09-019	132G-120-061	AMD-P	01-08-082	132W-105-010	NEW	01-12-015
72-171-130	REP-P	01-09-019	132G-120-061	AMD	01-13-065	132W-105-020	NEW-P	01-07-058
72-171-131	NEW-P	01-09-019	132G-120-062	AMD-P	01-08-082	132W-105-020	NEW	01-12-015
72-171-140	AMD-P	01-09-019	132G-120-062	AMD	01-13-065	132W-105-030	NEW-P	01-07-058
72-171-150	AMD-P	01-09-019	132G-120-063	AMD-P	01-08-082	132W-105-030	NEW	01-12-015
			132G-120-063	AMD	01-13-065	132W-105-040	NEW-P	01-07-058
			132G-120-064	AMD-P	01-08-082	132W-105-040	NEW	01-12-015

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132W-105-050	NEW-P	01-07-058	132W-108-420	REP	01-07-059	132W-115-010	NEW	01-12-015
132W-105-050	NEW	01-12-015	132W-108-430	REP-P	01-04-004	132W-115-020	NEW-P	01-07-058
132W-105-060	NEW-P	01-07-058	132W-108-430	REP	01-07-059	132W-115-020	NEW	01-12-015
132W-105-060	NEW	01-12-015	132W-108-440	REP-P	01-04-004	132W-115-030	NEW-P	01-07-058
132W-105-070	NEW-P	01-07-058	132W-108-440	REP	01-07-059	132W-115-030	NEW	01-12-015
132W-105-070	NEW	01-12-015	132W-108-450	REP-P	01-04-004	132W-115-040	NEW-P	01-07-058
132W-105-080	NEW-P	01-07-058	132W-108-450	REP	01-07-059	132W-115-040	NEW	01-12-015
132W-105-080	NEW	01-12-015	132W-108-460	REP-P	01-04-004	132W-115-050	NEW-P	01-07-058
132W-108	PREP	01-03-103	132W-108-460	REP	01-07-059	132W-115-050	NEW	01-12-015
132W-108-001	REP-P	01-04-004	132W-108-470	REP-P	01-04-004	132W-115-060	NEW-P	01-07-058
132W-108-001	REP	01-07-059	132W-108-470	REP	01-07-059	132W-115-060	NEW	01-12-015
132W-108-005	REP-P	01-04-004	132W-108-480	REP-P	01-04-004	132W-115-070	NEW-P	01-07-058
132W-108-005	REP	01-07-059	132W-108-480	REP	01-07-059	132W-115-070	NEW	01-12-015
132W-108-010	REP-P	01-04-004	132W-109-010	NEW-P	01-07-058	132W-115-080	NEW-P	01-07-058
132W-108-010	REP	01-07-059	132W-109-010	NEW	01-12-015	132W-115-080	NEW	01-12-015
132W-108-080	REP-P	01-04-004	132W-109-020	NEW-P	01-07-058	132W-115-090	NEW-P	01-07-058
132W-108-080	REP	01-07-059	132W-109-020	NEW	01-12-015	132W-115-090	NEW	01-12-015
132W-108-090	REP-P	01-04-004	132W-109-030	NEW-P	01-07-058	132W-115-100	NEW-P	01-07-058
132W-108-090	REP	01-07-059	132W-109-030	NEW	01-12-015	132W-115-100	NEW	01-12-015
132W-108-100	REP-P	01-04-004	132W-109-040	NEW-P	01-07-058	132W-115-110	NEW-P	01-07-058
132W-108-100	REP	01-07-059	132W-109-040	NEW	01-12-015	132W-115-110	NEW	01-12-015
132W-108-110	REP-P	01-04-004	132W-109-050	NEW-P	01-07-058	132W-115-120	NEW-P	01-07-058
132W-108-110	REP	01-07-059	132W-109-050	NEW	01-12-015	132W-115-120	NEW	01-12-015
132W-108-120	REP-P	01-04-004	132W-109-060	NEW-P	01-07-058	132W-115-130	NEW-P	01-07-058
132W-108-120	REP	01-07-059	132W-109-060	NEW	01-12-015	132W-115-130	NEW	01-12-015
132W-108-130	REP-P	01-04-004	132W-109-070	NEW-P	01-07-058	132W-115-140	NEW-P	01-07-058
132W-108-130	REP	01-07-059	132W-109-070	NEW	01-12-015	132W-115-140	NEW	01-12-015
132W-108-140	REP-P	01-04-004	132W-109-085	NEW-P	01-07-058	132W-115-150	NEW-P	01-07-058
132W-108-140	REP	01-07-059	132W-109-085	NEW	01-12-015	132W-115-150	NEW	01-12-015
132W-108-230	REP-P	01-04-004	132W-112	PREP	01-03-103	132W-115-160	NEW-P	01-07-058
132W-108-230	REP	01-07-059	132W-112-001	NEW-P	01-07-058	132W-115-160	NEW	01-12-015
132W-108-240	REP-P	01-04-004	132W-112-001	NEW	01-12-015	132W-115-170	NEW-P	01-07-058
132W-108-240	REP	01-07-059	132W-112-010	NEW-P	01-07-058	132W-115-170	NEW	01-12-015
132W-108-250	REP-P	01-04-004	132W-112-010	NEW	01-12-015	132W-115-180	NEW-P	01-07-058
132W-108-250	REP	01-07-059	132W-112-020	NEW-P	01-07-058	132W-115-180	NEW	01-12-015
132W-108-260	REP-P	01-04-004	132W-112-020	NEW	01-12-015	132W-115-190	NEW-P	01-07-058
132W-108-260	REP	01-07-059	132W-112-030	NEW-P	01-07-058	132W-115-190	NEW	01-12-015
132W-108-270	REP-P	01-04-004	132W-112-030	NEW	01-12-015	132W-115-200	NEW-P	01-07-058
132W-108-270	REP	01-07-059	132W-112-040	NEW-P	01-07-058	132W-115-200	NEW	01-12-015
132W-108-280	REP-P	01-04-004	132W-112-040	NEW	01-12-015	132W-115-210	NEW-P	01-07-058
132W-108-280	REP	01-07-059	132W-112-050	NEW-P	01-07-058	132W-115-210	NEW	01-12-015
132W-108-290	REP-P	01-04-004	132W-112-050	NEW	01-12-015	132W-115-220	NEW-P	01-07-058
132W-108-290	REP	01-07-059	132W-112-060	NEW-P	01-07-058	132W-115-220	NEW	01-12-015
132W-108-300	REP-P	01-04-004	132W-112-060	NEW	01-12-015	132W-116	PREP	01-03-103
132W-108-300	REP	01-07-059	132W-112-070	NEW-P	01-07-058	132W-116-010	REP-P	01-04-004
132W-108-310	REP-P	01-04-004	132W-112-070	NEW	01-12-015	132W-116-010	REP	01-07-059
132W-108-310	REP	01-07-059	132W-112-080	NEW-P	01-07-058	132W-116-020	REP-P	01-04-004
132W-108-320	REP-P	01-04-004	132W-112-080	NEW	01-12-015	132W-116-020	REP	01-07-059
132W-108-320	REP	01-07-059	132W-112-090	NEW-P	01-07-058	132W-116-040	REP-P	01-04-004
132W-108-330	REP-P	01-04-004	132W-112-090	NEW	01-12-015	132W-116-040	REP	01-07-059
132W-108-330	REP	01-07-059	132W-112-100	NEW-P	01-07-058	132W-116-050	REP-P	01-04-004
132W-108-340	REP-P	01-04-004	132W-112-100	NEW	01-12-015	132W-116-050	REP	01-07-059
132W-108-340	REP	01-07-059	132W-112-110	NEW-P	01-07-058	132W-116-065	REP-P	01-04-004
132W-108-350	REP-P	01-04-004	132W-112-110	NEW	01-12-015	132W-116-065	REP	01-07-059
132W-108-350	REP	01-07-059	132W-112-120	NEW-P	01-07-058	132W-117-010	NEW-P	01-07-058
132W-108-360	REP-P	01-04-004	132W-112-120	NEW	01-12-015	132W-117-010	NEW	01-12-015
132W-108-360	REP	01-07-059	132W-112-130	NEW-P	01-07-058	132W-117-020	NEW-P	01-07-058
132W-108-400	REP-P	01-04-004	132W-112-130	NEW	01-12-015	132W-117-020	NEW	01-12-015
132W-108-400	REP	01-07-059	132W-112-140	NEW-P	01-07-058	132W-117-030	NEW-P	01-07-058
132W-108-410	REP-P	01-04-004	132W-112-140	NEW	01-12-015	132W-117-030	NEW	01-12-015
132W-108-410	REP	01-07-059	132W-115	PREP	01-03-103	132W-117-040	NEW-P	01-07-058
132W-108-420	REP-P	01-04-004	132W-115-010	NEW-P	01-07-058	132W-117-040	NEW	01-12-015

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132W-117-050	NEW-P	01-07-058	132W-120-130	REP-P	01-04-004	132W-168	PREP	01-06-010
132W-117-050	NEW	01-12-015	132W-120-130	REP	01-07-059	132W-168-010	NEW-P	01-10-015
132W-117-060	NEW-P	01-07-058	132W-120-300	REP-P	01-04-004	132W-168-020	NEW-P	01-10-015
132W-117-060	NEW	01-12-015	132W-120-300	REP	01-07-059	132W-168-030	NEW-P	01-10-015
132W-117-070	NEW-P	01-07-058	132W-120-310	REP-P	01-04-004	132W-168-040	NEW-P	01-10-015
132W-117-070	NEW	01-12-015	132W-120-310	REP	01-07-059	132W-276	PREP	01-03-103
132W-117-080	NEW-P	01-07-058	132W-120-320	REP-P	01-04-004	132W-276-001	REP-P	01-04-004
132W-117-080	NEW	01-12-015	132W-120-320	REP	01-07-059	132W-276-001	REP	01-07-059
132W-117-090	NEW-P	01-07-058	132W-120-330	REP-P	01-04-004	132W-276-005	REP-P	01-04-004
132W-117-090	NEW	01-12-015	132W-120-330	REP	01-07-059	132W-276-005	REP	01-07-059
132W-117-100	NEW-P	01-07-058	132W-120-400	REP-P	01-04-004	132W-276-010	REP-P	01-04-004
132W-117-100	NEW	01-12-015	132W-120-400	REP	01-07-059	132W-276-010	REP	01-07-059
132W-117-110	NEW-P	01-07-058	132W-125-010	NEW-P	01-07-058	132W-276-060	REP-P	01-04-004
132W-117-110	NEW	01-12-015	132W-125-010	NEW	01-12-015	132W-276-060	REP	01-07-059
132W-117-120	NEW-P	01-07-058	132W-125-020	NEW-P	01-07-058	132W-276-070	REP-P	01-04-004
132W-117-120	NEW	01-12-015	132W-125-020	NEW	01-12-015	132W-276-070	REP	01-07-059
132W-117-130	NEW-P	01-07-058	132W-125-030	NEW-P	01-07-058	132W-276-080	REP-P	01-04-004
132W-117-130	NEW	01-12-015	132W-125-030	NEW	01-12-015	132W-276-080	REP	01-07-059
132W-117-140	NEW-P	01-07-058	132W-129	PREP	01-06-011	132W-276-090	REP-P	01-04-004
132W-117-140	NEW	01-12-015	132W-129-001	REP-P	01-10-016	132W-276-090	REP	01-07-059
132W-117-150	NEW-P	01-07-058	132W-129-001	REP	01-13-073	132W-276-100	REP-P	01-04-004
132W-117-150	NEW	01-12-015	132W-130	PREP	01-06-010	132W-276-100	REP	01-07-059
132W-117-160	NEW-P	01-07-058	132W-131-010	NEW-P	01-10-015	132W-276-110	REP-P	01-04-004
132W-117-160	NEW	01-12-015	132W-131-020	NEW-P	01-10-015	132W-276-110	REP	01-07-059
132W-117-170	NEW-P	01-07-058	132W-131-030	NEW-P	01-10-015	132W-277-010	NEW-P	01-07-058
132W-117-170	NEW	01-12-015	132W-134	PREP	01-06-010	132W-277-010	NEW	01-12-015
132W-117-180	NEW-P	01-07-058	132W-134-010	NEW-P	01-10-015	132W-277-020	NEW-P	01-07-058
132W-117-180	NEW	01-12-015	132W-135-010	REP-P	01-04-004	132W-277-020	NEW	01-12-015
132W-117-190	NEW-P	01-07-058	132W-135-010	REP	01-07-059	132W-277-030	NEW-P	01-07-058
132W-117-190	NEW	01-12-015	132W-140	PREP	01-06-010	132W-277-030	NEW	01-12-015
132W-117-200	NEW-P	01-07-058	132W-140	PREP	01-06-011	132W-277-040	NEW-P	01-07-058
132W-117-200	NEW	01-12-015	132W-140-010	REP-P	01-10-016	132W-277-040	NEW	01-12-015
132W-117-210	NEW-P	01-07-058	132W-140-010	REP	01-13-073	132W-277-050	NEW-P	01-07-058
132W-117-210	NEW	01-12-015	132W-140-011	REP-P	01-10-016	132W-277-050	NEW	01-12-015
132W-117-220	NEW-P	01-07-058	132W-140-011	REP	01-13-073	132W-277-060	NEW-P	01-07-058
132W-117-220	NEW	01-12-015	132W-140-012	REP-P	01-10-016	132W-277-060	NEW	01-12-015
132W-117-230	NEW-P	01-07-058	132W-140-012	REP	01-13-073	132W-277-070	NEW-P	01-07-058
132W-117-230	NEW	01-12-015	132W-140-013	REP-P	01-10-016	132W-277-070	NEW	01-12-015
132W-117-240	NEW-P	01-07-058	132W-140-013	REP	01-13-073	132W-277-080	NEW-P	01-07-058
132W-117-240	NEW	01-12-015	132W-141-010	NEW-P	01-10-015	132W-277-080	NEW	01-12-015
132W-117-250	NEW-P	01-07-058	132W-141-020	NEW-P	01-10-015	132W-277-090	NEW-P	01-07-058
132W-117-250	NEW	01-12-015	132W-141-030	NEW-P	01-10-015	132W-277-090	NEW	01-12-015
132W-117-260	NEW-P	01-07-058	132W-141-040	NEW-P	01-10-015	132W-277-100	NEW-P	01-07-058
132W-117-260	NEW	01-12-015	132W-141-050	NEW-P	01-10-015	132W-277-100	NEW	01-12-015
132W-117-270	NEW-P	01-07-058	132W-141-060	NEW-P	01-10-015	132W-277-110	NEW-P	01-07-058
132W-117-270	NEW	01-12-015	132W-141-070	NEW-P	01-10-015	132W-277-110	NEW	01-12-015
132W-117-280	NEW-P	01-07-058	132W-141-080	NEW-P	01-10-015	132W-277-120	NEW-P	01-07-058
132W-117-280	NEW	01-12-015	132W-141-090	NEW-P	01-10-015	132W-277-120	NEW	01-12-015
132W-120-010	REP-P	01-04-004	132W-149	PREP	01-06-011	132W-277-130	NEW-P	01-07-058
132W-120-010	REP	01-07-059	132W-149-010	REP-P	01-10-016	132W-277-130	NEW	01-12-015
132W-120-030	REP-P	01-04-004	132W-149-010	REP	01-13-073	132W-277-140	NEW-P	01-07-058
132W-120-030	REP	01-07-059	132W-164	PREP	01-06-011	132W-277-140	NEW	01-12-015
132W-120-040	REP-P	01-04-004	132W-164-010	REP-P	01-10-016	132W-300	PREP	01-06-056
132W-120-040	REP	01-07-059	132W-164-010	REP	01-13-073	132W-300-001	NEW-P	01-10-015
132W-120-050	REP-P	01-04-004	132W-164-011	REP-P	01-10-016	132W-300-010	NEW-P	01-10-015
132W-120-050	REP	01-07-059	132W-164-011	REP	01-13-073	132W-300-020	NEW-P	01-10-015
132W-120-060	REP-P	01-04-004	132W-164-012	REP-P	01-10-016	132W-300-030	NEW-P	01-10-015
132W-120-060	REP	01-07-059	132W-164-012	REP	01-13-073	132W-300-040	NEW-P	01-10-015
132W-120-070	REP-P	01-04-004	132W-164-013	REP-P	01-10-016	132W-300-050	NEW-P	01-10-015
132W-120-070	REP	01-07-059	132W-164-013	REP	01-13-073	132W-300-060	NEW-P	01-10-015
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136-130-040	AMD-P	01-06-017	148-171-110	AMD-P	01-12-061	173-167-085	NEW-E	01-12-068
136-130-040	AMD	01-09-077	148-171-120	AMD-P	01-12-061	173-167-090	NEW-E	01-10-004
136-130-050	AMD	01-05-009	148-171-130	REP-P	01-12-061	173-167-090	REP-E	01-12-067
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136-130-070	AMD	01-05-009	148-171-140	AMD-P	01-12-061	173-204	PREP-W	01-08-053
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136-150-022	AMD-P	01-12-051	148-171-200	REP-P	01-12-061	173-321-020	AMD	01-05-024
136-150-023	AMD-P	01-12-051	148-171-210	AMD-P	01-12-061	173-321-040	AMD	01-05-024
136-150-024	AMD-P	01-12-051	148-171-220	AMD-P	01-12-061	173-321-050	AMD	01-05-024
136-150-030	AMD-P	01-12-051	148-171-230	AMD-P	01-12-061	173-321-060	AMD	01-05-024
136-150-040	AMD-P	01-12-051	148-171-240	AMD-P	01-12-061	173-321-070	AMD	01-05-024
136-161-020	AMD	01-05-009	148-171-242	NEW-P	01-12-061	173-321-080	AMD	01-05-024
136-161-030	AMD	01-05-009	148-171-244	NEW-P	01-12-061	173-322	AMD	01-05-024
136-161-040	AMD	01-05-009	148-171-400	REP-P	01-12-061	173-322-020	AMD	01-05-024
136-161-050	AMD	01-05-009	148-171-410	AMD-P	01-12-061	173-322-030	AMD	01-05-024
136-161-070	AMD	01-05-009	148-171-420	REP-P	01-12-061	173-322-040	AMD	01-05-024
136-163-050	AMD	01-05-009	148-171-430	REP-P	01-12-061	173-322-050	AMD	01-05-024
136-167-040	AMD-P	01-06-017	148-171-500	AMD-P	01-12-061	173-322-060	AMD	01-05-024
136-167-040	AMD	01-09-077	148-171-510	AMD-P	01-12-061	173-322-070	AMD	01-05-024
136-170-030	AMD	01-05-008	148-171-512	NEW-P	01-12-061	173-322-090	AMD	01-05-024
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136-210-040	AMD	01-05-009	148-171-600	REP-P	01-12-061	173-322-120	AMD	01-05-024
136-210-050	AMD	01-05-009	148-171-601	NEW-P	01-12-061	173-340-100	AMD	01-05-024
137-04-010	AMD	01-03-079	148-171-605	NEW-P	01-12-061	173-340-120	AMD	01-05-024
137-04-020	AMD	01-03-079	148-171-610	REP-P	01-12-061	173-340-130	AMD	01-05-024
137-52-010	AMD	01-04-001	148-171-620	REP-P	01-12-061	173-340-140	AMD	01-05-024
137-104-010	NEW	01-04-044	148-171-630	REP-P	01-12-061	173-340-200	AMD	01-05-024
137-104-020	NEW	01-04-044	148-171-640	REP-P	01-12-061	173-340-210	AMD	01-05-024
137-104-030	NEW	01-04-044	148-171-650	AMD-P	01-12-061	173-340-300	AMD	01-05-024
137-104-040	NEW	01-04-044	148-171-700	REP-P	01-12-061	173-340-310	AMD	01-05-024
137-104-050	NEW	01-04-044	173-09-010	REP	01-05-035	173-340-320	AMD	01-05-024
137-104-060	NEW	01-04-044	173-09-020	REP	01-05-035	173-340-330	AMD	01-05-024
137-104-070	NEW	01-04-044	173-09-030	REP	01-05-035	173-340-340	AMD	01-05-024
137-104-080	NEW	01-04-044	173-09-040	REP	01-05-035	173-340-350	AMD	01-05-024
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142-30-010	AMD-P	01-12-058	173-20	PREP-W	01-08-061	173-340-357	NEW	01-05-024
148-120-100	AMD-P	01-12-062	173-22	PREP-W	01-08-061	173-340-360	AMD	01-05-024
148-120-200	AMD-P	01-12-062	173-166-085	NEW-E	01-11-046	173-340-370	NEW	01-05-024
148-120-220	AMD-P	01-12-062	173-167-010	NEW-E	01-10-004	173-340-380	NEW	01-05-024
148-120-225	AMD-P	01-12-062	173-167-010	REP-E	01-12-067	173-340-390	NEW	01-05-024
148-120-230	AMD-P	01-12-062	173-167-015	NEW-E	01-12-068	173-340-400	AMD	01-05-024
148-120-234	AMD-P	01-12-062	173-167-020	NEW-E	01-10-004	173-340-410	AMD	01-05-024
148-120-236	AMD-P	01-12-062	173-167-020	REP-E	01-12-067	173-340-420	AMD	01-05-024
148-120-300	NEW-P	01-12-062	173-167-025	NEW-E	01-12-068	173-340-430	AMD	01-05-024
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148-120-304	NEW-P	01-12-062	173-167-040	NEW-E	01-10-004	173-340-515	NEW	01-05-024
148-120-305	NEW-P	01-12-062	173-167-040	REP-E	01-12-067	173-340-520	AMD	01-05-024
148-120-306	NEW-P	01-12-062	173-167-045	NEW-E	01-12-068	173-340-530	AMD	01-05-024
148-120-307	NEW-P	01-12-062	173-167-050	NEW-E	01-10-004	173-340-545	NEW	01-05-024
148-120-308	NEW-P	01-12-062	173-167-050	REP-E	01-12-067	173-340-550	AMD	01-05-024
148-120-309	NEW-P	01-12-062	173-167-055	NEW-E	01-12-068	173-340-600	AMD	01-05-024
148-120-310	NEW-P	01-12-062	173-167-060	NEW-E	01-10-004	173-340-610	AMD	01-05-024
148-120-311	NEW-P	01-12-062	173-167-060	REP-E	01-12-067	173-340-700	AMD	01-05-024
148-120-312	NEW-P	01-12-062	173-167-065	NEW-E	01-12-068	173-340-702	AMD	01-05-024
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173-340-709	NEW	01-05-024	175- 08-990	REP	01-13-074	175- 20-140	REP	01-13-074
173-340-710	AMD	01-05-024	175- 12-005	REP-XR	01-10-111	175- 20-145	REP-XR	01-10-111
173-340-720	AMD	01-05-024	175- 12-005	REP	01-13-074	175- 20-145	REP	01-13-074
173-340-730	AMD	01-05-024	175- 12-010	REP-XR	01-10-111	175- 20-150	REP-XR	01-10-111
173-340-740	AMD	01-05-024	175- 12-010	REP	01-13-074	175- 20-150	REP	01-13-074
173-340-745	AMD	01-05-024	175- 12-015	REP-XR	01-10-111	175- 20-155	REP-XR	01-10-111
173-340-747	NEW	01-05-024	175- 12-015	REP	01-13-074	175- 20-155	REP	01-13-074
173-340-7490	NEW	01-05-024	175- 12-020	REP-XR	01-10-111	175- 20-160	REP-XR	01-10-111
173-340-7491	NEW	01-05-024	175- 12-020	REP	01-13-074	175- 20-160	REP	01-13-074
173-340-7492	NEW	01-05-024	175- 12-025	REP-XR	01-10-111	175- 20-170	REP-XR	01-10-111
173-340-7493	NEW	01-05-024	175- 12-025	REP	01-13-074	175- 20-170	REP	01-13-074
173-340-7494	NEW	01-05-024	175- 12-030	REP-XR	01-10-111	175- 20-990	REP-XR	01-10-111
173-340-750	AMD	01-05-024	175- 12-030	REP	01-13-074	175- 20-990	REP	01-13-074
173-340-760	AMD	01-05-024	175- 12-035	REP-XR	01-10-111	175- 20-99001	REP-XR	01-10-111
173-340-800	AMD	01-05-024	175- 12-035	REP	01-13-074	175- 20-99001	REP	01-13-074
173-340-810	AMD	01-05-024	175- 12-040	REP-XR	01-10-111	175- 20-99002	REP-XR	01-10-111
173-340-820	AMD	01-05-024	175- 12-040	REP	01-13-074	175- 20-99002	REP	01-13-074
173-340-830	AMD	01-05-024	175- 12-045	REP-XR	01-10-111	175- 20-99003	REP-XR	01-10-111
173-340-840	AMD	01-05-024	175- 12-045	REP	01-13-074	175- 20-99003	REP	01-13-074
173-340-850	AMD	01-05-024	175- 12-050	REP-XR	01-10-111	175- 20-99004	REP-XR	01-10-111
173-340-900	NEW	01-05-024	175- 12-050	REP	01-13-074	175- 20-99004	REP	01-13-074
173-400-030	AMD-P	01-04-072	175- 16-010	REP-XR	01-10-111	180- 16	PREP	01-11-138
173-400-035	NEW-P	01-04-072	175- 16-010	REP	01-13-074	180- 25-012	NEW	01-08-040
173-400-040	AMD-P	01-04-072	175- 16-020	REP-XR	01-10-111	180- 26	PREP	01-11-142
173-400-050	AMD-P	01-04-072	175- 16-020	REP	01-13-074	180- 26-012	NEW	01-08-040
173-400-060	AMD-P	01-04-072	175- 16-030	REP-XR	01-10-111	180- 27	PREP	01-11-142
173-400-070	AMD-P	01-04-072	175- 16-030	REP	01-13-074	180- 27-012	NEW	01-08-040
173-400-075	AMD-P	01-04-072	175- 16-040	REP-XR	01-10-111	180- 27-070	AMD-P	01-05-089
173-400-100	AMD-P	01-04-072	175- 16-040	REP	01-13-074	180- 27-070	AMD	01-09-011
173-400-102	AMD-P	01-04-072	175- 16-050	REP-XR	01-10-111	180- 29-012	NEW	01-08-040
173-400-105	AMD-P	01-04-072	175- 16-050	REP	01-13-074	180- 31-012	NEW	01-08-040
173-400-110	AMD-P	01-04-072	175- 16-060	REP-XR	01-10-111	180- 32	PREP	01-11-142
173-400-112	AMD-P	01-04-072	175- 16-060	REP	01-13-074	180- 32-012	NEW	01-08-040
173-400-113	AMD-P	01-04-072	175- 16-990	REP-XR	01-10-111	180- 33	PREP	01-11-142
173-400-114	AMD-P	01-04-072	175- 16-990	REP	01-13-074	180- 33-012	NEW	01-08-040
173-400-115	AMD-P	01-04-072	175- 20-010	REP-XR	01-10-111	180- 33-023	AMD-P	01-05-088
173-400-116	AMD-P	01-04-072	175- 20-010	REP	01-13-074	180- 33-023	AMD	01-09-012
173-400-117	NEW-P	01-04-072	175- 20-020	REP-XR	01-10-111	180- 33-042	PREP	01-05-130
173-400-118	NEW-P	01-04-072	175- 20-020	REP	01-13-074	180- 33-042	AMD-E	01-08-039
173-400-131	AMD-P	01-04-072	175- 20-030	REP-XR	01-10-111	180- 33-042	AMD-P	01-10-102
173-400-136	AMD-P	01-04-072	175- 20-030	REP	01-13-074	180- 50-115	AMD-W	01-08-065
173-400-141	AMD-P	01-04-072	175- 20-040	REP-XR	01-10-111	180- 50-117	NEW-W	01-08-065
173-400-151	AMD-P	01-04-072	175- 20-040	REP	01-13-074	180- 51-060	PREP	01-05-124
173-400-171	AMD-P	01-04-072	175- 20-050	REP-XR	01-10-111	180- 51-060	AMD-P	01-10-099
173-401-300	AMD-P	01-04-072	175- 20-050	REP	01-13-074	180- 51-060	AMD	01-13-112
173-401-615	AMD-P	01-04-072	175- 20-060	REP-XR	01-10-111	180- 51-061	PREP	01-05-125
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173-503-020	NEW	01-07-027	175- 20-080	REP	01-13-074	180- 51-063	AMD-P	01-10-094
173-503-030	NEW	01-07-027	175- 20-090	REP-XR	01-10-111	180- 51-063	AMD	01-13-113
173-503-040	NEW	01-07-027	175- 20-090	REP	01-13-074	180- 51-075	AMD-W	01-04-025
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173-503-060	NEW	01-07-027	175- 20-100	REP	01-13-074	180- 52-041	PREP	01-05-122
173-503-070	NEW	01-07-027	175- 20-110	REP-XR	01-10-111	180- 52-041	REP-E	01-09-015
173-503-080	NEW	01-07-027	175- 20-110	REP	01-13-074	180- 52-041	REP-P	01-10-092
173-503-090	NEW	01-07-027	175- 20-120	REP-XR	01-10-111	180- 52-041	REP	01-13-109
173-503-100	NEW	01-07-027	175- 20-120	REP	01-13-074	180- 57-005	AMD-W	01-04-024
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180- 57-040	REP-W	01-04-024	180- 82-204	PREP	01-05-128	192- 16-021	REP-P	01-05-117
180- 57-050	AMD-W	01-04-024	180- 82-204	AMD-E	01-08-041	192- 16-061	REP	01-03-009
180- 57-055	AMD-W	01-04-024	180- 82-204	AMD-P	01-10-093	192- 16-070	REP-P	01-04-082
180- 57-070	AMD-P	01-05-090	180- 82-204	AMD	01-13-108	192- 16-070	REP	01-12-009
180- 57-070	AMD	01-09-013	180- 82-210	PREP	01-05-129	192-150-050	NEW-E	01-05-071
180- 57-070	PREP	01-11-141	180- 82-210	AMD-E	01-08-041	192-150-050	NEW-P	01-05-118
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180- 78A-010	PREP	01-10-039	180- 85-035	AMD-P	01-10-095	192-150-065	NEW-P	01-05-118
180- 78A-010	AMD-P	01-10-101	180- 85-035	AMD	01-13-111	192-150-065	NEW	01-11-085
180- 78A-015	REP	01-04-021	180- 85-075	AMD-P	01-04-019	192-150-085	NEW-E	01-05-071
180- 78A-125	REP-P	01-10-096	180- 85-075	AMD	01-09-004	192-150-085	NEW-P	01-05-118
180- 78A-125	REP	01-13-106	180- 86	PREP	01-11-138	192-150-085	NEW	01-11-085
180- 78A-209	AMD	01-03-151	180- 97-060	AMD-E	01-11-056	192-150-100	NEW-P	01-04-082
180- 78A-250	AMD-P	01-10-096	180- 97-060	PREP	01-11-143	192-150-100	NEW	01-12-009
180- 78A-250	AMD	01-13-106	182- 12-117	PREP	01-09-083	192-170-050	NEW-P	01-05-117
180- 78A-255	AMD-P	01-10-096	182- 12-117	AMD-P	01-12-092	192-180-012	NEW-P	01-05-117
180- 78A-255	AMD	01-13-106	182- 12-200	PREP	01-09-084	192-210-005	PREP	01-10-117
180- 78A-264	AMD	01-03-153	182- 12-200	AMD-P	01-12-091	192-210-005	AMD-E	01-12-010
180- 78A-535	AMD-P	01-04-019	182- 20-001	AMD	01-04-080	192-210-015	PREP	01-10-117
180- 78A-535	AMD	01-09-004	182- 20-010	AMD	01-04-080	192-210-015	AMD-E	01-12-010
180- 78A-545	REP	01-04-021	182- 20-100	AMD	01-04-080	192-210-020	NEW-E	01-12-010
180- 78A-550	REP	01-04-021	182- 20-160	AMD	01-04-080	192-270-005	NEW-E	01-05-071
180- 78A-555	REP	01-04-021	182- 20-200	AMD	01-04-080	192-270-005	NEW-P	01-05-118
180- 78A-560	REP	01-04-021	182- 20-400	AMD	01-04-080	192-270-005	NEW	01-11-085
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180- 79A	PREP	01-11-140	183- 04-010	NEW-P	01-04-033	192-270-010	NEW	01-11-085
180- 79A-030	AMD	01-03-153	183- 04-010	NEW	01-12-002	192-270-015	NEW-E	01-05-071
180- 79A-124	AMD	01-03-153	183- 04-020	NEW-P	01-04-033	192-270-015	NEW-P	01-05-118
180- 79A-130	AMD-P	01-05-093	183- 04-020	NEW	01-12-002	192-270-015	NEW	01-11-085
180- 79A-130	AMD	01-09-005	183- 04-030	NEW-P	01-04-033	192-270-020	NEW-E	01-05-071
180- 79A-145	AMD-P	01-04-019	183- 04-030	NEW	01-12-002	192-270-020	NEW-P	01-05-118
180- 79A-145	AMD	01-09-004	183- 04-040	NEW-P	01-04-033	192-270-020	NEW	01-11-085
180- 79A-155	AMD-P	01-04-022	183- 04-040	NEW	01-12-002	192-270-025	NEW-E	01-05-071
180- 79A-155	AMD	01-09-006	183- 04-050	NEW-P	01-04-033	192-270-025	NEW-P	01-05-118
180- 79A-206	AMD	01-03-153	183- 04-050	NEW	01-12-002	192-270-025	NEW	01-11-085
180- 79A-211	AMD	01-03-152	183- 04-060	NEW-P	01-04-033	192-270-030	NEW-E	01-05-071
180- 79A-250	AMD-P	01-04-019	183- 04-060	NEW	01-12-002	192-270-030	NEW-P	01-05-118
180- 79A-250	AMD	01-09-004	183- 04-070	NEW-P	01-04-033	192-270-030	NEW	01-11-085
180- 79A-250	AMD-P	01-10-095	183- 04-070	NEW	01-12-002	192-270-035	NEW-E	01-05-071
180- 79A-250	AMD	01-13-111	183- 04-080	NEW-P	01-04-033	192-270-035	NEW-P	01-05-118
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180- 79A-257	AMD-E	01-08-041	183- 04-090	NEW-P	01-04-033	192-270-040	NEW-E	01-05-071
180- 79A-257	AMD-P	01-10-093	183- 04-090	NEW	01-12-002	192-270-040	NEW-P	01-05-118
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180- 79A-265	REP-P	01-10-093	183- 04-110	NEW	01-12-002	192-270-045	NEW	01-11-085
180- 79A-265	REP	01-13-108	183- 06-010	NEW-P	01-04-033	192-270-050	NEW-E	01-05-071
180- 79A-311	REP-P	01-10-097	183- 06-010	NEW	01-12-002	192-270-050	NEW-P	01-05-118
180- 79A-311	REP	01-13-107	183- 06-020	NEW-P	01-04-033	192-270-050	NEW	01-11-085
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180- 82-130	AMD-C	01-10-100	183- 06-030	NEW-P	01-04-033	192-270-055	NEW-P	01-05-118
180- 82-130	AMD	01-13-110	183- 06-030	NEW	01-12-002	192-270-055	NEW	01-11-085
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196- 23-070	NEW	01-09-017	208-460-080	NEW	01-10-084	208-586-140	AMD	01-06-024
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196- 33-300	NEW	01-11-102	208-460-110	NEW	01-10-084	208-620-191	NEW-P	01-07-083
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196- 33-400	NEW	01-11-102	208-460-120	NEW	01-10-084	208-620-192	NEW-P	01-07-083
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204- 38-040	AMD	01-11-118	208-460-160	NEW-P	01-05-072	208-630-023	AMD	01-12-029
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204- 91A-090	AMD-W	01-10-083	208-512-110	AMD	01-06-024	208-660-060	AMD	01-12-029
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208-680D-050	AMD	01-08-055	220-32-05700I	NEW-E	01-12-024	220-52-04000Y	NEW-E	01-05-044
208-680D-060	AMD	01-08-055	220-32-05700I	REP-E	01-12-024	220-52-04000Y	REP-E	01-05-044
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208-680D-090	NEW	01-08-055	220-33-01000Q	REP-E	01-05-069	220-52-043	AMD-P	01-13-081
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208-680F-020	AMD	01-08-055	220-33-01000S	NEW-E	01-10-021	220-52-04600K	REP-E	01-04-076
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208-680G-010	NEW	01-08-055	220-33-03000R	REP-E	01-11-041	220-52-04600N	REP-E	01-12-064
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208-680G-030	NEW	01-08-055	220-33-04000K	REP-E	01-07-005	220-52-04600Q	NEW-E	01-13-031
208-680G-040	NEW	01-08-055	220-33-04000L	NEW-E	01-07-005	220-52-04600Q	REP-E	01-13-031
208-680G-050	NEW	01-08-055	220-33-04000L	REP-E	01-07-005	220-52-051	AMD	01-03-016
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210-03-010	NEW	01-11-062	220-33-04000	NEW-E	01-07-047	220-52-05100K	REP-E	01-10-040
210-03-020	NEW-P	01-06-060	220-33-04000	REP-E	01-07-047	220-52-05100L	NEW-E	01-10-040
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210-03-070	NEW	01-11-062	220-44-020	AMD-S	01-02-082	220-52-07300D	NEW-E	01-03-043
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220- 56-25500V	REP-E	01-13-021	220- 56-38000A	NEW-E	01-06-035	222- 12-040	AMD-C	01-07-117
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220- 56-27000I	NEW-E	01-06-005	220- 56-38000B	NEW-E	01-07-006	222- 12-0401	NEW	01-12-042
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220- 56-28500A	REP-E	01-10-023	220- 88C-020	NEW	01-07-016	222- 12-045	AMD-C	01-07-117
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220- 56-305	REP	01-06-036	220- 95-013	AMD-P	01-05-120	222- 12-070	AMD	01-12-042
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222- 20-080	AMD	01-12-042	222- 24-025	REP-C	01-07-117	222- 46-065	AMD-W	01-09-071
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222- 21-040	NEW	01-12-042	222- 24-052	NEW-C	01-07-117	222- 50-050	AMD	01-12-042
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222- 21-045	NEW	01-12-042	222- 24-060	AMD-C	01-07-117	222- 50-060	AMD	01-12-042
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222- 22-076	NEW	01-12-042	222- 30-070	AMD	01-12-042	230- 08-090	AMD	01-13-091
222- 22-080	AMD-C	01-07-117	222- 30-100	AMD-C	01-07-117	230- 08-090	DECOD	01-13-091
222- 22-080	AMD	01-12-042	222- 30-100	AMD	01-12-042	230- 12-072	AMD-P	01-10-122
222- 22-090	AMD-C	01-07-117	222- 30-110	AMD-C	01-07-117	230- 12-072	DECOD-P	01-10-122
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222- 22-100	AMD-C	01-07-117	222- 34-040	AMD-C	01-07-117	230- 12-072	DECOD	01-13-091
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230- 30-106	AMD	01-13-089	232- 12-027	AMD	01-10-048	232- 28-291	NEW	01-10-048
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230- 40-050	AMD-P	01-10-122	232- 12-068	AMD-P	01-05-138	232- 28-292	NEW	01-10-048
230- 40-050	AMD	01-13-091	232- 12-068	AMD	01-10-048	232- 28-293	NEW-P	01-05-140
230- 40-052	RECOD-P	01-10-122	232- 12-068	AMD-P	01-13-120	232- 28-293	NEW	01-10-048
230- 40-052	RECOD	01-13-091	232- 12-071	AMD-P	01-05-135	232- 28-299	NEW-P	01-05-134
230- 40-055	AMD-P	01-10-122	232- 12-071	AMD	01-10-048	232- 28-299	NEW	01-10-048
230- 40-055	AMD	01-13-091	232- 12-077	AMD-W	01-11-074	232- 28-424	REP-P	01-13-120
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230- 40-120	AMD-P	01-10-122	232- 12-131	REP	01-10-048	232- 28-42400C	REP-E	01-03-013
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230- 40-608	RECOD	01-13-091	232- 12-271	AMD-P	01-05-144	232- 28-61900B	NEW-E	01-10-046
230- 40-610	AMD-P	01-10-122	232- 12-271	AMD	01-10-048	232- 28-61900B	REP-E	01-10-046
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230- 40-630	NEW	01-13-091	232- 28-02204	AMD	01-04-037	232- 28-61900E	NEW-E	01-11-066
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230- 40-805	AMD	01-13-091	232- 28-02206	AMD	01-04-037	232- 28-61900F	REP-E	01-11-065
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230- 40-808	RECOD	01-13-091	232- 28-02220	AMD	01-10-048	232- 28-61900H	NEW-E	01-11-088
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230- 40-820	REP	01-13-091	232- 28-248	AMD	01-10-048	232- 28-61900J	REP-E	01-12-066
230- 40-821	RECOD-P	01-10-122	232- 28-258	REP-P	01-05-140	232- 28-61900N	NEW-E	01-03-061
230- 40-821	RECOD	01-13-091	232- 28-258	REP	01-10-048	232- 28-61900N	REP-E	01-03-061
230- 40-825	AMD-P	01-10-122	232- 28-260	AMD	01-04-037	232- 28-61900N	REP-E	01-05-043
230- 40-825	AMD	01-13-091	232- 28-260	REP-P	01-05-140	232- 28-61900P	NEW-E	01-04-011
230- 40-830	AMD-P	01-10-122	232- 28-260	REP	01-10-048	232- 28-61900P	REP-E	01-04-011
230- 40-830	AMD	01-13-091	232- 28-271	AMD	01-04-037	232- 28-61900Q	NEW-E	01-05-010
230- 40-833	AMD-P	01-10-122	232- 28-272	AMD-P	01-05-134	232- 28-61900Q	REP-E	01-05-010
230- 40-833	AMD	01-13-091	232- 28-272	AMD	01-10-048	232- 28-61900R	NEW-E	01-05-080
230- 40-840	AMD-P	01-10-122	232- 28-272	AMD-P	01-13-093	232- 28-61900R	REP-E	01-05-080
230- 40-840	AMD	01-13-091	232- 28-273	AMD-P	01-05-137	232- 28-61900S	NEW-E	01-06-007
230- 40-865	AMD-P	01-10-122	232- 28-273	AMD	01-10-048	232- 28-61900S	REP-E	01-06-007
230- 40-865	AMD	01-13-091	232- 28-274	REP-W	01-03-077	232- 28-61900T	NEW-E	01-07-007
230- 40-870	AMD-P	01-10-122	232- 28-274	REP-P	01-05-146	232- 28-61900T	REP-E	01-07-007
230- 40-870	AMD	01-13-091	232- 28-274	REP	01-10-048	232- 28-61900T	REP-E	01-10-002
230- 40-875	AMD-P	01-10-122	232- 28-275	AMD	01-04-037	232- 28-61900U	NEW-E	01-07-022
230- 40-875	AMD	01-13-091	232- 28-276	AMD-P	01-05-141	232- 28-61900U	REP-E	01-09-055
230- 40-885	AMD-P	01-10-122	232- 28-276	AMD	01-10-048	232- 28-61900V	NEW-E	01-07-089
230- 40-885	AMD	01-13-091	232- 28-277	AMD	01-04-037	232- 28-61900V	REP-E	01-07-089
230- 40-895	AMD-P	01-10-122	232- 28-278	AMD-P	01-05-139	232- 28-61900	NEW-E	01-09-029
230- 40-895	AMD	01-13-091	232- 28-278	AMD	01-10-048	232- 28-61900X	NEW-E	01-09-030
230- 40-897	REP-P	01-10-122	232- 28-279	AMD-P	01-05-145	232- 28-61900X	REP-E	01-09-030
230- 50-010	AMD	01-05-020	232- 28-279	AMD	01-10-048	232- 28-61900X	REP-E	01-11-066
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232-28-621	AMD-P	01-10-109	246-282-040	REP	01-04-054	246-809-320	NEW-P	01-13-118
232-28-62100B	NEW-E	01-10-038	246-282-042	NEW	01-04-054	246-809-321	NEW-P	01-13-118
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246-100	PREP	01-08-088	246-282-060	AMD	01-04-054	246-809-990	NEW-P	01-13-118
246-102-001	NEW	01-04-086	246-282-070	AMD	01-04-054	246-809-990	NEW-E	01-13-119
246-102-010	NEW	01-04-086	246-282-080	AMD	01-04-054	246-817-440	NEW-P	01-11-164
246-102-020	NEW	01-04-086	246-282-082	NEW	01-04-054	246-817-990	AMD-P	01-08-086
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246-102-040	NEW	01-04-086	246-282-092	NEW	01-04-054	246-817-990	AMD	01-11-166
246-102-050	NEW	01-04-086	246-282-100	AMD	01-04-054	246-836-060	REP-XR	01-10-126
246-102-060	NEW	01-04-086	246-282-102	NEW	01-04-054	246-840-421	NEW-P	01-10-127
246-102-070	NEW	01-04-086	246-282-104	NEW	01-04-054	246-840-422	NEW-P	01-10-127
246-205-990	AMD-P	01-11-158	246-282-110	AMD	01-04-054	246-840-423	NEW-P	01-10-127
246-220-010	AMD-P	01-02-087	246-282-120	AMD	01-04-054	246-840-424	NEW-P	01-10-127
246-220-010	AMD	01-05-110	246-282-130	AMD	01-04-054	246-840-425	NEW-P	01-10-127
246-221-005	AMD-P	01-02-087	246-282-990	AMD	01-04-054	246-840-426	NEW-P	01-10-127
246-221-005	AMD	01-05-110	246-282-990	AMD-P	01-11-158	246-840-427	NEW-P	01-10-127
246-221-010	AMD-P	01-02-087	246-305-001	NEW	01-08-023	246-843-072	REP	01-03-114
246-221-010	AMD	01-05-110	246-305-010	NEW	01-08-023	246-843-074	REP	01-03-114
246-221-015	AMD-P	01-02-087	246-305-020	NEW	01-08-023	246-853-221	NEW-P	01-10-128
246-221-015	AMD	01-05-110	246-305-030	NEW	01-08-023	246-853-222	NEW-P	01-10-128
246-221-030	AMD-P	01-02-087	246-305-040	NEW	01-08-023	246-853-223	NEW-P	01-10-128
246-221-030	AMD	01-05-110	246-305-050	NEW	01-08-023	246-853-224	NEW-P	01-10-128
246-221-055	AMD-P	01-02-087	246-305-060	NEW	01-08-023	246-853-225	NEW-P	01-10-128
246-221-055	AMD	01-05-110	246-305-070	NEW	01-08-023	246-853-226	NEW-P	01-10-128
246-221-090	AMD-P	01-02-087	246-305-080	NEW	01-08-023	246-853-227	NEW-P	01-10-128
246-221-090	AMD	01-05-110	246-305-090	NEW	01-08-023	246-869-220	AMD	01-04-055
246-221-100	AMD-P	01-02-087	246-305-100	NEW	01-08-023	246-879-090	PREP	01-09-087
246-221-100	AMD	01-05-110	246-305-110	NEW	01-08-023	246-887-100	AMD	01-03-108
246-221-110	AMD-P	01-02-087	246-310-990	AMD-P	01-11-154	246-907	PREP	01-05-109
246-221-110	AMD	01-05-110	246-314-990	PREP	01-10-123	246-907-030	AMD-P	01-09-088
246-221-113	AMD-P	01-02-087	246-320-990	PREP	01-10-124	246-907-030	AMD	01-12-052
246-221-113	AMD	01-05-110	246-322-990	AMD-P	01-11-156	246-918-005	AMD-P	01-12-095
246-221-117	AMD-P	01-02-087	246-323-990	AMD-P	01-11-157	246-918-007	AMD-P	01-12-095
246-221-117	AMD	01-05-110	246-324-990	AMD-P	01-11-156	246-918-050	AMD-P	01-12-095
246-221-230	AMD-P	01-02-087	246-325-990	AMD-P	01-11-157	246-918-080	AMD-P	01-12-095
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246-221-250	AMD-P	01-02-087	246-327-990	PREP	01-10-125	246-919-340	AMD-P	01-12-096
246-221-250	AMD	01-05-110	246-329-990	AMD-P	01-11-155	246-919-475	NEW	01-03-115
246-221-285	AMD-P	01-02-087	246-331-990	PREP	01-10-125	246-919-840	NEW-P	01-10-129
246-221-285	AMD	01-05-110	246-336-990	PREP	01-10-125	246-919-841	NEW-P	01-10-129
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246-244-070	AMD	01-05-110	246-430-001	REP	01-04-086	246-919-843	NEW-P	01-10-129
246-246-001	AMD-P	01-10-130	246-430-010	REP	01-04-086	246-919-844	NEW-P	01-10-129
246-254-053	AMD-P	01-11-163	246-430-020	REP	01-04-086	246-919-845	NEW-P	01-10-129
246-254-070	AMD-P	01-11-160	246-430-030	REP	01-04-086	246-919-846	NEW-P	01-10-129
246-254-080	AMD-P	01-11-160	246-430-040	REP	01-04-086	246-928-015	REP-P	01-07-086
246-254-090	AMD-P	01-11-160	246-430-050	REP	01-04-086	246-928-015	REP	01-11-165
246-254-100	AMD-P	01-11-160	246-430-060	REP	01-04-086	246-928-020	REP-P	01-07-086
246-254-120	AMD-P	01-11-160	246-491	PREP	01-08-090	246-928-020	REP	01-11-165
246-260-9901	AMD-P	01-11-158	246-680	PREP	01-08-091	246-928-030	REP-P	01-07-086
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246-282-005	AMD	01-04-054	246-790	PREP	01-13-115	246-928-040	REP-P	01-07-086
246-282-010	AMD	01-04-054	246-809-080	NEW-P	01-13-118	246-928-040	REP	01-11-165
246-282-012	NEW	01-04-054	246-809-120	NEW-P	01-13-118	246-928-050	REP-P	01-07-086
246-282-014	NEW	01-04-054	246-809-121	NEW-P	01-13-118	246-928-050	REP	01-11-165
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246-928-085	REP	01-11-165	246-928-730	NEW	01-11-165	262- 01-130	AMD-P	01-07-028
246-928-110	REP-P	01-07-086	246-928-740	NEW-P	01-07-086	262- 01-130	AMD	01-11-034
246-928-110	REP	01-11-165	246-928-740	NEW	01-11-165	263- 12-050	AMD-P	01-06-058
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246-928-120	REP	01-11-165	246-928-750	NEW	01-11-165	263- 12-059	NEW-P	01-06-059
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246-928-160	REP	01-11-165	246-976-031	PREP	01-11-162	284- 04-220	NEW	01-03-034
246-928-170	REP-P	01-07-086	246-976-500	PREP	01-10-131	284- 04-225	NEW	01-03-034
246-928-170	REP	01-11-165	246-976-510	PREP	01-10-131	284- 04-300	NEW	01-03-034
246-928-180	REP-P	01-07-086	246-976-550	PREP	01-10-131	284- 04-305	NEW	01-03-034
246-928-180	REP	01-11-165	246-976-560	PREP	01-10-131	284- 04-310	NEW	01-03-034
246-928-180	REP	01-11-165	246-976-600	PREP	01-10-131	284- 04-400	NEW	01-03-034
246-928-190	REP-P	01-07-086	246-976-610	PREP	01-10-131	284- 04-405	NEW	01-03-034
246-928-190	REP	01-11-165	246-976-650	PREP	01-10-131	284- 04-410	NEW	01-03-034
246-928-200	REP-P	01-07-086	246-976-720	PREP	01-10-131	284- 04-500	NEW	01-03-034
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246-928-210	REP	01-11-165	246-976-780	PREP	01-10-131	284- 04-515	NEW	01-03-034
246-928-220	REP-P	01-07-086	246-976-810	PREP	01-10-131	284- 04-520	NEW	01-03-034
246-928-220	REP	01-11-165	246-976-820	PREP	01-10-131	284- 04-525	NEW	01-03-034
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246-928-310	NEW	01-11-165	246-976-935	PREP	01-10-132	284- 04-605	NEW	01-03-034
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246-928-450	NEW	01-11-165	250- 44-120	AMD	01-10-020	284- 43-610	REP	01-03-033
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246-928-510	NEW	01-11-165	250- 63-020	NEW	01-08-017	284- 43-620	AMD	01-03-033
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246-928-520	NEW	01-11-165	250- 63-040	NEW	01-08-017	284- 43-815	NEW	01-03-032
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296-150M-3000	AMD-P	01-09-090	296-302-060	AMD	01-11-038	296-800-11005	NEW	01-11-038
296-150M-3000	AMD	01-12-035	296-302-06513	AMD	01-11-038	296-800-11010	NEW	01-11-038
296-150P	PREP	01-03-070	296-303	PREP	01-07-102	296-800-11015	NEW	01-11-038
296-150P	PREP	01-05-116	296-303-01001	AMD	01-11-038	296-800-11020	NEW	01-11-038
296-150P-3000	AMD-P	01-09-090	296-304	PREP	01-07-102	296-800-11025	NEW	01-11-038
296-150P-3000	AMD	01-12-035	296-304-010	AMD	01-11-038	296-800-11030	NEW	01-11-038
296-150R	PREP	01-03-070	296-304-06013	AMD	01-11-038	296-800-11035	NEW	01-11-038
296-150R	PREP	01-05-116	296-305	PREP	01-07-102	296-800-120	NEW	01-11-038
296-150R-3000	AMD-P	01-09-090	296-305-01003	AMD	01-11-038	296-800-12005	NEW	01-11-038
296-150R-3000	AMD	01-12-035	296-305-01005	AMD	01-11-038	296-800-130	NEW	01-11-038
296-150T	PREP	01-03-070	296-305-01009	AMD	01-11-038	296-800-13005	NEW	01-11-038
296-150T-3000	AMD-P	01-09-090	296-305-01509	AMD	01-11-038	296-800-13010	NEW	01-11-038
296-150T-3000	AMD	01-12-035	296-305-01515	AMD	01-11-038	296-800-13015	NEW	01-11-038
296-150V	PREP	01-03-070	296-305-01517	AMD	01-11-038	296-800-140	NEW	01-11-038
296-150V	PREP	01-05-116	296-305-04511	AMD	01-11-038	296-800-14005	NEW	01-11-038
296-150V-3000	AMD-P	01-09-090	296-305-05503	AMD	01-11-038	296-800-14020	NEW	01-11-038
296-150V-3000	AMD	01-12-035	296-305-06005	AMD	01-11-038	296-800-14025	NEW	01-11-038
296-155	PREP	01-07-102	296-305-06007	AMD	01-11-038	296-800-150	NEW	01-11-038
296-155	PREP	01-09-093	296-305-06503	AMD	01-11-038	296-800-15005	NEW	01-11-038
296-155-005	AMD	01-11-038	296-305-06511	AMD	01-11-038	296-800-15010	NEW	01-11-038
296-155-110	AMD	01-11-038	296-305-06515	AMD	01-11-038	296-800-15015	NEW	01-11-038
296-155-120	AMD	01-11-038	296-307	PREP	01-09-093	296-800-15020	NEW	01-11-038
296-155-125	AMD	01-11-038	296-307-018	AMD-P	01-12-103	296-800-15025	NEW	01-11-038
296-155-130	AMD	01-11-038	296-307-039	AMD-P	01-12-103	296-800-160	NEW	01-11-038
296-155-140	AMD	01-11-038	296-307-03905	NEW-P	01-12-103	296-800-16005	NEW	01-11-038
296-155-17321	AMD	01-11-038	296-307-03910	NEW-P	01-12-103	296-800-16010	NEW	01-11-038
296-155-17323	AMD	01-11-038	296-307-03915	NEW-P	01-12-103	296-800-16015	NEW	01-11-038
296-155-174	AMD	01-11-038	296-307-03920	NEW-P	01-12-103	296-800-16020	NEW	01-11-038
296-155-17609	AMD	01-11-038	296-307-03925	NEW-P	01-12-103	296-800-16025	NEW	01-11-038
296-155-17615	AMD	01-11-038	296-307-042	REP-P	01-12-103	296-800-16030	NEW	01-11-038
296-155-17625	AMD	01-11-038	296-307-07013	AMD-P	01-12-103	296-800-16035	NEW	01-11-038
296-155-180	AMD	01-11-038	296-307-12040	AMD-P	01-12-103	296-800-16040	NEW	01-11-038
296-155-200	PREP	01-05-115	296-307-13025	AMD-P	01-12-103	296-800-16045	NEW	01-11-038
296-155-200	AMD	01-11-038	296-307-14505	AMD-P	01-12-103	296-800-16050	NEW	01-11-038
296-155-20301	AMD	01-11-038	296-307-550	NEW-P	01-12-103	296-800-16055	NEW	01-11-038
296-155-205	AMD	01-04-015	296-307-55005	NEW-P	01-12-103	296-800-16060	NEW	01-11-038
296-155-260	AMD	01-11-038	296-307-55010	NEW-P	01-12-103	296-800-16065	NEW	01-11-038
296-155-270	AMD-P	01-12-103	296-307-55015	NEW-P	01-12-103	296-800-16070	NEW	01-11-038
296-155-275	AMD-P	01-12-103	296-307-55020	NEW-P	01-12-103	296-800-170	NEW	01-11-038
296-155-305	AMD	01-04-015	296-307-55025	NEW-P	01-12-103	296-800-17005	NEW	01-11-038
296-155-407	AMD	01-11-038	296-307-55030	NEW-P	01-12-103	296-800-17010	NEW	01-11-038
296-155-525	AMD-P	01-12-103	296-307-55035	NEW-P	01-12-103	296-800-17015	NEW	01-11-038
296-155-575	AMD-P	01-12-103	296-307-55040	NEW-P	01-12-103	296-800-17020	NEW	01-11-038
296-155-605	PREP	01-05-115	296-307-55045	NEW-P	01-12-103	296-800-17025	NEW	01-11-038
296-155-615	PREP	01-05-115	296-307-55050	NEW-P	01-12-103	296-800-17030	NEW	01-11-038
296-155-625	AMD	01-04-015	296-307-55055	NEW-P	01-12-103	296-800-17035	NEW	01-11-038
296-155-655	PREP	01-05-115	296-307-55060	NEW-P	01-12-103	296-800-17040	NEW	01-11-038
296-155-730	AMD-P	01-12-103	296-307-570	NEW-P	01-12-103	296-800-17045	NEW	01-11-038
296-155-745	AMD-P	01-12-103	296-307-57005	NEW-P	01-12-103	296-800-17050	NEW	01-11-038
296-200A	PREP	01-05-116	296-307-590	NEW-P	01-12-103	296-800-17055	NEW	01-11-038
296-200A	PREP	01-13-097	296-307-59005	NEW-P	01-12-103	296-800-180	NEW	01-11-038
296-200A-900	AMD-P	01-09-090	296-307-59010	NEW-P	01-12-103	296-800-18005	NEW	01-11-038
296-200A-900	AMD	01-12-035	296-350	PREP	01-09-093	296-800-18010	NEW	01-11-038
296-301	PREP	01-07-102	296-350-60025	REP-P	01-12-103	296-800-18015	NEW	01-11-038
296-301-010	AMD	01-11-038	296-400A	PREP	01-05-116	296-800-18020	NEW	01-11-038
296-301-020	AMD	01-11-038	296-400A	PREP	01-13-099	296-800-190	NEW	01-11-038
296-301-215	AMD	01-11-038	296-401B	PREP	01-05-116	296-800-19005	NEW	01-11-038
296-301-220	AMD	01-11-038	296-401B-700	AMD-P	01-09-090	296-800-200	NEW	01-11-038
296-302	PREP	01-07-102	296-401B-700	AMD	01-12-035	296-800-20005	NEW	01-11-038
296-302-010	AMD	01-11-038	296-800	PREP	01-09-093	296-800-210	NEW	01-11-038

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-800-21005	NEW	01-11-038	296-800-31010	NEW	01-11-038	296-800-36005	NEW	01-11-038
296-800-220	NEW	01-11-038	296-800-31015	NEW	01-11-038	296-800-370	NEW	01-11-038
296-800-22005	NEW	01-11-038	296-800-31020	NEW	01-11-038	308-08-085	AMD	01-03-129
296-800-22010	NEW	01-11-038	296-800-31025	NEW	01-11-038	308-13-150	AMD	01-04-002
296-800-22015	NEW	01-11-038	296-800-31030	NEW	01-11-038	308-13-150	PREP	01-09-026
296-800-22020	NEW	01-11-038	296-800-31035	NEW	01-11-038	308-13-150	AMD-P	01-12-063
296-800-22022	NEW	01-11-038	296-800-31040	NEW	01-11-038	308-15-010	NEW-P	01-07-101
296-800-22025	NEW	01-11-038	296-800-31045	NEW	01-11-038	308-15-010	NEW	01-12-023
296-800-22030	NEW	01-11-038	296-800-31050	NEW	01-11-038	308-15-020	NEW-P	01-07-101
296-800-22035	NEW	01-11-038	296-800-31053	NEW	01-11-038	308-15-020	NEW	01-12-023
296-800-22040	NEW	01-11-038	296-800-31055	NEW	01-11-038	308-15-030	NEW-P	01-07-101
296-800-230	NEW	01-11-038	296-800-31060	NEW	01-11-038	308-15-030	NEW	01-12-023
296-800-23005	NEW	01-11-038	296-800-31065	NEW	01-11-038	308-15-040	NEW-P	01-07-101
296-800-23010	NEW	01-11-038	296-800-31067	NEW	01-11-038	308-15-040	NEW	01-12-023
296-800-23015	NEW	01-11-038	296-800-31070	NEW	01-11-038	308-15-050	NEW-P	01-07-101
296-800-23020	NEW	01-11-038	296-800-31075	NEW	01-11-038	308-15-050	NEW	01-12-023
296-800-23025	NEW	01-11-038	296-800-31080	NEW	01-11-038	308-15-060	NEW-P	01-07-101
296-800-23030	NEW	01-11-038	296-800-320	NEW	01-11-038	308-15-060	NEW	01-12-023
296-800-23035	NEW	01-11-038	296-800-32005	NEW	01-11-038	308-15-070	NEW-P	01-07-101
296-800-240	NEW	01-11-038	296-800-32010	NEW	01-11-038	308-15-070	NEW	01-12-023
296-800-24005	NEW	01-11-038	296-800-32015	NEW	01-11-038	308-15-075	NEW-P	01-07-101
296-800-24010	NEW	01-11-038	296-800-32020	NEW	01-11-038	308-15-075	NEW	01-12-023
296-800-250	NEW	01-11-038	296-800-32025	NEW	01-11-038	308-15-080	NEW-P	01-07-101
296-800-25005	NEW	01-11-038	296-800-330	NEW	01-11-038	308-15-080	NEW	01-12-023
296-800-25010	NEW	01-11-038	296-800-340	NEW	01-11-038	308-15-090	NEW-P	01-07-101
296-800-25015	NEW	01-11-038	296-800-350	NEW	01-11-038	308-15-090	NEW	01-12-023
296-800-260	NEW	01-11-038	296-800-35002	NEW	01-11-038	308-15-100	NEW-P	01-07-101
296-800-26005	NEW	01-11-038	296-800-35004	NEW	01-11-038	308-15-100	NEW	01-12-023
296-800-26010	NEW	01-11-038	296-800-35006	NEW	01-11-038	308-15-101	NEW-P	01-07-101
296-800-270	NEW	01-11-038	296-800-35008	NEW	01-11-038	308-15-101	NEW	01-12-023
296-800-27005	NEW	01-11-038	296-800-35010	NEW	01-11-038	308-15-102	NEW-P	01-07-101
296-800-27010	NEW	01-11-038	296-800-35012	NEW	01-11-038	308-15-102	NEW	01-12-023
296-800-27015	NEW	01-11-038	296-800-35016	NEW	01-11-038	308-15-103	NEW-P	01-07-101
296-800-27020	NEW	01-11-038	296-800-35018	NEW	01-11-038	308-15-103	NEW	01-12-023
296-800-280	NEW	01-11-038	296-800-35020	NEW	01-11-038	308-15-150	NEW-P	01-07-100
296-800-28005	NEW	01-11-038	296-800-35022	NEW	01-11-038	308-15-150	NEW	01-12-022
296-800-28010	NEW	01-11-038	296-800-35024	NEW	01-11-038	308-29-010	AMD-P	01-03-130
296-800-28015	NEW	01-11-038	296-800-35026	NEW	01-11-038	308-29-010	AMD	01-11-132
296-800-28020	NEW	01-11-038	296-800-35028	NEW	01-11-038	308-29-020	AMD-P	01-03-130
296-800-28022	NEW	01-11-038	296-800-35030	NEW	01-11-038	308-29-020	AMD	01-11-132
296-800-28025	NEW	01-11-038	296-800-35032	NEW	01-11-038	308-29-025	NEW-P	01-03-130
296-800-28030	NEW	01-11-038	296-800-35038	NEW	01-11-038	308-29-025	NEW	01-11-132
296-800-28035	NEW	01-11-038	296-800-35040	NEW	01-11-038	308-29-030	AMD-P	01-03-130
296-800-28040	NEW	01-11-038	296-800-35042	NEW	01-11-038	308-29-030	AMD	01-11-132
296-800-28045	NEW	01-11-038	296-800-35044	NEW	01-11-038	308-29-045	AMD-P	01-03-130
296-800-290	NEW	01-11-038	296-800-35046	NEW	01-11-038	308-29-045	AMD	01-11-132
296-800-29005	NEW	01-11-038	296-800-35048	NEW	01-11-038	308-29-050	AMD-P	01-03-130
296-800-29010	NEW	01-11-038	296-800-35049	NEW	01-11-038	308-29-050	AMD	01-11-132
296-800-29015	NEW	01-11-038	296-800-35050	NEW	01-11-038	308-29-060	AMD-P	01-03-130
296-800-29020	NEW	01-11-038	296-800-35052	NEW	01-11-038	308-29-060	AMD	01-11-132
296-800-29025	NEW	01-11-038	296-800-35056	NEW	01-11-038	308-29-070	AMD-P	01-03-130
296-800-29030	NEW	01-11-038	296-800-35062	NEW	01-11-038	308-29-070	AMD	01-11-132
296-800-29035	NEW	01-11-038	296-800-35063	NEW	01-11-038	308-29-080	AMD-P	01-03-130
296-800-29040	NEW	01-11-038	296-800-35065	NEW	01-11-038	308-29-080	AMD	01-11-132
296-800-300	NEW	01-11-038	296-800-35066	NEW	01-11-038	308-29-090	NEW-P	01-03-130
296-800-30005	NEW	01-11-038	296-800-35072	NEW	01-11-038	308-29-090	NEW	01-11-132
296-800-30010	NEW	01-11-038	296-800-35076	NEW	01-11-038	308-29-100	NEW-P	01-03-130
296-800-30015	NEW	01-11-038	296-800-35078	NEW	01-11-038	308-29-100	NEW	01-11-132
296-800-30020	NEW	01-11-038	296-800-35080	NEW	01-11-038	308-29-110	NEW-P	01-03-130
296-800-30025	NEW	01-11-038	296-800-35082	NEW	01-11-038	308-29-110	NEW	01-11-132
296-800-310	NEW	01-11-038	296-800-35084	NEW	01-11-038	308-29-120	NEW-P	01-03-130
296-800-31005	NEW	01-11-038	296-800-360	NEW	01-11-038	308-29-120	NEW	01-11-132

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-32-100	REP	01-03-065	308-57-500	REP-P	01-05-106	308-93-350	AMD	01-08-021
308-32-110	REP	01-03-065	308-57-500	REP-W	01-07-029	308-93-360	AMD-P	01-03-011
308-32-120	REP	01-03-065	308-57-500	REP-P	01-08-051	308-93-360	AMD	01-08-021
308-56A-021	AMD-P	01-03-072	308-57-500	REP	01-12-099	308-93-390	AMD-P	01-03-072
308-56A-021	AMD	01-08-022	308-63-010	AMD	01-03-141	308-93-390	AMD	01-08-022
308-56A-065	AMD-P	01-03-072	308-63-040	AMD	01-03-141	308-93-640	AMD-P	01-03-017
308-56A-065	AMD	01-08-022	308-63-070	AMD	01-03-141	308-93-640	AMD	01-08-021
308-56A-150	PREP	01-11-083	308-63-100	AMD	01-03-141	308-93-660	REP-P	01-11-084
308-56A-310	AMD-P	01-03-072	308-78-010	AMD-P	01-03-083	308-94-030	AMD-P	01-06-049
308-56A-310	AMD	01-08-022	308-78-010	AMD	01-08-083	308-94-030	AMD	01-11-070
308-56A-335	AMD	01-03-002	308-78-020	AMD-P	01-03-083	308-94-050	AMD-P	01-06-049
308-56A-355	REP	01-03-002	308-78-020	AMD	01-08-083	308-94-050	AMD	01-11-070
308-56A-505	AMD-P	01-06-018	308-78-030	AMD-P	01-03-083	308-94-080	AMD-P	01-06-049
308-56A-505	AMD	01-11-069	308-78-030	AMD	01-08-083	308-94-080	AMD	01-11-070
308-57-005	AMD-P	01-05-106	308-78-035	NEW-P	01-03-083	308-94-100	AMD-P	01-06-049
308-57-005	AMD-W	01-07-029	308-78-035	NEW	01-08-083	308-94-100	AMD	01-11-070
308-57-005	AMD-P	01-08-051	308-78-040	AMD-P	01-03-083	308-94-105	NEW-P	01-06-049
308-57-005	AMD	01-12-099	308-78-040	AMD	01-08-083	308-94-105	NEW	01-11-070
308-57-010	AMD-P	01-05-106	308-78-045	AMD-P	01-03-083	308-94A-005	AMD-P	01-08-050
308-57-010	AMD-W	01-07-029	308-78-045	AMD	01-08-083	308-94A-005	AMD	01-13-008
308-57-010	AMD-P	01-08-051	308-78-046	NEW-P	01-03-083	308-94A-010	AMD-P	01-08-050
308-57-010	AMD	01-12-099	308-78-046	NEW	01-08-083	308-94A-010	AMD	01-13-008
308-57-020	AMD-P	01-05-106	308-78-060	REP-P	01-03-083	308-94A-015	AMD-P	01-08-050
308-57-020	AMD-W	01-07-029	308-78-060	REP	01-08-083	308-94A-015	AMD	01-13-008
308-57-020	AMD-P	01-08-051	308-78-070	AMD-P	01-03-083	308-94A-020	AMD-P	01-08-050
308-57-020	AMD	01-12-099	308-78-070	AMD	01-08-083	308-94A-020	AMD	01-13-008
308-57-030	AMD-P	01-05-106	308-78-075	NEW-P	01-03-083	308-94A-025	AMD-P	01-08-050
308-57-030	AMD-W	01-07-029	308-78-075	NEW	01-08-083	308-94A-025	AMD	01-13-008
308-57-030	AMD-P	01-08-051	308-78-080	AMD-P	01-03-083	308-94A-030	AMD-P	01-08-050
308-57-030	AMD	01-12-099	308-78-080	AMD	01-08-083	308-94A-030	AMD	01-13-008
308-57-110	AMD-P	01-05-106	308-78-090	AMD-P	01-03-083	308-96A-005	AMD-P	01-11-090
308-57-110	AMD-W	01-07-029	308-78-090	AMD	01-08-083	308-96A-015	AMD-P	01-11-090
308-57-110	AMD-P	01-08-051	308-93	PREP	01-05-076	308-96A-026	AMD-P	01-11-090
308-57-110	AMD	01-12-099	308-93-010	AMD	01-03-128	308-96A-065	AMD-P	01-04-017
308-57-120	REP-P	01-05-106	308-93-030	AMD	01-03-128	308-96A-065	AMD	01-10-069
308-57-120	REP-W	01-07-029	308-93-050	AMD	01-03-128	308-96A-066	REP-P	01-04-017
308-57-120	REP-P	01-08-051	308-93-055	AMD	01-03-128	308-96A-066	REP	01-10-069
308-57-120	REP	01-12-099	308-93-056	AMD	01-03-128	308-96A-067	REP-P	01-04-017
308-57-130	REP-P	01-05-106	308-93-060	AMD-P	01-03-017	308-96A-067	REP	01-10-069
308-57-130	REP-W	01-07-029	308-93-060	AMD	01-08-021	308-96A-068	REP-P	01-04-017
308-57-130	REP-P	01-08-051	308-93-069	AMD-P	01-03-017	308-96A-068	REP	01-10-069
308-57-130	REP	01-12-099	308-93-069	AMD	01-08-021	308-96A-070	AMD-P	01-04-017
308-57-135	REP-P	01-05-106	308-93-070	AMD-P	01-03-017	308-96A-070	AMD	01-10-069
308-57-135	REP-W	01-07-029	308-93-070	AMD	01-08-021	308-96A-071	AMD-P	01-04-017
308-57-135	REP-P	01-08-051	308-93-071	AMD-P	01-03-017	308-96A-071	AMD	01-10-069
308-57-135	REP	01-12-099	308-93-071	AMD	01-08-021	308-96A-072	AMD-P	01-04-017
308-57-140	AMD-P	01-05-106	308-93-073	REP-P	01-03-017	308-96A-072	AMD	01-10-069
308-57-140	AMD-W	01-07-029	308-93-073	REP	01-08-021	308-96A-073	AMD-P	01-04-017
308-57-140	AMD-P	01-08-051	308-93-078	AMD-P	01-03-017	308-96A-073	AMD	01-10-069
308-57-140	AMD	01-12-099	308-93-078	AMD	01-08-021	308-96A-074	AMD-P	01-04-017
308-57-210	A/R-P	01-05-106	308-93-079	AMD	01-03-128	308-96A-074	AMD	01-10-069
308-57-210	AMD-W	01-07-029	308-93-087	AMD-P	01-11-084	308-96A-099	AMD-P	01-05-106
308-57-210	AMD-P	01-08-051	308-93-088	AMD-P	01-11-084	308-96A-099	AMD-W	01-07-029
308-57-210	AMD	01-12-099	308-93-089	NEW-P	01-11-084	308-96A-099	AMD-P	01-08-051
308-57-230	AMD-P	01-05-106	308-93-090	AMD	01-03-128	308-96A-099	AMD	01-12-099
308-57-230	AMD-W	01-07-029	308-93-145	PREP	01-05-076	308-96A-135	REP-P	01-05-106
308-57-230	AMD-P	01-08-051	308-93-145	AMD-P	01-08-052	308-96A-135	REP-W	01-07-029
308-57-230	AMD	01-12-099	308-93-145	AMD	01-11-100	308-96A-135	AMD-P	01-08-051
308-57-240	AMD-P	01-05-106	308-93-160	AMD	01-03-128	308-96A-135	AMD	01-12-099
308-57-240	AMD-W	01-07-029	308-93-285	AMD-P	01-03-017	308-96A-145	AMD-P	01-05-106
308-57-240	AMD-P	01-08-051	308-93-285	AMD	01-08-021	308-96A-145	AMD-W	01-07-029
308-57-240	AMD	01-12-099	308-93-350	AMD-P	01-03-017	308-96A-145	AMD-P	01-08-051

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308-96A-145	AMD	01-12-099	308-390-200	NEW-P	01-07-084	308-390-600	NEW-P	01-07-084
308-96A-175	AMD-P	01-04-017	308-390-200	NEW	01-10-056	308-390-600	NEW	01-10-056
308-96A-175	AMD	01-10-069	308-390-201	NEW-P	01-07-084	308-390-601	NEW-P	01-07-084
308-96A-176	AMD-P	01-04-017	308-390-201	NEW	01-10-056	308-390-601	NEW	01-10-056
308-96A-176	AMD	01-10-069	308-390-202	NEW-P	01-07-084	308-390-602	NEW-P	01-07-084
308-96A-177	NEW-P	01-04-017	308-390-202	NEW	01-10-056	308-390-602	NEW	01-10-056
308-96A-177	NEW	01-10-069	308-390-203	NEW-P	01-07-084	308-390-603	NEW-P	01-07-084
308-96A-202	AMD-P	01-05-106	308-390-203	NEW	01-10-056	308-390-603	NEW	01-10-056
308-96A-202	AMD-W	01-07-029	308-390-204	NEW-P	01-07-084	308-400	REP-P	01-07-084
308-96A-202	AMD-P	01-08-051	308-390-204	NEW	01-10-056	308-400-010	REP-P	01-07-084
308-96A-202	AMD	01-12-099	308-390-300	NEW-P	01-07-084	308-400-010	REP	01-10-056
308-96A-203	AMD-P	01-05-106	308-390-300	NEW	01-10-056	308-400-020	REP-P	01-07-084
308-96A-203	AMD-W	01-07-029	308-390-301	NEW-P	01-07-084	308-400-020	REP	01-10-056
308-96A-203	AMD-P	01-08-051	308-390-301	NEW	01-10-056	308-400-025	REP-P	01-07-084
308-96A-203	AMD	01-12-099	308-390-302	NEW-P	01-07-084	308-400-025	REP	01-10-056
308-96A-260	AMD-P	01-11-090	308-390-302	NEW	01-10-056	308-400-030	REP-P	01-07-084
308-96A-295	AMD-P	01-04-062	308-390-303	NEW-P	01-07-084	308-400-030	REP	01-10-056
308-96A-295	AMD	01-09-079	308-390-303	NEW	01-10-056	308-400-053	REP-P	01-07-084
308-96A-300	AMD-P	01-11-090	308-390-304	NEW-P	01-07-084	308-400-053	REP	01-10-056
308-96A-345	REP-P	01-11-090	308-390-304	NEW	01-10-056	308-400-056	REP-P	01-07-084
308-96A-350	AMD-P	01-13-060	308-390-305	NEW-P	01-07-084	308-400-056	REP	01-10-056
308-96A-355	AMD-P	01-13-060	308-390-305	NEW	01-10-056	308-400-058	REP-P	01-07-084
308-96A-365	AMD-P	01-13-060	308-390-306	NEW-P	01-07-084	308-400-058	REP	01-10-056
308-96A-400	AMD-P	01-05-106	308-390-306	NEW	01-10-056	308-400-059	REP-P	01-07-084
308-96A-400	AMD-W	01-07-029	308-390-307	NEW-P	01-07-084	308-400-059	REP	01-10-056
308-96A-400	AMD-P	01-08-051	308-390-307	NEW	01-10-056	308-400-060	REP-P	01-07-084
308-96A-400	AMD	01-12-099	308-390-308	NEW-P	01-07-084	308-400-060	REP	01-10-056
308-96A-410	REP-P	01-05-106	308-390-308	NEW	01-10-056	308-400-062	REP-P	01-07-084
308-96A-410	REP-W	01-07-029	308-390-309	NEW-P	01-07-084	308-400-062	REP	01-10-056
308-96A-410	REP-P	01-08-051	308-390-309	NEW	01-10-056	308-400-080	REP-P	01-07-084
308-96A-410	REP	01-12-099	308-390-310	NEW-P	01-07-084	308-400-080	REP	01-10-056
308-96A-550	AMD-P	01-04-017	308-390-310	NEW	01-10-056	308-400-092	REP-P	01-07-084
308-96A-550	AMD	01-10-069	308-390-311	NEW-P	01-07-084	308-400-092	REP	01-10-056
308-96A-560	AMD-P	01-04-017	308-390-311	NEW	01-10-056	308-400-095	REP-P	01-07-084
308-96A-560	AMD	01-10-069	308-390-312	NEW-P	01-07-084	308-400-095	REP	01-10-056
308-97-230	AMD-P	01-05-106	308-390-312	NEW	01-10-056	308-400-100	REP-P	01-07-084
308-97-230	AMD-W	01-07-029	308-390-313	NEW-P	01-07-084	308-400-100	REP	01-10-056
308-97-230	AMD-P	01-13-061	308-390-313	NEW	01-10-056	308-400-110	REP-P	01-07-084
308-100-140	AMD-P	01-04-075	308-390-314	NEW-P	01-07-084	308-400-110	REP	01-10-056
308-100-140	AMD	01-09-062	308-390-314	NEW	01-10-056	308-400-120	REP-P	01-07-084
308-124B-050	PREP	01-08-095	308-390-315	NEW-P	01-07-084	308-400-120	REP	01-10-056
308-124H-061	PREP	01-08-096	308-390-315	NEW	01-10-056	308-410	REP-P	01-07-084
308-390-100	NEW-P	01-07-084	308-390-400	NEW-P	01-07-084	308-410-010	REP-P	01-07-084
308-390-100	NEW	01-10-056	308-390-400	NEW	01-10-056	308-410-010	REP	01-10-056
308-390-101	NEW-P	01-07-084	308-390-401	NEW-P	01-07-084	308-410-020	REP-P	01-07-084
308-390-101	NEW	01-10-056	308-390-401	NEW	01-10-056	308-410-020	REP	01-10-056
308-390-102	NEW-P	01-07-084	308-390-402	NEW-P	01-07-084	308-410-030	REP-P	01-07-084
308-390-102	NEW	01-10-056	308-390-402	NEW	01-10-056	308-410-030	REP	01-10-056
308-390-103	NEW-P	01-07-084	308-390-403	NEW-P	01-07-084	308-410-040	REP-P	01-07-084
308-390-103	NEW	01-10-056	308-390-403	NEW	01-10-056	308-410-040	REP	01-10-056
308-390-104	NEW-P	01-07-084	308-390-500	NEW-P	01-07-084	308-410-060	REP-P	01-07-084
308-390-104	NEW	01-10-056	308-390-500	NEW	01-10-056	308-410-060	REP	01-10-056
308-390-105	NEW-P	01-07-084	308-390-501	NEW-P	01-07-084	308-410-070	REP-P	01-07-084
308-390-105	NEW	01-10-056	308-390-501	NEW	01-10-056	308-410-070	REP	01-10-056
308-390-106	NEW-P	01-07-084	308-390-502	NEW-P	01-07-084	314-01-005	NEW	01-06-016
308-390-106	NEW	01-10-056	308-390-502	NEW	01-10-056	314-04-005	REP	01-03-086
308-390-107	NEW-P	01-07-084	308-390-503	NEW-P	01-07-084	314-04-006	REP	01-03-086
308-390-107	NEW	01-10-056	308-390-503	NEW	01-10-056	314-04-007	REP	01-03-086
308-390-108	NEW-P	01-07-084	308-390-504	NEW-P	01-07-084	314-08-001	REP-S	01-06-062
308-390-108	NEW	01-10-056	308-390-504	NEW	01-10-056	314-08-001	REP	01-11-058
308-390-109	NEW-P	01-07-084	308-390-505	NEW-P	01-07-084	314-08-010	REP-S	01-06-062
308-390-109	NEW	01-10-056	308-390-505	NEW	01-10-056	314-08-010	REP	01-11-058

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314- 08-020	REP-S	01-06-062	314- 08-340	REP-S	01-06-062	314- 11-030	NEW	01-06-014
314- 08-020	REP	01-11-058	314- 08-340	REP	01-11-058	314- 11-035	NEW	01-06-014
314- 08-030	REP-S	01-06-062	314- 08-350	REP-S	01-06-062	314- 11-040	NEW	01-06-014
314- 08-030	REP	01-11-058	314- 08-350	REP	01-11-058	314- 11-045	NEW	01-06-014
314- 08-040	REP-S	01-06-062	314- 08-360	REP-S	01-06-062	314- 11-050	NEW	01-06-014
314- 08-040	REP	01-11-058	314- 08-360	REP	01-11-058	314- 11-055	NEW	01-06-014
314- 08-050	REP-S	01-06-062	314- 08-370	REP-S	01-06-062	314- 11-060	NEW	01-06-014
314- 08-050	REP	01-11-058	314- 08-370	REP	01-11-058	314- 11-065	NEW	01-06-014
314- 08-070	REP-S	01-06-062	314- 08-380	REP-S	01-06-062	314- 11-070	NEW	01-06-014
314- 08-070	REP	01-11-058	314- 08-380	REP	01-11-058	314- 11-080	NEW	01-06-014
314- 08-080	REP-S	01-06-062	314- 08-390	REP-S	01-06-062	314- 11-085	NEW	01-06-014
314- 08-080	REP	01-11-058	314- 08-390	REP	01-11-058	314- 11-090	NEW	01-06-014
314- 08-090	REP-S	01-06-062	314- 08-400	REP-S	01-06-062	314- 11-095	NEW	01-06-014
314- 08-090	REP	01-11-058	314- 08-400	REP	01-11-058	314- 11-100	NEW	01-06-014
314- 08-100	REP-S	01-06-062	314- 08-410	REP-S	01-06-062	314- 11-105	NEW	01-06-014
314- 08-100	REP	01-11-058	314- 08-410	REP	01-11-058	314- 11-110	NEW	01-06-014
314- 08-110	REP-S	01-06-062	314- 08-415	REP-S	01-06-062	314- 12-020	AMD	01-03-087
314- 08-110	REP	01-11-058	314- 08-415	REP	01-11-058	314- 12-115	REP	01-06-014
314- 08-120	REP-S	01-06-062	314- 08-420	REP-S	01-06-062	314- 12-120	REP	01-06-014
314- 08-120	REP	01-11-058	314- 08-420	REP	01-11-058	314- 12-125	REP	01-06-014
314- 08-130	REP-S	01-06-062	314- 08-430	REP-S	01-06-062	314- 12-130	REP	01-06-014
314- 08-130	REP	01-11-058	314- 08-430	REP	01-11-058	314- 12-140	AMD	01-06-015
314- 08-140	REP-S	01-06-062	314- 08-440	REP-S	01-06-062	314- 12-195	REP	01-06-014
314- 08-140	REP	01-11-058	314- 08-440	REP	01-11-058	314- 13-005	NEW	01-06-015
314- 08-150	REP-S	01-06-062	314- 08-450	REP-S	01-06-062	314- 13-010	NEW	01-06-015
314- 08-150	REP	01-11-058	314- 08-450	REP	01-11-058	314- 13-015	NEW	01-06-015
314- 08-160	REP-S	01-06-062	314- 08-460	REP-S	01-06-062	314- 13-020	NEW	01-06-015
314- 08-160	REP	01-11-058	314- 08-460	REP	01-11-058	314- 13-025	NEW	01-06-015
314- 08-170	REP-S	01-06-062	314- 08-470	REP-S	01-06-062	314- 13-030	NEW	01-06-015
314- 08-170	REP	01-11-058	314- 08-470	REP	01-11-058	314- 13-040	NEW	01-06-015
314- 08-180	REP-S	01-06-062	314- 08-480	REP-S	01-06-062	314- 14-010	REP	01-03-085
314- 08-180	REP	01-11-058	314- 08-480	REP	01-11-058	314- 14-020	REP	01-03-085
314- 08-190	REP-S	01-06-062	314- 08-490	REP-S	01-06-062	314- 14-030	REP	01-03-085
314- 08-190	REP	01-11-058	314- 08-490	REP	01-11-058	314- 14-040	REP	01-03-085
314- 08-200	REP-S	01-06-062	314- 08-500	REP-S	01-06-062	314- 14-050	REP	01-03-085
314- 08-200	REP	01-11-058	314- 08-500	REP	01-11-058	314- 14-060	REP	01-03-085
314- 08-210	REP-S	01-06-062	314- 08-510	REP-S	01-06-062	314- 14-070	REP	01-03-085
314- 08-210	REP	01-11-058	314- 08-510	REP	01-11-058	314- 14-080	REP	01-03-085
314- 08-220	REP-S	01-06-062	314- 08-520	REP-S	01-06-062	314- 14-090	REP	01-03-085
314- 08-220	REP	01-11-058	314- 08-520	REP	01-11-058	314- 14-100	REP	01-03-085
314- 08-230	REP-S	01-06-062	314- 08-530	REP-S	01-06-062	314- 14-110	REP	01-03-085
314- 08-230	REP	01-11-058	314- 08-530	REP	01-11-058	314- 14-120	REP	01-03-085
314- 08-240	REP-S	01-06-062	314- 08-540	REP-S	01-06-062	314- 14-130	REP	01-03-085
314- 08-240	REP	01-11-058	314- 08-540	REP	01-11-058	314- 14-140	REP	01-03-085
314- 08-250	REP-S	01-06-062	314- 08-550	REP-S	01-06-062	314- 14-150	REP	01-03-085
314- 08-250	REP	01-11-058	314- 08-550	REP	01-11-058	314- 14-160	REP	01-03-085
314- 08-260	REP-S	01-06-062	314- 08-560	REP-S	01-06-062	314- 14-165	REP	01-03-085
314- 08-260	REP	01-11-058	314- 08-560	REP	01-11-058	314- 14-170	REP	01-03-085
314- 08-270	REP-S	01-06-062	314- 08-570	REP-S	01-06-062	314- 16-020	AMD	01-06-014
314- 08-270	REP	01-11-058	314- 08-570	REP	01-11-058	314- 16-025	REP	01-06-014
314- 08-280	REP-S	01-06-062	314- 08-580	REP-S	01-06-062	314- 16-030	REP	01-06-014
314- 08-280	REP	01-11-058	314- 08-580	REP	01-11-058	314- 16-040	AMD	01-06-014
314- 08-290	REP-S	01-06-062	314- 08-590	REP-S	01-06-062	314- 16-050	REP	01-06-014
314- 08-290	REP	01-11-058	314- 08-590	REP	01-11-058	314- 16-060	REP	01-06-014
314- 08-300	REP-S	01-06-062	314- 09-005	NEW	01-03-087	314- 16-070	REP	01-06-014
314- 08-300	REP	01-11-058	314- 09-010	NEW	01-03-087	314- 16-075	REP	01-06-014
314- 08-310	REP-S	01-06-062	314- 09-015	NEW	01-03-087	314- 16-090	REP	01-06-014
314- 08-310	REP	01-11-058	314- 10-020	REP	01-06-014	314- 16-120	REP	01-06-014
314- 08-320	REP-S	01-06-062	314- 11-005	NEW	01-06-014	314- 16-122	REP	01-06-014
314- 08-320	REP	01-11-058	314- 11-015	NEW	01-06-014	314- 16-125	REP	01-06-014
314- 08-330	REP-S	01-06-062	314- 11-020	NEW	01-06-014	314- 16-145	REP	01-06-014
314- 08-330	REP	01-11-058	314- 11-025	NEW	01-06-014	314- 16-150	REP-W	01-12-082

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314-17-005	NEW	01-03-085	315-04-085	NEW-S	01-08-037	356-14-110	AMD-C	01-02-089
314-17-010	NEW	01-03-085	315-04-085	NEW	01-12-039	356-14-110	AMD	01-07-057
314-17-015	NEW	01-03-085	315-06-040	PREP	01-04-040	356-14-120	AMD-C	01-02-089
314-17-020	NEW	01-03-085	315-06-040	AMD-P	01-08-038	356-14-120	AMD	01-07-057
314-17-025	NEW	01-03-085	315-06-040	AMD	01-12-040	356-15-125	AMD-E	01-04-051
314-17-030	NEW	01-03-085	315-34	PREP	01-07-013	356-15-125	AMD-P	01-04-079
314-17-035	NEW	01-03-085	315-34-040	AMD-P	01-11-082	356-15-125	AMD	01-08-005
314-17-040	NEW	01-03-085	315-34-050	AMD-P	01-11-082	356-15-140	AMD-C	01-02-089
314-17-045	NEW	01-03-085	315-34-057	AMD-P	01-11-082	356-15-140	AMD	01-07-057
314-17-050	NEW	01-03-085	315-36	PREP	01-07-004	356-18-140	AMD-C	01-02-089
314-17-055	NEW	01-03-085	315-36-010	AMD-P	01-11-081	356-18-140	AMD	01-07-057
314-17-060	NEW	01-03-085	315-36-030	AMD-P	01-11-081	356-18-220	AMD-C	01-02-089
314-17-065	NEW	01-03-085	315-36-050	AMD-P	01-11-081	356-18-220	AMD	01-07-057
314-17-070	NEW	01-03-085	315-36-090	AMD-P	01-11-081	356-22-160	AMD-P	01-12-074
314-17-075	NEW	01-03-085	315-36-110	AMD-P	01-11-081	356-22-170	REP-P	01-12-074
314-17-080	NEW	01-03-085	317-21-010	REP	01-05-036	356-22-220	AMD-W	01-07-056
314-17-085	NEW	01-03-085	317-21-020	REP	01-05-036	356-26-040	AMD-P	01-12-075
314-17-090	NEW	01-03-085	317-21-030	REP	01-05-036	356-30-260	AMD-P	01-12-076
314-17-095	NEW	01-03-085	317-21-040	REP	01-05-036	356-30-305	AMD-P	01-12-076
314-17-100	NEW	01-03-085	317-21-050	REP	01-05-036	356-30-320	AMD-C	01-02-088
314-17-105	NEW	01-03-085	317-21-060	REP	01-05-036	356-30-320	AMD	01-07-055
314-17-110	NEW	01-03-085	317-21-070	REP	01-05-036	356-30-331	AMD-C	01-02-088
314-17-115	NEW	01-03-085	317-21-100	REP	01-05-036	356-30-331	AMD	01-07-055
314-24-170	REP	01-06-015	317-21-110	REP	01-05-036	356-30-331	AMD-P	01-08-062
314-29-005	NEW	01-03-086	317-21-120	REP	01-05-036	356-30-331	AMD	01-11-113
314-29-010	NEW	01-03-086	317-21-140	REP	01-05-036	356-46-150	NEW-P	01-08-062
314-42-010	PREP	01-06-061	317-21-300	REP	01-05-036	356-46-150	NEW	01-11-113
314-42-010	AMD-P	01-11-059	317-21-305	REP	01-05-036	356-49-040	AMD-C	01-02-089
314-42-020	NEW-S	01-06-062	317-21-310	REP	01-05-036	356-49-040	AMD	01-07-057
314-42-020	NEW	01-11-058	317-21-315	REP	01-05-036	356-56-210	AMD	01-03-003
314-42-025	NEW-S	01-06-062	317-21-320	REP	01-05-036	356-56-220	AMD	01-03-003
314-42-025	NEW	01-11-058	317-21-325	REP	01-05-036	363-116-185	AMD-P	01-10-072
314-42-030	NEW-S	01-06-062	317-21-330	REP	01-05-036	363-116-185	AMD	01-13-066
314-42-030	NEW	01-11-058	317-21-335	REP	01-05-036	363-116-300	AMD-P	01-08-081
314-42-040	NEW-S	01-06-062	317-21-340	REP	01-05-036	363-116-300	AMD	01-12-032
314-42-040	NEW	01-11-058	317-21-345	REP	01-05-036	365-120-080	PREP	01-11-137
314-42-045	NEW-S	01-06-062	317-21-400	REP	01-05-036	365-195-900	AMD-P	01-03-166
314-42-045	NEW	01-11-058	317-21-410	REP	01-05-036	365-195-900	AMD	01-08-056
314-42-050	NEW-S	01-06-062	317-21-500	REP	01-05-036	365-197-010	NEW-P	01-03-165
314-42-050	NEW	01-11-058	317-21-510	REP	01-05-036	365-197-010	NEW	01-13-039
314-42-055	NEW-W	01-11-075	317-21-520	REP	01-05-036	365-197-020	NEW-P	01-03-165
314-42-060	NEW-S	01-06-062	317-21-530	REP	01-05-036	365-197-020	NEW	01-13-039
314-42-060	NEW	01-11-058	317-21-550	REP	01-05-036	365-197-030	NEW-P	01-03-165
314-42-065	NEW-S	01-06-062	317-21-560	REP	01-05-036	365-197-030	NEW	01-13-039
314-42-065	NEW	01-11-058	317-21-900	REP	01-05-036	365-197-040	NEW-P	01-03-165
314-42-070	NEW-S	01-06-062	317-21-910	REP	01-05-036	365-197-040	NEW	01-13-039
314-42-070	NEW	01-11-058	332-10-020	AMD-P	01-04-061	365-197-050	NEW-P	01-03-165
314-42-075	NEW-S	01-06-062	332-10-020	AMD	01-07-049	365-197-050	NEW	01-13-039
314-42-075	NEW	01-11-058	332-10-040	AMD-P	01-04-061	365-197-060	NEW-P	01-03-165
314-42-080	NEW-S	01-06-062	332-10-040	AMD	01-07-049	365-197-060	NEW	01-13-039
314-42-080	NEW	01-11-058	332-30	PREP	01-10-068	365-197-070	NEW-P	01-03-165
314-42-085	NEW-S	01-06-062	352	PREP	01-12-077	365-197-070	NEW	01-13-039
314-42-085	NEW	01-11-058	356-06-045	AMD-C	01-02-088	365-197-080	NEW-P	01-03-165
314-42-090	NEW-S	01-06-062	356-06-045	AMD	01-07-055	365-197-080	NEW	01-13-039
314-42-090	NEW	01-11-058	356-10-040	AMD-C	01-02-089	388-05-0001	NEW-P	01-08-077
314-42-100	NEW-S	01-06-062	356-10-040	AMD	01-07-057	388-05-0001	NEW	01-12-071
314-42-100	NEW	01-11-058	356-14-067	AMD-C	01-02-089	388-05-0005	NEW-P	01-08-077
314-42-105	NEW-S	01-06-062	356-14-067	AMD	01-07-057	388-05-0005	NEW	01-12-071
314-42-105	NEW	01-11-058	356-14-075	AMD-C	01-02-089	388-05-0010	NEW-P	01-08-077
314-70-020	REP	01-06-014	356-14-075	AMD	01-07-057	388-05-0010	NEW	01-12-071
314-70-040	REP	01-06-014	356-14-085	AMD-C	01-02-089	388-06-0010	NEW-P	01-10-062

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-06-0020	NEW-P	01-10-062	388-13-090	REP	01-03-089	388-14-560	REP	01-03-089
388-06-0100	NEW-P	01-10-062	388-13-100	REP	01-03-089	388-14-570	REP	01-03-089
388-06-0110	NEW-P	01-10-062	388-13-110	REP	01-03-089	388-14A-1000	NEW	01-03-089
388-06-0120	NEW-P	01-10-062	388-13-120	REP	01-03-089	388-14A-1005	NEW	01-03-089
388-06-0130	NEW-P	01-10-062	388-14-010	REP	01-03-089	388-14A-1010	NEW	01-03-089
388-06-0140	NEW-P	01-10-062	388-14-020	REP	01-03-089	388-14A-1015	NEW	01-03-089
388-06-0150	NEW-P	01-10-062	388-14-030	REP	01-03-089	388-14A-1020	NEW	01-03-089
388-06-0160	NEW-P	01-10-062	388-14-035	REP	01-03-089	388-14A-1025	NEW	01-03-089
388-06-0170	NEW-P	01-10-062	388-14-040	REP	01-03-089	388-14A-1025	PREP	01-13-049
388-06-0180	NEW-P	01-10-062	388-14-045	REP	01-03-089	388-14A-1030	NEW	01-03-089
388-06-0190	NEW-P	01-10-062	388-14-050	REP	01-03-089	388-14A-1035	NEW	01-03-089
388-06-0200	NEW-P	01-10-062	388-14-100	REP	01-03-089	388-14A-1036	NEW	01-03-089
388-06-0210	NEW-P	01-10-062	388-14-200	REP	01-03-089	388-14A-1040	NEW	01-03-089
388-06-0220	NEW-P	01-10-062	388-14-201	REP	01-03-089	388-14A-1045	NEW	01-03-089
388-06-0230	NEW-P	01-10-062	388-14-202	REP	01-03-089	388-14A-1050	NEW	01-03-089
388-06-0240	NEW-P	01-10-062	388-14-203	REP	01-03-089	388-14A-1055	NEW	01-03-089
388-06-0250	NEW-P	01-10-062	388-14-205	REP	01-03-089	388-14A-1060	NEW	01-03-089
388-06-0260	NEW-P	01-10-062	388-14-210	REP	01-03-089	388-14A-2000	NEW	01-03-089
388-06-0500	NEW-P	01-10-064	388-14-220	REP	01-03-089	388-14A-2005	NEW	01-03-089
388-06-0510	NEW-P	01-10-064	388-14-250	REP	01-03-089	388-14A-2010	NEW	01-03-089
388-06-0520	NEW-P	01-10-064	388-14-260	REP	01-03-089	388-14A-2015	NEW	01-03-089
388-06-0525	NEW-P	01-10-064	388-14-270	REP	01-03-089	388-14A-2020	NEW	01-03-089
388-06-0530	NEW-P	01-10-064	388-14-271	REP	01-03-089	388-14A-2025	NEW	01-03-089
388-06-0535	NEW-P	01-10-064	388-14-272	REP	01-03-089	388-14A-2030	NEW	01-03-089
388-06-0540	NEW-P	01-10-064	388-14-273	REP	01-03-089	388-14A-2035	NEW	01-03-089
388-11-011	REP	01-03-089	388-14-274	REP	01-03-089	388-14A-2036	NEW	01-03-089
388-11-015	REP	01-03-089	388-14-276	REP	01-03-089	388-14A-2037	NEW	01-03-089
388-11-045	REP	01-03-089	388-14-300	REP	01-03-089	388-14A-2038	NEW	01-03-089
388-11-048	REP	01-03-089	388-14-310	REP	01-03-089	388-14A-2040	NEW	01-03-089
388-11-065	REP	01-03-089	388-14-350	REP	01-03-089	388-14A-2041	NEW	01-03-089
388-11-067	REP	01-03-089	388-14-360	REP	01-03-089	388-14A-2045	NEW	01-03-089
388-11-100	REP	01-03-089	388-14-365	REP	01-03-089	388-14A-2050	NEW	01-03-089
388-11-120	REP	01-03-089	388-14-370	REP	01-03-089	388-14A-2060	NEW	01-03-089
388-11-135	REP	01-03-089	388-14-376	REP	01-03-089	388-14A-2065	NEW	01-03-089
388-11-140	REP	01-03-089	388-14-385	REP	01-03-089	388-14A-2065	PREP	01-13-049
388-11-143	REP	01-03-089	388-14-386	REP	01-03-089	388-14A-2070	NEW	01-03-089
388-11-145	REP	01-03-089	388-14-387	REP	01-03-089	388-14A-2075	NEW	01-03-089
388-11-150	REP	01-03-089	388-14-388	REP	01-03-089	388-14A-2080	NEW	01-03-089
388-11-155	REP	01-03-089	388-14-390	REP	01-03-089	388-14A-2085	NEW	01-03-089
388-11-170	REP	01-03-089	388-14-395	REP	01-03-089	388-14A-2090	NEW	01-03-089
388-11-180	REP	01-03-089	388-14-410	REP	01-03-089	388-14A-2095	NEW	01-03-089
388-11-205	REP	01-03-089	388-14-415	REP	01-03-089	388-14A-2097	NEW	01-03-089
388-11-210	REP	01-03-089	388-14-420	REP	01-03-089	388-14A-2099	NEW	01-03-089
388-11-215	REP	01-03-089	388-14-421	REP	01-03-089	388-14A-2105	NEW	01-03-089
388-11-220	REP	01-03-089	388-14-422	REP	01-03-089	388-14A-2105	PREP	01-09-027
388-11-280	REP	01-03-089	388-14-423	REP	01-03-089	388-14A-2110	NEW	01-03-089
388-11-300	REP	01-03-089	388-14-424	REP	01-03-089	388-14A-2110	PREP	01-09-027
388-11-305	REP	01-03-089	388-14-427	REP	01-03-089	388-14A-2115	NEW	01-03-089
388-11-310	REP	01-03-089	388-14-435	REP	01-03-089	388-14A-2115	PREP	01-09-027
388-11-320	REP	01-03-089	388-14-440	REP	01-03-089	388-14A-2120	NEW	01-03-089
388-11-325	REP	01-03-089	388-14-450	REP	01-03-089	388-14A-2120	PREP	01-09-027
388-11-330	REP	01-03-089	388-14-460	REP	01-03-089	388-14A-2125	NEW	01-03-089
388-11-335	REP	01-03-089	388-14-480	REP	01-03-089	388-14A-2125	PREP	01-09-027
388-11-340	REP	01-03-089	388-14-490	REP	01-03-089	388-14A-2150	NEW	01-03-089
388-13-010	REP	01-03-089	388-14-495	REP	01-03-089	388-14A-2155	NEW	01-03-089
388-13-020	REP	01-03-089	388-14-496	REP	01-03-089	388-14A-2160	NEW	01-03-089
388-13-030	REP	01-03-089	388-14-500	REP	01-03-089	388-14A-3131	PREP	01-13-048
388-13-040	REP	01-03-089	388-14-510	REP	01-03-089	388-14A-3132	PREP	01-13-048
388-13-050	REP	01-03-089	388-14-520	REP	01-03-089	388-14A-3275	NEW	01-03-089
388-13-060	REP	01-03-089	388-14-530	REP	01-03-089	388-14A-3300	NEW	01-03-089
388-13-070	REP	01-03-089	388-14-540	REP	01-03-089	388-14A-3304	NEW	01-03-089
388-13-085	REP	01-03-089	388-14-550	REP	01-03-089	388-14A-3310	NEW	01-03-089

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 14A-3315	NEW	01-03-089	388- 14A-5001	PREP	01-09-043	388- 15-053	NEW-W	01-07-072
388- 14A-3320	NEW	01-03-089	388- 14A-5002	NEW	01-03-089	388- 15-057	NEW-W	01-07-072
388- 14A-3350	NEW	01-03-089	388- 14A-5002	PREP	01-09-043	388- 15-061	NEW-W	01-07-072
388- 14A-3370	NEW	01-03-089	388- 14A-5003	NEW	01-03-089	388- 15-065	NEW-W	01-07-072
388- 14A-3375	NEW	01-03-089	388- 14A-5003	PREP	01-09-043	388- 15-069	NEW-W	01-07-072
388- 14A-3400	NEW	01-03-089	388- 14A-5004	NEW	01-03-089	388- 15-073	NEW-W	01-07-072
388- 14A-3500	NEW	01-03-089	388- 14A-5004	PREP	01-09-043	388- 15-077	NEW-W	01-07-072
388- 14A-3600	NEW	01-03-089	388- 14A-5005	NEW	01-03-089	388- 15-081	NEW-W	01-07-072
388- 14A-3600	PREP	01-09-042	388- 14A-5005	PREP	01-09-043	388- 15-085	NEW-W	01-07-072
388- 14A-3700	NEW	01-03-089	388- 14A-5006	NEW	01-03-089	388- 15-089	NEW-W	01-07-072
388- 14A-3800	NEW	01-03-089	388- 14A-5006	PREP	01-09-043	388- 15-093	NEW-W	01-07-072
388- 14A-3810	NEW	01-03-089	388- 14A-5007	NEW	01-03-089	388- 15-097	NEW-W	01-07-072
388- 14A-3900	NEW	01-03-089	388- 14A-5007	PREP	01-09-043	388- 15-101	NEW-W	01-07-072
388- 14A-3900	PREP	01-13-020	388- 14A-5008	NEW	01-03-089	388- 15-105	NEW-W	01-07-072
388- 14A-3901	NEW	01-03-089	388- 14A-5050	NEW	01-03-089	388- 15-109	NEW-W	01-07-072
388- 14A-3901	PREP	01-13-020	388- 14A-5100	NEW	01-03-089	388- 15-113	NEW-W	01-07-072
388- 14A-3902	NEW	01-03-089	388- 14A-5200	NEW	01-03-089	388- 15-117	NEW-W	01-07-072
388- 14A-3902	PREP	01-13-020	388- 14A-5300	NEW	01-03-089	388- 15-121	NEW-W	01-07-072
388- 14A-3903	NEW	01-03-089	388- 14A-5400	NEW	01-03-089	388- 15-125	NEW-W	01-07-072
388- 14A-3903	PREP	01-13-020	388- 14A-5500	NEW	01-03-089	388- 15-129	NEW-W	01-07-072
388- 14A-3904	NEW	01-03-089	388- 14A-5505	NEW	01-03-089	388- 15-130	REP-W	01-07-072
388- 14A-3904	PREP	01-13-020	388- 14A-5510	NEW	01-03-089	388- 15-131	REP-W	01-07-072
388- 14A-3905	NEW	01-03-089	388- 14A-5515	NEW	01-03-089	388- 15-132	REP-W	01-07-072
388- 14A-3905	PREP	01-13-020	388- 14A-5520	NEW	01-03-089	388- 15-133	NEW-W	01-07-072
388- 14A-3906	NEW	01-03-089	388- 14A-5525	NEW	01-03-089	388- 15-134	REP-W	01-07-072
388- 14A-3906	PREP	01-13-020	388- 14A-5530	NEW	01-03-089	388- 15-135	NEW-W	01-07-072
388- 14A-3907	NEW	01-03-089	388- 14A-5535	NEW	01-03-089	388- 15-141	NEW-W	01-07-072
388- 14A-3907	PREP	01-13-020	388- 14A-5540	NEW	01-03-089	388- 15-150	REP	01-08-047
388- 14A-3925	NEW	01-03-089	388- 14A-6000	NEW	01-03-089	388- 15-160	REP	01-08-047
388- 14A-3925	PREP	01-13-020	388- 14A-6100	NEW	01-03-089	388- 15-220	REP	01-08-047
388- 14A-4000	NEW	01-03-089	388- 14A-6150	PREP	01-13-048	388- 15-570	REP	01-08-047
388- 14A-4010	NEW	01-03-089	388- 14A-6200	NEW	01-03-089	388- 25-0005	NEW	01-08-047
388- 14A-4020	NEW	01-03-089	388- 14A-6200	PREP	01-09-041	388- 25-0010	NEW	01-08-047
388- 14A-4030	NEW	01-03-089	388- 14A-6300	NEW	01-03-089	388- 25-0015	NEW	01-08-047
388- 14A-4040	NEW	01-03-089	388- 14A-6400	NEW	01-03-089	388- 25-0020	NEW	01-08-047
388- 14A-4100	NEW	01-03-089	388- 14A-6405	NEW	01-03-089	388- 25-0025	NEW	01-08-047
388- 14A-4110	NEW	01-03-089	388- 14A-6410	NEW	01-03-089	388- 25-0030	NEW	01-08-047
388- 14A-4115	NEW	01-03-089	388- 14A-6415	NEW	01-03-089	388- 25-0035	NEW	01-08-047
388- 14A-4120	NEW	01-03-089	388- 14A-6500	NEW	01-03-089	388- 25-0040	NEW	01-08-047
388- 14A-4130	NEW	01-03-089	388- 14A-7100	NEW	01-03-089	388- 25-0045	NEW	01-08-047
388- 14A-4200	NEW	01-03-089	388- 14A-7200	NEW	01-03-089	388- 25-0050	NEW	01-08-047
388- 14A-4300	NEW	01-03-089	388- 14A-8100	NEW	01-03-089	388- 25-0055	NEW	01-08-047
388- 14A-4301	NEW	01-03-089	388- 14A-8105	NEW	01-03-089	388- 25-0060	NEW	01-08-047
388- 14A-4302	NEW	01-03-089	388- 14A-8110	NEW	01-03-089	388- 25-0065	NEW	01-08-047
388- 14A-4303	NEW	01-03-089	388- 14A-8120	NEW	01-03-089	388- 25-0070	NEW	01-08-047
388- 14A-4304	NEW	01-03-089	388- 14A-8200	NEW	01-03-089	388- 25-0075	NEW	01-08-047
388- 14A-4500	NEW	01-03-089	388- 14A-8300	NEW	01-03-089	388- 25-0080	NEW	01-08-047
388- 14A-4505	NEW	01-03-089	388- 14A-8400	NEW	01-03-089	388- 25-0085	NEW	01-08-047
388- 14A-4510	NEW	01-03-089	388- 14A-8500	NEW	01-03-089	388- 25-0090	NEW	01-08-047
388- 14A-4515	NEW	01-03-089	388- 15-001	NEW-W	01-07-072	388- 25-0095	NEW	01-08-047
388- 14A-4520	NEW	01-03-089	388- 15-005	NEW-W	01-07-072	388- 25-0100	NEW	01-08-047
388- 14A-4525	NEW	01-03-089	388- 15-009	NEW-W	01-07-072	388- 25-0105	NEW	01-08-047
388- 14A-4530	NEW	01-03-089	388- 15-013	NEW-W	01-07-072	388- 25-0110	NEW	01-08-047
388- 14A-4600	NEW	01-03-089	388- 15-017	NEW-W	01-07-072	388- 25-0115	NEW	01-08-047
388- 14A-4605	NEW	01-03-089	388- 15-021	NEW-W	01-07-072	388- 25-0120	NEW	01-08-047
388- 14A-4605	PREP	01-13-047	388- 15-025	NEW-W	01-07-072	388- 25-0125	NEW	01-08-047
388- 14A-4610	NEW	01-03-089	388- 15-029	NEW-W	01-07-072	388- 25-0130	NEW	01-08-047
388- 14A-4615	NEW	01-03-089	388- 15-033	NEW-W	01-07-072	388- 25-0135	NEW	01-08-047
388- 14A-4620	NEW	01-03-089	388- 15-037	NEW-W	01-07-072	388- 25-0140	NEW	01-08-047
388- 14A-5000	NEW	01-03-089	388- 15-041	NEW-W	01-07-072	388- 25-0145	NEW	01-08-047
388- 14A-5000	PREP	01-09-043	388- 15-045	NEW-W	01-07-072	388- 25-0150	NEW	01-08-047
388- 14A-5001	NEW	01-03-089	388- 15-049	NEW-W	01-07-072	388- 25-0155	NEW	01-08-047

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 25-0160	NEW	01-08-047	388- 27-0015	NEW	01-08-047	388- 27-0330	NEW	01-08-045
388- 25-0170	NEW	01-08-047	388- 27-0020	NEW	01-08-047	388- 27-0335	NEW	01-08-045
388- 25-0175	NEW	01-08-047	388- 27-0025	NEW	01-08-047	388- 27-0340	NEW	01-08-045
388- 25-0180	NEW	01-08-047	388- 27-0030	NEW	01-08-047	388- 27-0345	NEW	01-08-045
388- 25-0185	NEW	01-08-047	388- 27-0035	NEW	01-08-047	388- 27-0350	NEW	01-08-045
388- 25-0190	NEW	01-08-047	388- 27-0040	NEW	01-08-047	388- 27-0355	NEW	01-08-045
388- 25-0195	NEW	01-08-047	388- 27-0045	NEW	01-08-047	388- 27-0360	NEW	01-08-045
388- 25-0200	NEW	01-08-047	388- 27-0050	NEW	01-08-047	388- 27-0365	NEW	01-08-045
388- 25-0205	NEW	01-08-047	388- 27-0055	NEW	01-08-047	388- 27-0370	NEW	01-08-045
388- 25-0210	NEW	01-08-047	388- 27-0060	NEW	01-08-047	388- 27-0375	NEW	01-08-045
388- 25-0215	NEW	01-08-047	388- 27-0065	NEW	01-08-047	388- 27-0380	NEW	01-08-045
388- 25-0220	NEW	01-08-047	388- 27-0070	NEW	01-08-047	388- 27-0385	NEW	01-08-045
388- 25-0225	NEW	01-08-047	388- 27-0075	NEW	01-08-047	388- 27-0390	NEW	01-08-045
388- 25-0230	NEW	01-08-047	388- 27-0080	NEW	01-08-047	388- 31-010	REP-P	01-04-070
388- 25-0235	NEW	01-08-047	388- 27-0085	NEW	01-08-047	388- 31-010	REP	01-09-023
388- 25-0240	NEW	01-08-047	388- 27-0090	NEW	01-08-047	388- 31-015	REP-P	01-04-070
388- 25-0245	NEW	01-08-047	388- 27-0100	NEW	01-08-047	388- 31-015	REP	01-09-023
388- 25-0250	NEW	01-08-047	388- 27-0105	NEW	01-08-047	388- 31-020	REP-P	01-04-070
388- 25-0255	NEW	01-08-047	388- 27-0110	NEW	01-08-047	388- 31-020	REP	01-09-023
388- 25-0260	NEW	01-08-047	388- 27-0115	NEW	01-08-047	388- 31-025	REP-P	01-04-070
388- 25-0265	NEW	01-08-047	388- 27-0120	NEW	01-08-045	388- 31-025	REP	01-09-023
388- 25-0270	NEW	01-08-047	388- 27-0125	NEW	01-08-045	388- 31-030	REP-P	01-04-070
388- 25-0275	NEW	01-08-047	388- 27-0130	NEW	01-08-045	388- 31-030	REP	01-09-023
388- 25-0280	NEW	01-08-047	388- 27-0135	NEW	01-08-045	388- 31-035	REP-P	01-04-070
388- 25-0285	NEW	01-08-047	388- 27-0140	NEW	01-08-045	388- 31-035	REP	01-09-023
388- 25-0290	NEW	01-08-047	388- 27-0145	NEW	01-08-045	388- 32-0005	NEW	01-08-047
388- 25-0295	NEW	01-08-047	388- 27-0150	NEW	01-08-045	388- 32-0010	NEW	01-08-047
388- 25-0300	NEW	01-08-047	388- 27-0155	NEW	01-08-045	388- 32-0015	NEW	01-08-047
388- 25-0305	NEW	01-08-047	388- 27-0160	NEW	01-08-045	388- 32-0020	NEW	01-08-047
388- 25-0310	NEW	01-08-047	388- 27-0165	NEW	01-08-045	388- 32-0025	NEW	01-08-047
388- 25-0315	NEW	01-08-047	388- 27-0170	NEW	01-08-045	388- 32-0030	NEW	01-08-047
388- 25-0320	NEW	01-08-047	388- 27-0175	NEW	01-08-045	388- 39A-010	NEW	01-06-041
388- 25-0325	NEW	01-08-047	388- 27-0180	NEW	01-08-045	388- 39A-030	NEW	01-06-041
388- 25-0330	NEW	01-08-047	388- 27-0185	NEW	01-08-045	388- 39A-035	NEW	01-06-041
388- 25-0335	NEW	01-08-047	388- 27-0190	NEW	01-08-045	388- 39A-040	NEW	01-06-041
388- 25-0340	NEW	01-08-047	388- 27-0195	NEW	01-08-045	388- 39A-045	NEW	01-06-041
388- 25-0345	NEW	01-08-047	388- 27-0200	NEW	01-08-045	388- 39A-050	NEW	01-06-041
388- 25-0350	NEW	01-08-047	388- 27-0205	NEW	01-08-045	388- 39A-055	NEW	01-06-041
388- 25-0355	NEW	01-08-047	388- 27-0210	NEW	01-08-045	388- 39A-060	NEW	01-06-041
388- 25-0360	NEW	01-08-047	388- 27-0215	NEW	01-08-045	388- 46-010	REP	01-06-044
388- 25-0365	NEW	01-08-047	388- 27-0220	NEW	01-08-045	388- 46-100	REP	01-06-044
388- 25-0370	NEW	01-08-047	388- 27-0225	NEW	01-08-045	388- 46-110	REP	01-06-044
388- 25-0375	NEW	01-08-047	388- 27-0230	NEW	01-08-045	388- 46-120	REP	01-06-044
388- 25-0380	NEW	01-08-047	388- 27-0235	NEW	01-08-045	388- 60-0015	NEW	01-08-046
388- 25-0385	NEW	01-08-047	388- 27-0240	NEW	01-08-045	388- 60-0025	NEW	01-08-046
388- 25-0390	NEW	01-08-047	388- 27-0245	NEW	01-08-045	388- 60-0035	NEW	01-08-046
388- 25-0395	NEW	01-08-047	388- 27-0250	NEW	01-08-045	388- 60-0045	NEW	01-08-046
388- 25-0400	NEW	01-08-047	388- 27-0255	NEW	01-08-045	388- 60-005	REP	01-08-046
388- 25-0405	NEW	01-08-047	388- 27-0260	NEW	01-08-045	388- 60-0055	NEW	01-08-046
388- 25-0410	NEW	01-08-047	388- 27-0265	NEW	01-08-045	388- 60-0065	NEW	01-08-046
388- 25-0415	NEW	01-08-047	388- 27-0270	NEW	01-08-045	388- 60-0075	NEW	01-08-046
388- 25-0420	NEW	01-08-047	388- 27-0275	NEW	01-08-045	388- 60-0085	NEW	01-08-046
388- 25-0425	NEW	01-08-047	388- 27-0280	NEW	01-08-045	388- 60-0095	NEW	01-08-046
388- 25-0430	NEW	01-08-047	388- 27-0285	NEW	01-08-045	388- 60-0105	NEW	01-08-046
388- 25-0435	NEW	01-08-047	388- 27-0290	NEW	01-08-045	388- 60-0115	NEW	01-08-046
388- 25-0440	NEW	01-08-047	388- 27-0295	NEW	01-08-045	388- 60-0125	NEW	01-08-046
388- 25-0445	NEW	01-08-047	388- 27-0300	NEW	01-08-045	388- 60-0135	NEW	01-08-046
388- 25-0450	NEW	01-08-047	388- 27-0305	NEW	01-08-045	388- 60-0145	NEW	01-08-046
388- 25-0455	NEW	01-08-047	388- 27-0310	NEW	01-08-045	388- 60-0155	NEW	01-08-046
388- 25-0460	NEW	01-08-047	388- 27-0315	NEW	01-08-045	388- 60-0165	NEW	01-08-046
388- 27-0005	NEW	01-08-047	388- 27-0320	NEW	01-08-045	388- 60-0175	NEW	01-08-046
388- 27-0010	NEW	01-08-047	388- 27-0325	NEW	01-08-045	388- 60-0185	NEW	01-08-046

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 60-0195	NEW	01-08-046	388- 60-170	REP	01-08-046	388- 70-042	REP	01-08-047
388- 60-0205	NEW	01-08-046	388- 60-180	REP	01-08-046	388- 70-044	REP	01-08-047
388- 60-0215	NEW	01-08-046	388- 60-190	REP	01-08-046	388- 70-048	REP	01-08-047
388- 60-0225	NEW	01-08-046	388- 60-200	REP	01-08-046	388- 70-051	REP	01-08-047
388- 60-0235	NEW	01-08-046	388- 60-210	REP	01-08-046	388- 70-054	REP	01-08-047
388- 60-0245	NEW	01-08-046	388- 60-220	REP	01-08-046	388- 70-058	REP	01-08-047
388- 60-0255	NEW	01-08-046	388- 60-230	REP	01-08-046	388- 70-062	REP	01-08-047
388- 60-0265	NEW	01-08-046	388- 60-240	REP	01-08-046	388- 70-066	REP	01-08-047
388- 60-0275	NEW	01-08-046	388- 60-250	REP	01-08-046	388- 70-068	REP	01-08-047
388- 60-0285	NEW	01-08-046	388- 60-260	REP	01-08-046	388- 70-069	REP	01-08-047
388- 60-0295	NEW	01-08-046	388- 61A-0005	NEW	01-07-053	388- 70-075	REP	01-08-047
388- 60-0305	NEW	01-08-046	388- 61A-0010	NEW	01-07-053	388- 70-078	REP	01-08-047
388- 60-0315	NEW	01-08-046	388- 61A-0015	NEW	01-07-053	388- 70-080	REP	01-08-047
388- 60-0325	NEW	01-08-046	388- 61A-0020	NEW	01-07-053	388- 70-082	REP	01-08-047
388- 60-0335	NEW	01-08-046	388- 61A-0025	NEW	01-07-053	388- 70-084	REP	01-08-047
388- 60-0345	NEW	01-08-046	388- 61A-0030	NEW	01-07-053	388- 70-170	REP	01-08-047
388- 60-0355	NEW	01-08-046	388- 61A-0035	NEW	01-07-053	388- 70-410	REP	01-08-047
388- 60-0365	NEW	01-08-046	388- 61A-0040	NEW	01-07-053	388- 70-420	REP	01-08-047
388- 60-0375	NEW	01-08-046	388- 61A-0045	NEW	01-07-053	388- 70-430	REP	01-08-047
388- 60-0385	NEW	01-08-046	388- 61A-0050	NEW	01-07-053	388- 70-440	REP	01-08-047
388- 60-0395	NEW	01-08-046	388- 61A-0055	NEW	01-07-053	388- 70-460	REP	01-08-047
388- 60-0405	NEW	01-08-046	388- 61A-0060	NEW	01-07-053	388- 70-470	REP	01-08-047
388- 60-0415	NEW	01-08-046	388- 61A-0065	NEW	01-07-053	388- 70-480	REP	01-08-047
388- 60-0425	NEW	01-08-046	388- 61A-0070	NEW	01-07-053	388- 70-510	REP	01-08-045
388- 60-0435	NEW	01-08-046	388- 61A-0075	NEW	01-07-053	388- 70-520	REP	01-08-045
388- 60-0445	NEW	01-08-046	388- 61A-0080	NEW	01-07-053	388- 70-530	REP	01-08-045
388- 60-0455	NEW	01-08-046	388- 61A-0085	NEW	01-07-053	388- 70-540	REP	01-08-045
388- 60-0465	NEW	01-08-046	388- 61A-0090	NEW	01-07-053	388- 70-550	REP	01-08-045
388- 60-0475	NEW	01-08-046	388- 61A-0095	NEW	01-07-053	388- 70-560	REP	01-08-045
388- 60-0485	NEW	01-08-046	388- 61A-0100	NEW	01-07-053	388- 70-570	REP	01-08-045
388- 60-0495	NEW	01-08-046	388- 61A-0105	NEW	01-07-053	388- 70-580	REP	01-08-045
388- 60-0505	NEW	01-08-046	388- 61A-0110	NEW	01-07-053	388- 70-590	REP	01-08-045
388- 60-0515	NEW	01-08-046	388- 61A-0115	NEW	01-07-053	388- 70-595	REP	01-08-045
388- 60-0525	NEW	01-08-046	388- 61A-0120	NEW	01-07-053	388- 70-700	REP	01-08-047
388- 60-0535	NEW	01-08-046	388- 61A-0125	NEW	01-07-053	388- 71	PREP	01-11-095
388- 60-0545	NEW	01-08-046	388- 61A-0130	NEW	01-07-053	388- 71-0500	AMD-P	01-07-045
388- 60-0555	NEW	01-08-046	388- 61A-0135	NEW	01-07-053	388- 71-0500	AMD	01-11-019
388- 60-0565	NEW	01-08-046	388- 61A-0140	NEW	01-07-053	388- 71-0505	AMD-P	01-07-045
388- 60-0575	NEW	01-08-046	388- 61A-0145	NEW	01-07-053	388- 71-0505	AMD	01-11-019
388- 60-0585	NEW	01-08-046	388- 61A-0150	NEW	01-07-053	388- 71-0510	AMD-P	01-07-045
388- 60-0595	NEW	01-08-046	388- 61A-0155	NEW	01-07-053	388- 71-0510	AMD	01-11-019
388- 60-0605	NEW	01-08-046	388- 61A-0160	NEW	01-07-053	388- 71-0513	NEW-P	01-07-045
388- 60-0615	NEW	01-08-046	388- 61A-0165	NEW	01-07-053	388- 71-0513	NEW	01-11-019
388- 60-0625	NEW	01-08-046	388- 61A-0170	NEW	01-07-053	388- 71-0515	AMD-P	01-07-045
388- 60-0635	NEW	01-08-046	388- 61A-0175	NEW	01-07-053	388- 71-0515	AMD	01-11-019
388- 60-0645	NEW	01-08-046	388- 61A-0180	NEW	01-07-053	388- 71-0540	AMD-P	01-07-045
388- 60-0655	NEW	01-08-046	388- 61A-0185	NEW	01-07-053	388- 71-0540	AMD	01-11-019
388- 60-0665	NEW	01-08-046	388- 61A-0190	NEW	01-07-053	388- 71-0545	REP-P	01-07-045
388- 60-0675	NEW	01-08-046	388- 61A-0195	NEW	01-07-053	388- 71-0545	REP	01-11-019
388- 60-0685	NEW	01-08-046	388- 70-010	REP	01-08-047	388- 71-0546	NEW-P	01-07-045
388- 60-0695	NEW	01-08-046	388- 70-012	REP	01-08-047	388- 71-0546	NEW	01-11-019
388- 60-0705	NEW	01-08-046	388- 70-013	REP	01-08-047	388- 71-0550	REP-P	01-07-045
388- 60-0715	NEW	01-08-046	388- 70-022	REP	01-08-047	388- 71-0550	REP	01-11-019
388- 60-0725	NEW	01-08-046	388- 70-024	REP	01-08-047	388- 71-0551	NEW-P	01-07-045
388- 60-0735	NEW	01-08-046	388- 70-031	REP	01-08-047	388- 71-0551	NEW	01-11-019
388- 60-0745	NEW	01-08-046	388- 70-032	REP	01-08-047	388- 71-0555	REP-P	01-07-045
388- 60-0755	NEW	01-08-046	388- 70-033	REP	01-08-047	388- 71-0555	REP	01-11-019
388- 60-120	REP	01-08-046	388- 70-034	REP	01-08-047	388- 71-0556	NEW-P	01-07-045
388- 60-130	REP	01-08-046	388- 70-035	REP	01-08-047	388- 71-0556	NEW	01-11-019
388- 60-140	REP	01-08-046	388- 70-036	REP	01-08-047	388- 71-0560	AMD-P	01-07-045
388- 60-150	REP	01-08-046	388- 70-037	REP	01-08-047	388- 71-0560	AMD	01-11-019
388- 60-160	REP	01-08-046	388- 70-041	REP	01-08-047	388- 71-0580	AMD-P	01-07-045

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-71-0580	AMD	01-11-019	388-73-036	REP-P	01-12-101	388-73-106	REP-P	01-12-101
388-71-0605	AMD-P	01-03-155	388-73-038	REP-W	01-08-064	388-73-108	REP-W	01-08-064
388-71-0613	NEW-P	01-03-155	388-73-038	REP-P	01-12-101	388-73-108	REP-P	01-12-101
388-71-0900	NEW-P	01-07-044	388-73-040	REP-W	01-08-064	388-73-110	REP-W	01-08-064
388-71-0900	NEW	01-11-018	388-73-040	REP-P	01-12-101	388-73-110	REP-P	01-12-101
388-71-0905	NEW-P	01-07-044	388-73-042	REP-W	01-08-064	388-73-112	REP-W	01-08-064
388-71-0905	NEW	01-11-018	388-73-042	REP-P	01-12-101	388-73-112	REP-P	01-12-101
388-71-0910	NEW-P	01-07-044	388-73-044	REP-W	01-08-064	388-73-114	REP-W	01-08-064
388-71-0910	NEW	01-11-018	388-73-044	REP-P	01-12-101	388-73-114	REP-P	01-12-101
388-71-0915	NEW-P	01-07-044	388-73-046	REP-W	01-08-064	388-73-116	REP-W	01-08-064
388-71-0915	NEW	01-11-018	388-73-046	REP-P	01-12-101	388-73-116	REP-P	01-12-101
388-71-0920	NEW-P	01-07-044	388-73-048	REP-W	01-08-064	388-73-118	REP-W	01-08-064
388-71-0920	NEW	01-11-018	388-73-048	REP-P	01-12-101	388-73-118	REP-P	01-12-101
388-71-0925	NEW-P	01-07-044	388-73-050	REP-W	01-08-064	388-73-120	REP-W	01-08-064
388-71-0925	NEW	01-11-018	388-73-050	REP-P	01-12-101	388-73-120	REP-P	01-12-101
388-71-0930	NEW-P	01-07-044	388-73-052	REP-W	01-08-064	388-73-122	REP-W	01-08-064
388-71-0930	NEW	01-11-018	388-73-052	REP-P	01-12-101	388-73-122	REP-P	01-12-101
388-71-0935	NEW-P	01-07-044	388-73-054	REP-W	01-08-064	388-73-124	REP-W	01-08-064
388-71-0935	NEW	01-11-018	388-73-054	REP-P	01-12-101	388-73-124	REP-P	01-12-101
388-71-0940	NEW-P	01-07-044	388-73-056	REP-W	01-08-064	388-73-126	REP-W	01-08-064
388-71-0940	NEW	01-11-018	388-73-056	REP-P	01-12-101	388-73-126	REP-P	01-12-101
388-71-0945	NEW-P	01-07-044	388-73-057	REP-W	01-08-064	388-73-128	REP-W	01-08-064
388-71-0945	NEW	01-11-018	388-73-057	REP-P	01-12-101	388-73-128	REP-P	01-12-101
388-71-0950	NEW-P	01-07-044	388-73-058	REP-W	01-08-064	388-73-130	REP-W	01-08-064
388-71-0950	NEW	01-11-018	388-73-058	REP-P	01-12-101	388-73-130	REP-P	01-12-101
388-71-0955	NEW-P	01-07-044	388-73-060	REP-W	01-08-064	388-73-132	REP-W	01-08-064
388-71-0955	NEW	01-11-018	388-73-060	REP-P	01-12-101	388-73-132	REP-P	01-12-101
388-71-0960	NEW-P	01-07-044	388-73-062	REP-W	01-08-064	388-73-134	REP-W	01-08-064
388-71-0960	NEW	01-11-018	388-73-062	REP-P	01-12-101	388-73-134	REP-P	01-12-101
388-71-0965	NEW-P	01-07-044	388-73-064	REP-W	01-08-064	388-73-136	REP-W	01-08-064
388-71-0965	NEW	01-11-018	388-73-064	REP-P	01-12-101	388-73-136	REP-P	01-12-101
388-73-010	REP-W	01-08-064	388-73-066	REP-W	01-08-064	388-73-138	REP-W	01-08-064
388-73-010	REP-P	01-12-101	388-73-066	REP-P	01-12-101	388-73-138	REP-P	01-12-101
388-73-012	REP-W	01-08-064	388-73-068	REP-W	01-08-064	388-73-140	REP-W	01-08-064
388-73-012	REP-P	01-12-101	388-73-068	REP-P	01-12-101	388-73-140	REP-P	01-12-101
388-73-014	REP-W	01-08-064	388-73-069	REP-W	01-08-064	388-73-142	REP-W	01-08-064
388-73-014	REP-P	01-12-101	388-73-069	REP-P	01-12-101	388-73-142	REP-P	01-12-101
388-73-016	REP-W	01-08-064	388-73-070	REP-W	01-08-064	388-73-143	REP-W	01-08-064
388-73-016	REP-P	01-12-101	388-73-070	REP-P	01-12-101	388-73-143	REP-P	01-12-101
388-73-018	REP-W	01-08-064	388-73-072	REP-W	01-08-064	388-73-144	REP-W	01-08-064
388-73-018	REP-P	01-12-101	388-73-072	REP-P	01-12-101	388-73-144	REP-P	01-12-101
388-73-019	REP-W	01-08-064	388-73-074	REP-W	01-08-064	388-73-146	REP-W	01-08-064
388-73-019	REP-P	01-12-101	388-73-074	REP-P	01-12-101	388-73-146	REP-P	01-12-101
388-73-01950	REP-W	01-08-064	388-73-076	REP-W	01-08-064	388-73-200	REP-W	01-08-064
388-73-01950	REP-P	01-12-101	388-73-076	REP-P	01-12-101	388-73-200	REP-P	01-12-101
388-73-020	REP-W	01-08-064	388-73-077	REP-W	01-08-064	388-73-202	REP-W	01-08-064
388-73-020	REP-P	01-12-101	388-73-077	REP-P	01-12-101	388-73-202	REP-P	01-12-101
388-73-022	REP-W	01-08-064	388-73-078	REP-W	01-08-064	388-73-204	REP-W	01-08-064
388-73-022	REP-P	01-12-101	388-73-078	REP-P	01-12-101	388-73-204	REP-P	01-12-101
388-73-024	REP-W	01-08-064	388-73-080	REP-W	01-08-064	388-73-206	REP-W	01-08-064
388-73-024	REP-P	01-12-101	388-73-080	REP-P	01-12-101	388-73-206	REP-P	01-12-101
388-73-026	REP-W	01-08-064	388-73-100	REP-W	01-08-064	388-73-208	REP-W	01-08-064
388-73-026	REP-P	01-12-101	388-73-100	REP-P	01-12-101	388-73-208	REP-P	01-12-101
388-73-028	REP-W	01-08-064	388-73-101	REP-W	01-08-064	388-73-210	REP-W	01-08-064
388-73-028	REP-P	01-12-101	388-73-101	REP-P	01-12-101	388-73-210	REP-P	01-12-101
388-73-030	REP-W	01-08-064	388-73-102	REP-W	01-08-064	388-73-212	REP-W	01-08-064
388-73-030	REP-P	01-12-101	388-73-102	REP-P	01-12-101	388-73-212	REP-P	01-12-101
388-73-032	REP-W	01-08-064	388-73-103	REP-W	01-08-064	388-73-213	REP-W	01-08-064
388-73-032	REP-P	01-12-101	388-73-103	REP-P	01-12-101	388-73-213	REP-P	01-12-101
388-73-034	REP-W	01-08-064	388-73-104	REP-W	01-08-064	388-73-214	REP-W	01-08-064
388-73-034	REP-P	01-12-101	388-73-104	REP-P	01-12-101	388-73-214	REP-P	01-12-101
388-73-036	REP-W	01-08-064	388-73-106	REP-W	01-08-064	388-73-216	REP-W	01-08-064

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 73-216	REP-P	01-12-101	388- 73-502	REP-P	01-12-101	388- 73-822	REP-P	01-12-101
388- 73-300	REP-W	01-08-064	388- 73-504	REP-W	01-08-064	388- 73-823	REP-W	01-08-064
388- 73-300	REP-P	01-12-101	388- 73-504	REP-P	01-12-101	388- 73-823	REP-P	01-12-101
388- 73-302	REP-W	01-08-064	388- 73-506	REP-W	01-08-064	388- 73-825	REP-W	01-08-064
388- 73-302	REP-P	01-12-101	388- 73-506	REP-P	01-12-101	388- 73-825	REP-P	01-12-101
388- 73-304	REP-W	01-08-064	388- 73-508	REP-W	01-08-064	388- 73-900	REP-W	01-08-064
388- 73-304	REP-P	01-12-101	388- 73-508	REP-P	01-12-101	388- 73-900	REP-P	01-12-101
388- 73-306	REP-W	01-08-064	388- 73-510	REP-W	01-08-064	388- 73-901	REP-W	01-08-064
388- 73-306	REP-P	01-12-101	388- 73-510	REP-P	01-12-101	388- 73-901	REP-P	01-12-101
388- 73-308	REP-W	01-08-064	388- 73-512	REP-W	01-08-064	388- 73-902	REP-W	01-08-064
388- 73-308	REP-P	01-12-101	388- 73-512	REP-P	01-12-101	388- 73-902	REP-P	01-12-101
388- 73-310	REP-W	01-08-064	388- 73-600	REP-W	01-08-064	388- 73-904	REP-W	01-08-064
388- 73-310	REP-P	01-12-101	388- 73-600	REP-P	01-12-101	388- 73-904	REP-P	01-12-101
388- 73-312	REP-W	01-08-064	388- 73-602	REP-W	01-08-064	388- 74-010	REP	01-06-041
388- 73-312	REP-P	01-12-101	388- 73-602	REP-P	01-12-101	388- 74-030	REP	01-06-041
388- 73-351	REP-W	01-08-064	388- 73-604	REP-W	01-08-064	388- 86-071	REP	01-05-040
388- 73-351	REP-P	01-12-101	388- 73-604	REP-P	01-12-101	388- 86-085	REP	01-06-029
388- 73-353	REP-W	01-08-064	388- 73-606	REP-W	01-08-064	388- 86-086	REP	01-03-084
388- 73-353	REP-P	01-12-101	388- 73-606	REP-P	01-12-101	388- 86-100	REP-W	01-03-001
388- 73-355	REP-W	01-08-064	388- 73-610	REP-W	01-08-064	388- 86-100	REP	01-06-028
388- 73-355	REP-P	01-12-101	388- 73-610	REP-P	01-12-101	388- 87-027	REP	01-06-032
388- 73-357	REP-W	01-08-064	388- 73-700	REP-W	01-08-064	388- 87-035	REP	01-06-029
388- 73-357	REP-P	01-12-101	388- 73-700	REP-P	01-12-101	388- 87-036	REP	01-03-084
388- 73-361	REP-W	01-08-064	388- 73-702	REP-W	01-08-064	388- 87-060	REP	01-06-033
388- 73-361	REP-P	01-12-101	388- 73-702	REP-P	01-12-101	388- 96-010	AMD-P	01-06-057
388- 73-363	REP-W	01-08-064	388- 73-704	REP-W	01-08-064	388- 96-010	AMD	01-12-037
388- 73-363	REP-P	01-12-101	388- 73-704	REP-P	01-12-101	388- 96-218	AMD-P	01-06-057
388- 73-365	REP-W	01-08-064	388- 73-706	REP-W	01-08-064	388- 96-218	AMD	01-12-037
388- 73-365	REP-P	01-12-101	388- 73-706	REP-P	01-12-101	388- 96-310	AMD-P	01-06-057
388- 73-367	REP-W	01-08-064	388- 73-708	REP-W	01-08-064	388- 96-310	AMD-W	01-12-036
388- 73-367	REP-P	01-12-101	388- 73-708	REP-P	01-12-101	388- 96-369	AMD-P	01-06-057
388- 73-369	REP-W	01-08-064	388- 73-710	REP-W	01-08-064	388- 96-369	AMD	01-12-037
388- 73-369	REP-P	01-12-101	388- 73-710	REP-P	01-12-101	388- 96-384	AMD-P	01-06-057
388- 73-371	REP-W	01-08-064	388- 73-712	REP-W	01-08-064	388- 96-384	AMD	01-12-037
388- 73-371	REP-P	01-12-101	388- 73-712	REP-P	01-12-101	388- 96-559	AMD-P	01-06-057
388- 73-373	REP-W	01-08-064	388- 73-714	REP-W	01-08-064	388- 96-559	AMD	01-12-037
388- 73-373	REP-P	01-12-101	388- 73-714	REP-P	01-12-101	388- 96-708	AMD-P	01-06-057
388- 73-375	REP-W	01-08-064	388- 73-718	REP-W	01-08-064	388- 96-708	AMD	01-12-037
388- 73-375	REP-P	01-12-101	388- 73-718	REP-P	01-12-101	388- 96-709	AMD-P	01-06-057
388- 73-377	REP-W	01-08-064	388- 73-720	REP-W	01-08-064	388- 96-709	AMD	01-12-037
388- 73-377	REP-P	01-12-101	388- 73-720	REP-P	01-12-101	388- 96-710	AMD-P	01-06-057
388- 73-379	REP-W	01-08-064	388- 73-722	REP-W	01-08-064	388- 96-710	AMD	01-12-037
388- 73-379	REP-P	01-12-101	388- 73-722	REP-P	01-12-101	388- 96-713	AMD-P	01-06-057
388- 73-381	REP-W	01-08-064	388- 73-800	REP-W	01-08-064	388- 96-713	AMD	01-12-037
388- 73-381	REP-P	01-12-101	388- 73-800	REP-P	01-12-101	388- 96-714	AMD-P	01-06-057
388- 73-383	REP-W	01-08-064	388- 73-802	REP-W	01-08-064	388- 96-714	AMD	01-12-037
388- 73-383	REP-P	01-12-101	388- 73-802	REP-P	01-12-101	388- 96-723	AMD-P	01-06-057
388- 73-385	REP-W	01-08-064	388- 73-803	REP-W	01-08-064	388- 96-723	AMD	01-12-037
388- 73-385	REP-P	01-12-101	388- 73-803	REP-P	01-12-101	388- 96-732	NEW-P	01-06-057
388- 73-387	REP-W	01-08-064	388- 73-804	REP-W	01-08-064	388- 96-732	NEW	01-12-037
388- 73-387	REP-P	01-12-101	388- 73-804	REP-P	01-12-101	388- 96-740	AMD-P	01-06-057
388- 73-389	REP-W	01-08-064	388- 73-805	REP-W	01-08-064	388- 96-740	AMD	01-12-037
388- 73-389	REP-P	01-12-101	388- 73-805	REP-P	01-12-101	388- 96-776	AMD-P	01-06-057
388- 73-391	REP-W	01-08-064	388- 73-810	REP-W	01-08-064	388- 96-776	AMD	01-12-037
388- 73-391	REP-P	01-12-101	388- 73-810	REP-P	01-12-101	388- 96-777	AMD-P	01-06-057
388- 73-393	REP-W	01-08-064	388- 73-815	REP-W	01-08-064	388- 96-777	AMD	01-12-037
388- 73-393	REP-P	01-12-101	388- 73-815	REP-P	01-12-101	388- 96-780	AMD-P	01-06-057
388- 73-395	REP-W	01-08-064	388- 73-820	REP-W	01-08-064	388- 96-780	AMD	01-12-037
388- 73-395	REP-P	01-12-101	388- 73-820	REP-P	01-12-101	388- 96-802	NEW-P	01-06-057
388- 73-500	REP-W	01-08-064	388- 73-821	REP-W	01-08-064	388- 96-802	NEW	01-12-037
388- 73-500	REP-P	01-12-101	388- 73-821	REP-P	01-12-101	388- 96-803	NEW-P	01-06-057
388- 73-502	REP-W	01-08-064	388- 73-822	REP-W	01-08-064	388- 96-803	NEW	01-12-037

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-148-0860	NEW-W	01-08-064	388-148-1015	NEW-W	01-08-064	388-155-160	AMD-P	01-07-052
388-148-0860	NEW-P	01-12-101	388-148-1015	NEW-P	01-12-101	388-155-190	AMD-P	01-07-052
388-148-0865	NEW-W	01-08-064	388-148-1020	NEW-W	01-08-064	388-155-270	AMD-P	01-07-052
388-148-0865	NEW-P	01-12-101	388-148-1020	NEW-P	01-12-101	388-155-330	AMD-P	01-07-052
388-148-0870	NEW-W	01-08-064	388-148-1025	NEW-W	01-08-064	388-155-370	AMD-P	01-07-052
388-148-0870	NEW-P	01-12-101	388-148-1025	NEW-P	01-12-101	388-155-380	AMD-P	01-07-052
388-148-0875	NEW-W	01-08-064	388-148-1030	NEW-W	01-08-064	388-155-420	AMD-P	01-07-052
388-148-0875	NEW-P	01-12-101	388-148-1030	NEW-P	01-12-101	388-155-480	AMD-P	01-07-052
388-148-0880	NEW-W	01-08-064	388-148-1035	NEW-W	01-08-064	388-155-605	AMD-P	01-07-052
388-148-0880	NEW-P	01-12-101	388-148-1035	NEW-P	01-12-101	388-155-610	AMD-P	01-07-052
388-148-0885	NEW-W	01-08-064	388-148-1040	NEW-W	01-08-064	388-155-620	AMD-P	01-07-052
388-148-0885	NEW-P	01-12-101	388-148-1040	NEW-P	01-12-101	388-155-630	AMD-P	01-07-052
388-148-0890	NEW-W	01-08-064	388-148-1045	NEW-W	01-08-064	388-155-640	AMD-P	01-07-052
388-148-0890	NEW-P	01-12-101	388-148-1045	NEW-P	01-12-101	388-155-650	AMD-P	01-07-052
388-148-0895	NEW-W	01-08-064	388-148-1050	NEW-W	01-08-064	388-155-660	AMD-P	01-07-052
388-148-0895	NEW-P	01-12-101	388-148-1050	NEW-P	01-12-101	388-155-670	AMD-P	01-07-052
388-148-0900	NEW-W	01-08-064	388-148-1055	NEW-W	01-08-064	388-155-680	AMD-P	01-07-052
388-148-0900	NEW-P	01-12-101	388-148-1055	NEW-P	01-12-101	388-160-0005	NEW-W	01-07-070
388-148-0905	NEW-W	01-08-064	388-148-1060	NEW-W	01-08-064	388-160-0005	NEW-P	01-10-063
388-148-0905	NEW-P	01-12-101	388-148-1060	NEW-P	01-12-101	388-160-0015	NEW-W	01-07-070
388-148-0910	NEW-W	01-08-064	388-148-1065	NEW-W	01-08-064	388-160-0015	NEW-P	01-10-063
388-148-0910	NEW-P	01-12-101	388-148-1065	NEW-P	01-12-101	388-160-0025	NEW-W	01-07-070
388-148-0915	NEW-W	01-08-064	388-148-1070	NEW-W	01-08-064	388-160-0025	NEW-P	01-10-063
388-148-0915	NEW-P	01-12-101	388-148-1070	NEW-P	01-12-101	388-160-0035	NEW-W	01-07-070
388-148-0920	NEW-W	01-08-064	388-148-1075	NEW-W	01-08-064	388-160-0035	NEW-P	01-10-063
388-148-0920	NEW-P	01-12-101	388-148-1075	NEW-P	01-12-101	388-160-0045	NEW-W	01-07-070
388-148-0925	NEW-W	01-08-064	388-148-1080	NEW-W	01-08-064	388-160-0045	NEW-P	01-10-063
388-148-0925	NEW-P	01-12-101	388-148-1080	NEW-P	01-12-101	388-160-0055	NEW-W	01-07-070
388-148-0930	NEW-W	01-08-064	388-148-1085	NEW-W	01-08-064	388-160-0055	NEW-P	01-10-063
388-148-0930	NEW-P	01-12-101	388-148-1085	NEW-P	01-12-101	388-160-0065	NEW-W	01-07-070
388-148-0935	NEW-W	01-08-064	388-148-1090	NEW-W	01-08-064	388-160-0065	NEW-P	01-10-063
388-148-0935	NEW-P	01-12-101	388-148-1090	NEW-P	01-12-101	388-160-0075	NEW-W	01-07-070
388-148-0940	NEW-W	01-08-064	388-148-1095	NEW-W	01-08-064	388-160-0075	NEW-P	01-10-063
388-148-0940	NEW-P	01-12-101	388-148-1095	NEW-P	01-12-101	388-160-0085	NEW-W	01-07-070
388-148-0945	NEW-W	01-08-064	388-148-1100	NEW-W	01-08-064	388-160-0085	NEW-P	01-10-063
388-148-0945	NEW-P	01-12-101	388-148-1100	NEW-P	01-12-101	388-160-0095	NEW-W	01-07-070
388-148-0950	NEW-W	01-08-064	388-148-1105	NEW-W	01-08-064	388-160-0095	NEW-P	01-10-063
388-148-0950	NEW-P	01-12-101	388-148-1105	NEW-P	01-12-101	388-160-010	REP-W	01-07-070
388-148-0955	NEW-W	01-08-064	388-148-1110	NEW-W	01-08-064	388-160-010	REP-P	01-10-063
388-148-0955	NEW-P	01-12-101	388-148-1110	NEW-P	01-12-101	388-160-0105	NEW-W	01-07-070
388-148-0960	NEW-W	01-08-064	388-148-1115	NEW-W	01-08-064	388-160-0105	NEW-P	01-10-063
388-148-0960	NEW-P	01-12-101	388-148-1115	NEW-P	01-12-101	388-160-0115	NEW-W	01-07-070
388-148-0965	NEW-W	01-08-064	388-148-1120	NEW-W	01-08-064	388-160-0115	NEW-P	01-10-063
388-148-0965	NEW-P	01-12-101	388-148-1120	NEW-P	01-12-101	388-160-0125	NEW-W	01-07-070
388-148-0970	NEW-W	01-08-064	388-148-1125	NEW-W	01-08-064	388-160-0125	NEW-P	01-10-063
388-148-0970	NEW-P	01-12-101	388-148-1125	NEW-P	01-12-101	388-160-0135	NEW-W	01-07-070
388-148-0975	NEW-W	01-08-064	388-148-1130	NEW-W	01-08-064	388-160-0135	NEW-P	01-10-063
388-148-0975	NEW-P	01-12-101	388-148-1130	NEW-P	01-12-101	388-160-0145	NEW-W	01-07-070
388-148-0980	NEW-W	01-08-064	388-148-1135	NEW-W	01-08-064	388-160-0145	NEW-P	01-10-063
388-148-0980	NEW-P	01-12-101	388-148-1135	NEW-P	01-12-101	388-160-0155	NEW-W	01-07-070
388-148-0985	NEW-W	01-08-064	388-148-1140	NEW-W	01-08-064	388-160-0155	NEW-P	01-10-063
388-148-0985	NEW-P	01-12-101	388-148-1145	NEW-W	01-08-064	388-160-0165	NEW-W	01-07-070
388-148-0990	NEW-W	01-08-064	388-155-040	AMD-P	01-07-052	388-160-0165	NEW-P	01-10-063
388-148-0990	NEW-P	01-12-101	388-155-050	AMD-P	01-07-052	388-160-0175	NEW-W	01-07-070
388-148-0995	NEW-W	01-08-064	388-155-060	AMD-P	01-07-052	388-160-0175	NEW-P	01-10-063
388-148-0995	NEW-P	01-12-101	388-155-080	AMD-P	01-07-052	388-160-0185	NEW-W	01-07-070
388-148-1000	NEW-W	01-08-064	388-155-085	AMD-P	01-07-052	388-160-0185	NEW-P	01-10-063
388-148-1000	NEW-P	01-12-101	388-155-090	AMD-P	01-07-052	388-160-0195	NEW-W	01-07-070
388-148-1005	NEW-W	01-08-064	388-155-092	AMD-P	01-07-052	388-160-0195	NEW-P	01-10-063
388-148-1005	NEW-P	01-12-101	388-155-093	AMD-P	01-07-052	388-160-020	REP-W	01-07-070
388-148-1010	NEW-W	01-08-064	388-155-094	AMD-P	01-07-052	388-160-020	REP-P	01-10-063
388-148-1010	NEW-P	01-12-101	388-155-095	AMD-P	01-07-052	388-160-0205	NEW-W	01-07-070

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388-160-520	REP-P	01-10-063	388-406	PREP	01-06-027	388-458-0006	NEW-P	01-12-055
388-160-530	REP-W	01-07-070	388-408-0005	AMD	01-03-121	388-458-0010	REP-P	01-12-055
388-160-530	REP-P	01-10-063	388-408-0010	AMD	01-03-121	388-458-0011	NEW-P	01-12-055
388-160-540	REP-W	01-07-070	388-408-0015	AMD	01-03-121	388-458-0015	REP-P	01-12-055
388-160-540	REP-P	01-10-063	388-408-0020	AMD	01-03-121	388-458-0016	NEW-P	01-12-055
388-160-550	REP-W	01-07-070	388-408-0025	AMD	01-03-121	388-458-0020	NEW-P	01-12-055
388-160-550	REP-P	01-10-063	388-408-0030	AMD	01-03-121	388-458-0025	NEW-P	01-12-055
388-160-560	REP-W	01-07-070	388-410-0020	AMD-P	01-11-091	388-458-0030	NEW-P	01-12-055
388-160-560	REP-P	01-10-063	388-410-0025	AMD-P	01-11-091	388-458-0035	NEW-P	01-12-055
388-200-1050	REP-P	01-07-051	388-410-0030	AMD-P	01-11-091	388-458-0040	NEW-P	01-12-055
388-200-1050	REP	01-10-104	388-412-0005	AMD-P	01-13-068	388-458-0045	NEW-P	01-12-055
388-200-1300	REP-P	01-07-051	388-412-0015	AMD-P	01-13-068	388-462-0020	NEW-E	01-13-085
388-200-1300	REP	01-10-104	388-412-0020	AMD-P	01-13-068	388-468-0005	PREP	01-08-028
388-200-1350	REP-P	01-07-051	388-412-0025	AMD-P	01-13-068	388-470	PREP	01-06-027
388-200-1350	REP	01-10-104	388-412-0040	AMD-P	01-13-068	388-470-0026	NEW-P	01-13-086
388-222-001	REP	01-03-066	388-412-0045	REP-P	01-13-068	388-470-0060	AMD-E	01-13-003
388-222-010	REP	01-03-066	388-414	PREP	01-06-027	388-470-0075	AMD-W	01-09-073
388-222-020	REP	01-03-066	388-414-0001	AMD-P	01-04-074	388-470-0075	AMD-P	01-12-069
388-273-0010	NEW-P	01-04-070	388-414-0001	AMD	01-07-054	388-472-0005	PREP	01-03-119
388-273-0010	NEW	01-09-023	388-416	PREP	01-06-027	388-472-0005	AMD-P	01-07-051
388-273-0020	NEW-P	01-04-070	388-416-0005	AMD-P	01-08-058	388-472-0005	AMD	01-10-104
388-273-0020	NEW	01-09-023	388-416-0005	AMD	01-11-107	388-472-0010	NEW-P	01-07-051
388-273-0025	NEW-P	01-04-070	388-418	PREP	01-06-027	388-472-0010	NEW	01-10-104
388-273-0025	NEW	01-09-023	388-418-0005	AMD-S	01-08-059	388-472-0020	NEW-P	01-07-051
388-273-0030	NEW-P	01-04-070	388-418-0005	AMD	01-11-109	388-472-0020	NEW	01-10-104
388-273-0030	NEW	01-09-023	388-418-0007	NEW-S	01-08-059	388-472-0030	NEW-P	01-07-051
388-273-0035	NEW-P	01-04-070	388-418-0007	NEW	01-11-109	388-472-0030	NEW	01-10-104
388-273-0035	NEW	01-09-023	388-422-0005	PREP	01-13-025	388-472-0040	NEW-P	01-07-051
388-310-0800	AMD-P	01-12-056	388-432-0005	NEW	01-03-066	388-472-0040	NEW	01-10-104
388-310-0900	AMD-P	01-03-060	388-434	PREP	01-06-027	388-472-0050	NEW-P	01-07-051
388-310-0900	AMD-E	01-03-132	388-434-0010	AMD-P	01-11-037	388-472-0050	NEW	01-10-104
388-310-1000	AMD-P	01-03-060	388-438	PREP	01-07-018	388-474-0001	AMD	01-06-042
388-310-1000	AMD-E	01-03-132	388-438-0110	AMD	01-05-041	388-474-0010	PREP	01-11-050
388-310-1050	AMD-P	01-03-060	388-444	PREP	01-12-020	388-478-0015	AMD-P	01-08-044
388-310-1050	AMD-E	01-03-132	388-444-0075	AMD	01-05-006	388-478-0015	AMD	01-11-108
388-310-1300	AMD-E	01-05-007	388-448	PREP	01-04-069	388-478-0055	AMD-P	01-04-068
388-310-2000	NEW	01-03-042	388-448-0020	AMD-P	01-11-106	388-478-0055	AMD	01-08-015
388-330-010	REP-W	01-07-071	388-448-0070	AMD-P	01-11-106	388-478-0056	REP-P	01-04-068
388-330-010	REP-P	01-10-062	388-448-0120	AMD-P	01-11-106	388-478-0056	REP	01-08-015
388-330-020	REP-W	01-07-071	388-448-0130	AMD-P	01-11-106	388-478-0057	PREP	01-11-079
388-330-020	REP-P	01-10-062	388-448-0140	AMD-P	01-11-106	388-478-0065	PREP	01-08-027
388-330-030	REP-W	01-07-071	388-448-0180	AMD-P	01-11-106	388-478-0065	AMD-E	01-08-032
388-330-030	REP-P	01-10-062	388-448-0200	AMD-P	01-11-106	388-478-0070	AMD-P	01-09-068
388-330-035	REP-W	01-07-071	388-450	PREP	01-06-027	388-478-0070	AMD-E	01-09-069
388-330-035	REP-P	01-10-062	388-450-0015	AMD-P	01-13-086	388-478-0070	AMD	01-12-073
388-330-040	REP-W	01-07-071	388-450-0125	REP-P	01-08-044	388-478-0075	PREP	01-08-027
388-330-040	REP-P	01-10-062	388-450-0125	REP	01-11-108	388-478-0075	AMD-E	01-08-032
388-330-050	REP-W	01-07-071	388-450-0155	AMD-E	01-12-057	388-478-0080	AMD-P	01-09-068
388-330-050	REP-P	01-10-062	388-450-0156	NEW-E	01-12-057	388-478-0080	AMD-E	01-09-069
388-330-060	REP-W	01-07-071	388-450-0160	AMD-E	01-12-057	388-478-0080	AMD	01-12-073
388-330-060	REP-P	01-10-062	388-450-0190	AMD-P	01-03-038	388-478-0085	PREP	01-08-027
388-400-0005	AMD	01-03-121	388-450-0190	AMD-E	01-03-039	388-478-0085	AMD-E	01-08-032
388-400-0015	REP	01-03-121	388-450-0190	AMD	01-06-030	388-484-0005	AMD	01-04-016
388-400-0020	REP-P	01-03-120	388-452	PREP	01-06-027	388-484-0010	NEW	01-04-016
388-400-0020	REP	01-07-001	388-452-0005	AMD-P	01-10-065	388-488	PREP	01-03-024
388-400-0030	AMD-P	01-03-040	388-454	PREP	01-08-029	388-490	PREP	01-06-027
388-400-0030	AMD-E	01-03-041	388-454-0005	AMD	01-03-121	388-501-0050	AMD	01-12-070
388-400-0030	AMD	01-06-031	388-454-0006	NEW-E	01-06-025	388-501-0300	AMD-P	01-09-037
388-400-0035	AMD-P	01-10-066	388-454-0010	AMD	01-03-121	388-501-0300	AMD	01-12-072
388-400-0035	AMD-E	01-10-067	388-458-0001	REP-P	01-12-055	388-502-0010	AMD	01-07-076
388-400-0035	AMD	01-13-046	388-458-0002	NEW-P	01-12-055	388-502-0020	AMD	01-07-076
388-404-0005	AMD	01-03-121	388-458-0005	REP-P	01-12-055	388-502-0160	AMD	01-05-100

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-502-0160	PREP	01-10-060	388-550-2800	AMD-P	01-09-070	388-820-050	AMD-P	01-09-081
388-505-0210	AMD-P	01-07-012	388-550-2900	AMD-P	01-09-070	388-820-055	REP-XR	01-10-061
388-505-0210	AMD	01-11-110	388-550-3300	AMD-P	01-09-070	388-820-060	AMD-P	01-09-081
388-505-0220	AMD-P	01-07-012	388-550-3600	AMD-P	01-09-070	388-820-065	REP-XR	01-10-061
388-505-0220	AMD	01-11-110	388-550-3700	AMD-P	01-09-070	388-820-070	AMD-P	01-09-081
388-505-0595	REP	01-06-043	388-550-3800	AMD-P	01-09-070	388-820-075	REP-XR	01-10-061
388-512-1210	REP-W	01-06-046	388-550-4300	AMD-P	01-09-070	388-820-080	AMD-P	01-09-081
388-512-1215	REP	01-06-042	388-550-4400	AMD-P	01-09-070	388-820-085	REP-XR	01-10-061
388-512-1220	REP	01-06-042	388-550-4500	AMD-P	01-09-070	388-820-090	AMD-P	01-09-081
388-512-1225	REP	01-06-042	388-550-4800	AMD-P	01-09-070	388-820-095	REP-XR	01-10-061
388-512-1230	REP	01-06-042	388-551	PREP	01-03-095	388-820-100	AMD-P	01-09-081
388-512-1235	REP	01-06-042	388-551	PREP	01-03-096	388-820-105	REP-XR	01-10-061
388-512-1240	REP	01-06-042	388-551-3000	NEW	01-05-040	388-820-110	AMD-P	01-09-081
388-512-1245	REP	01-06-042	388-561-0001	NEW	01-06-043	388-820-115	REP-XR	01-10-061
388-512-1250	REP	01-06-042	388-561-0100	NEW	01-06-043	388-820-120	AMD-P	01-09-081
388-512-1255	REP	01-06-042	388-561-0200	NEW	01-06-043	388-820-125	REP-XR	01-10-061
388-512-1260	REP	01-06-042	388-561-0300	NEW	01-06-043	388-820-130	AMD-P	01-09-081
388-512-1265	REP	01-06-042	388-815-005	REP-XR	01-07-019	388-820-140	NEW-P	01-09-081
388-512-1275	REP	01-06-042	388-815-005	REP	01-13-026	388-820-150	NEW-P	01-09-081
388-513-1350	AMD-P	01-13-087	388-815-010	REP-XR	01-07-019	388-820-160	NEW-P	01-09-081
388-513-1350	AMD-E	01-13-088	388-815-010	REP	01-13-026	388-820-170	NEW-P	01-09-081
388-513-1380	AMD-P	01-13-087	388-815-020	REP-XR	01-07-019	388-820-180	NEW-P	01-09-081
388-513-1380	AMD-E	01-13-088	388-815-020	REP	01-13-026	388-820-190	NEW-P	01-09-081
388-515	PREP	01-11-095	388-815-030	REP-XR	01-07-019	388-820-200	NEW-P	01-09-081
388-517-0400	NEW	01-06-033	388-815-030	REP	01-13-026	388-820-210	NEW-P	01-09-081
388-530-1050	PREP	01-13-070	388-815-100	REP-XR	01-07-019	388-820-220	NEW-P	01-09-081
388-530-1260	PREP	01-13-070	388-815-100	REP	01-13-026	388-820-230	NEW-P	01-09-081
388-533-1000	NEW-P	01-11-097	388-815-110	REP-XR	01-07-019	388-820-240	NEW-P	01-09-081
388-535	PREP	01-07-018	388-815-110	REP	01-13-026	388-820-250	NEW-P	01-09-081
388-535-1230	AMD-P	01-03-154	388-815-120	REP-XR	01-07-019	388-820-260	NEW-P	01-09-081
388-535-1230	AMD	01-07-077	388-815-120	REP	01-13-026	388-820-270	NEW-P	01-09-081
388-538	PREP	01-07-008	388-815-130	REP-XR	01-07-019	388-820-280	NEW-P	01-09-081
388-538-067	PREP	01-10-059	388-815-130	REP	01-13-026	388-820-290	NEW-P	01-09-081
388-538-068	PREP	01-10-059	388-815-140	REP-XR	01-07-019	388-820-300	NEW-P	01-09-081
388-543-1150	PREP	01-05-027	388-815-140	REP	01-13-026	388-820-310	NEW-P	01-09-081
388-543-1150	NEW-P	01-11-105	388-815-160	REP-XR	01-07-019	388-820-320	NEW-P	01-09-081
388-543-2800	PREP	01-05-027	388-815-160	REP	01-13-026	388-820-330	NEW-P	01-09-081
388-543-2800	AMD-P	01-11-105	388-815-200	REP-XR	01-07-019	388-820-340	NEW-P	01-09-081
388-544	PREP	01-07-018	388-815-200	REP	01-13-026	388-820-350	NEW-P	01-09-081
388-546-0001	NEW	01-03-084	388-815-205	REP-XR	01-07-019	388-820-360	NEW-P	01-09-081
388-546-0100	NEW	01-03-084	388-815-205	REP	01-13-026	388-820-370	NEW-P	01-09-081
388-546-0150	NEW	01-03-084	388-815-210	REP-XR	01-07-019	388-820-380	NEW-P	01-09-081
388-546-0200	NEW	01-03-084	388-815-210	REP	01-13-026	388-820-390	NEW-P	01-09-081
388-546-0250	NEW	01-03-084	388-815-215	REP-XR	01-07-019	388-820-400	NEW-P	01-09-081
388-546-0300	NEW	01-03-084	388-815-215	REP	01-13-026	388-820-410	NEW-P	01-09-081
388-546-0400	NEW	01-03-084	388-815-220	REP-XR	01-07-019	388-820-420	NEW-P	01-09-081
388-546-0450	NEW	01-03-084	388-815-220	REP	01-13-026	388-820-430	NEW-P	01-09-081
388-546-0500	NEW	01-03-084	388-815-230	REP-XR	01-07-019	388-820-440	NEW-P	01-09-081
388-546-0600	NEW	01-03-084	388-815-230	REP	01-13-026	388-820-450	NEW-P	01-09-081
388-546-0700	NEW	01-03-084	388-815-240	REP-XR	01-07-019	388-820-460	NEW-P	01-09-081
388-546-0800	NEW	01-03-084	388-815-240	REP	01-13-026	388-820-470	NEW-P	01-09-081
388-546-1000	NEW	01-03-084	388-815-250	REP-XR	01-07-019	388-820-480	NEW-P	01-09-081
388-546-5000	NEW	01-06-029	388-815-250	REP	01-13-026	388-820-490	NEW-P	01-09-081
388-546-5100	NEW	01-06-029	388-820-005	REP-XR	01-10-061	388-820-500	NEW-P	01-09-081
388-546-5200	NEW	01-06-029	388-820-010	AMD-P	01-09-081	388-820-510	NEW-P	01-09-081
388-546-5300	NEW	01-06-029	388-820-015	REP-XR	01-10-061	388-820-520	NEW-P	01-09-081
388-546-5400	NEW	01-06-029	388-820-020	AMD-P	01-09-081	388-820-530	NEW-P	01-09-081
388-546-5500	NEW	01-06-029	388-820-025	REP-XR	01-10-061	388-820-540	NEW-P	01-09-081
388-550	PREP	01-11-096	388-820-030	AMD-P	01-09-081	388-820-550	NEW-P	01-09-081
388-550-1050	AMD-P	01-09-070	388-820-035	REP-XR	01-10-061	388-820-560	NEW-P	01-09-081
388-550-1100	AMD-P	01-09-070	388-820-040	AMD-P	01-09-081	388-820-570	NEW-P	01-09-081
388-550-2700	REP-P	01-09-070	388-820-045	REP-XR	01-10-061	388-820-580	NEW-P	01-09-081

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-820-590	NEW-P	01-09-081	388-835-0125	NEW	01-10-013	388-835-0405	NEW	01-10-013
388-820-600	NEW-P	01-09-081	388-835-0130	NEW	01-10-013	388-835-0410	NEW	01-10-013
388-820-610	NEW-P	01-09-081	388-835-0135	NEW	01-10-013	388-835-0415	NEW	01-10-013
388-820-620	NEW-P	01-09-081	388-835-0140	NEW	01-10-013	388-835-0420	NEW	01-10-013
388-820-630	NEW-P	01-09-081	388-835-0145	NEW	01-10-013	388-835-0425	NEW	01-10-013
388-820-640	NEW-P	01-09-081	388-835-015	REP	01-10-013	388-835-0430	NEW	01-10-013
388-820-650	NEW-P	01-09-081	388-835-0150	NEW	01-10-013	388-835-0435	NEW	01-10-013
388-820-660	NEW-P	01-09-081	388-835-0155	NEW	01-10-013	388-835-0440	NEW	01-10-013
388-820-670	NEW-P	01-09-081	388-835-0160	NEW	01-10-013	388-835-0445	NEW	01-10-013
388-820-680	NEW-P	01-09-081	388-835-0165	NEW	01-10-013	388-835-045	REP	01-10-013
388-820-690	NEW-P	01-09-081	388-835-0170	NEW	01-10-013	388-835-0450	NEW	01-10-013
388-820-700	NEW-P	01-09-081	388-835-0175	NEW	01-10-013	388-835-0455	NEW	01-10-013
388-820-710	NEW-P	01-09-081	388-835-0180	NEW	01-10-013	388-835-0460	NEW	01-10-013
388-820-720	NEW-P	01-09-081	388-835-0185	NEW	01-10-013	388-835-0465	NEW	01-10-013
388-820-730	NEW-P	01-09-081	388-835-0190	NEW	01-10-013	388-835-0470	NEW	01-10-013
388-820-740	NEW-P	01-09-081	388-835-0195	NEW	01-10-013	388-835-0475	NEW	01-10-013
388-820-750	NEW-P	01-09-081	388-835-020	REP	01-10-013	388-835-0480	NEW	01-10-013
388-820-760	NEW-P	01-09-081	388-835-0200	NEW	01-10-013	388-835-0485	NEW	01-10-013
388-820-770	NEW-P	01-09-081	388-835-0205	NEW	01-10-013	388-835-0490	NEW	01-10-013
388-820-780	NEW-P	01-09-081	388-835-0210	NEW	01-10-013	388-835-0495	NEW	01-10-013
388-820-790	NEW-P	01-09-081	388-835-0215	NEW	01-10-013	388-835-050	REP	01-10-013
388-820-800	NEW-P	01-09-081	388-835-0220	NEW	01-10-013	388-835-0500	NEW	01-10-013
388-820-810	NEW-P	01-09-081	388-835-0225	NEW	01-10-013	388-835-0505	NEW	01-10-013
388-820-820	NEW-P	01-09-081	388-835-0230	NEW	01-10-013	388-835-0510	NEW	01-10-013
388-820-830	NEW-P	01-09-081	388-835-0235	NEW	01-10-013	388-835-0515	NEW	01-10-013
388-820-840	NEW-P	01-09-081	388-835-0240	NEW	01-10-013	388-835-0520	NEW	01-10-013
388-820-850	NEW-P	01-09-081	388-835-0245	NEW	01-10-013	388-835-0525	NEW	01-10-013
388-820-860	NEW-P	01-09-081	388-835-025	REP	01-10-013	388-835-0530	NEW	01-10-013
388-820-870	NEW-P	01-09-081	388-835-0250	NEW	01-10-013	388-835-0535	NEW	01-10-013
388-820-880	NEW-P	01-09-081	388-835-0255	NEW	01-10-013	388-835-0540	NEW	01-10-013
388-820-890	NEW-P	01-09-081	388-835-0260	NEW	01-10-013	388-835-0545	NEW	01-10-013
388-820-900	NEW-P	01-09-081	388-835-0265	NEW	01-10-013	388-835-055	REP	01-10-013
388-820-910	NEW-P	01-09-081	388-835-0270	NEW	01-10-013	388-835-0550	NEW	01-10-013
388-820-920	NEW-P	01-09-081	388-835-0275	NEW	01-10-013	388-835-0555	NEW	01-10-013
388-820-930	NEW-P	01-09-081	388-835-0280	NEW	01-10-013	388-835-0560	NEW	01-10-013
388-825-020	PREP	01-03-059	388-835-0285	NEW	01-10-013	388-835-0565	NEW	01-10-013
388-825-205	PREP	01-03-059	388-835-0290	NEW	01-10-013	388-835-0570	NEW	01-10-013
388-835-0005	NEW	01-10-013	388-835-0295	NEW	01-10-013	388-835-0575	NEW	01-10-013
388-835-0010	NEW	01-10-013	388-835-030	REP	01-10-013	388-835-0580	NEW	01-10-013
388-835-0015	NEW	01-10-013	388-835-0300	NEW	01-10-013	388-835-0585	NEW	01-10-013
388-835-0020	NEW	01-10-013	388-835-0305	NEW	01-10-013	388-835-0590	NEW	01-10-013
388-835-0025	NEW	01-10-013	388-835-0310	NEW	01-10-013	388-835-0595	NEW	01-10-013
388-835-0030	NEW	01-10-013	388-835-0315	NEW	01-10-013	388-835-060	REP	01-10-013
388-835-0035	NEW	01-10-013	388-835-0320	NEW	01-10-013	388-835-0600	NEW	01-10-013
388-835-0040	NEW	01-10-013	388-835-0325	NEW	01-10-013	388-835-0605	NEW	01-10-013
388-835-0045	NEW	01-10-013	388-835-0330	NEW	01-10-013	388-835-0610	NEW	01-10-013
388-835-0050	NEW	01-10-013	388-835-0335	NEW	01-10-013	388-835-0615	NEW	01-10-013
388-835-0055	NEW	01-10-013	388-835-0340	NEW	01-10-013	388-835-0620	NEW	01-10-013
388-835-0060	NEW	01-10-013	388-835-0345	NEW	01-10-013	388-835-0625	NEW	01-10-013
388-835-0065	NEW	01-10-013	388-835-035	REP	01-10-013	388-835-0630	NEW	01-10-013
388-835-0070	NEW	01-10-013	388-835-0350	NEW	01-10-013	388-835-0635	NEW	01-10-013
388-835-0075	NEW	01-10-013	388-835-0355	NEW	01-10-013	388-835-0640	NEW	01-10-013
388-835-0080	NEW	01-10-013	388-835-0360	NEW	01-10-013	388-835-0645	NEW	01-10-013
388-835-0085	NEW	01-10-013	388-835-0365	NEW	01-10-013	388-835-065	REP	01-10-013
388-835-0090	NEW	01-10-013	388-835-0370	NEW	01-10-013	388-835-0650	NEW	01-10-013
388-835-0095	NEW	01-10-013	388-835-0375	NEW	01-10-013	388-835-0655	NEW	01-10-013
388-835-010	REP	01-10-013	388-835-0380	NEW	01-10-013	388-835-0660	NEW	01-10-013
388-835-0100	NEW	01-10-013	388-835-0385	NEW	01-10-013	388-835-0665	NEW	01-10-013
388-835-0105	NEW	01-10-013	388-835-0390	NEW	01-10-013	388-835-0670	NEW	01-10-013
388-835-0110	NEW	01-10-013	388-835-0395	NEW	01-10-013	388-835-0675	NEW	01-10-013
388-835-0115	NEW	01-10-013	388-835-040	REP	01-10-013	388-835-0680	NEW	01-10-013
388-835-0120	NEW	01-10-013	388-835-0400	NEW	01-10-013	388-835-0685	NEW	01-10-013

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388-862-340	REP	01-12-047	388-865-0229	NEW	01-12-047	388-865-0365	NEW	01-12-047
388-862-350	REP-P	01-07-116	388-865-0230	NEW-P	01-07-116	388-865-0400	NEW-P	01-07-116
388-862-350	REP	01-12-047	388-865-0230	NEW	01-12-047	388-865-0400	NEW	01-12-047
388-862-360	REP-P	01-07-116	388-865-0235	NEW-P	01-07-116	388-865-0405	NEW-P	01-07-116
388-862-360	REP	01-12-047	388-865-0235	NEW	01-12-047	388-865-0405	NEW	01-12-047
388-862-370	REP-P	01-07-116	388-865-0240	NEW-P	01-07-116	388-865-0410	NEW-P	01-07-116
388-862-370	REP	01-12-047	388-865-0240	NEW	01-12-047	388-865-0410	NEW	01-12-047
388-862-380	REP-P	01-07-116	388-865-0245	NEW-P	01-07-116	388-865-0415	NEW-P	01-07-116
388-862-380	REP	01-12-047	388-865-0245	NEW	01-12-047	388-865-0415	NEW	01-12-047
388-862-390	REP-P	01-07-116	388-865-0250	NEW-P	01-07-116	388-865-0420	NEW-P	01-07-116
388-862-390	REP	01-12-047	388-865-0250	NEW	01-12-047	388-865-0420	NEW	01-12-047
388-862-400	REP-P	01-07-116	388-865-0255	NEW-P	01-07-116	388-865-0425	NEW-P	01-07-116
388-862-400	REP	01-12-047	388-865-0255	NEW	01-12-047	388-865-0425	NEW	01-12-047
388-862-410	REP-P	01-07-116	388-865-0260	NEW-P	01-07-116	388-865-0430	NEW-P	01-07-116
388-862-410	REP	01-12-047	388-865-0260	NEW	01-12-047	388-865-0430	NEW	01-12-047
388-862-420	REP-P	01-07-116	388-865-0265	NEW-P	01-07-116	388-865-0435	NEW-P	01-07-116
388-862-420	REP	01-12-047	388-865-0265	NEW	01-12-047	388-865-0435	NEW	01-12-047
388-862-430	REP-P	01-07-116	388-865-0270	NEW-P	01-07-116	388-865-0436	NEW-P	01-07-116
388-862-430	REP	01-12-047	388-865-0270	NEW	01-12-047	388-865-0436	NEW	01-12-047
388-862-440	REP-P	01-07-116	388-865-0275	NEW-P	01-07-116	388-865-0440	NEW-P	01-07-116
388-862-440	REP	01-12-047	388-865-0275	NEW	01-12-047	388-865-0440	NEW	01-12-047
388-862-450	REP-P	01-07-116	388-865-0280	NEW-P	01-07-116	388-865-0445	NEW-P	01-07-116
388-862-450	REP	01-12-047	388-865-0280	NEW	01-12-047	388-865-0445	NEW	01-12-047
388-862-460	REP-P	01-07-116	388-865-0282	NEW-P	01-07-116	388-865-0450	NEW-P	01-07-116
388-862-460	REP	01-12-047	388-865-0282	NEW	01-12-047	388-865-0450	NEW	01-12-047
388-862-470	REP-P	01-07-116	388-865-0284	NEW-P	01-07-116	388-865-0452	NEW-P	01-07-116
388-862-470	REP	01-12-047	388-865-0284	NEW	01-12-047	388-865-0452	NEW	01-12-047
388-865-0100	NEW-P	01-07-116	388-865-0286	NEW-P	01-07-116	388-865-0454	NEW-P	01-07-116
388-865-0100	NEW	01-12-047	388-865-0286	NEW	01-12-047	388-865-0454	NEW	01-12-047
388-865-0105	NEW-P	01-07-116	388-865-0288	NEW-P	01-07-116	388-865-0456	NEW-P	01-07-116
388-865-0105	NEW	01-12-047	388-865-0288	NEW	01-12-047	388-865-0456	NEW	01-12-047
388-865-0110	NEW-P	01-07-116	388-865-0300	NEW-P	01-07-116	388-865-0458	NEW-P	01-07-116
388-865-0110	NEW	01-12-047	388-865-0300	NEW	01-12-047	388-865-0458	NEW	01-12-047
388-865-0115	NEW-P	01-07-116	388-865-0305	NEW-P	01-07-116	388-865-0460	NEW-P	01-07-116
388-865-0115	NEW	01-12-047	388-865-0305	NEW	01-12-047	388-865-0460	NEW	01-12-047
388-865-0120	NEW-P	01-07-116	388-865-0307	NEW-P	01-07-116	388-865-0462	NEW-P	01-07-116
388-865-0120	NEW	01-12-047	388-865-0307	NEW	01-12-047	388-865-0462	NEW	01-12-047
388-865-0150	NEW-P	01-07-116	388-865-0310	NEW-P	01-07-116	388-865-0464	NEW-P	01-07-116
388-865-0150	NEW	01-12-047	388-865-0310	NEW	01-12-047	388-865-0464	NEW	01-12-047
388-865-0200	NEW-P	01-07-116	388-865-0315	NEW-P	01-07-116	388-865-0466	NEW-P	01-07-116
388-865-0200	NEW	01-12-047	388-865-0315	NEW	01-12-047	388-865-0466	NEW	01-12-047
388-865-0201	NEW-P	01-07-116	388-865-0320	NEW-P	01-07-116	388-865-0468	NEW-P	01-07-116
388-865-0201	NEW-S	01-09-078	388-865-0320	NEW	01-12-047	388-865-0468	NEW	01-12-047
388-865-0201	NEW	01-12-047	388-865-0325	NEW-P	01-07-116	388-865-0470	NEW-P	01-07-116
388-865-0203	NEW-P	01-07-116	388-865-0325	NEW	01-12-047	388-865-0470	NEW	01-12-047
388-865-0203	NEW-S	01-09-078	388-865-0330	NEW-P	01-07-116	388-865-0472	NEW-P	01-07-116
388-865-0203	NEW	01-12-047	388-865-0330	NEW	01-12-047	388-865-0472	NEW	01-12-047
388-865-0205	NEW-P	01-07-116	388-865-0335	NEW-P	01-07-116	388-865-0474	NEW-P	01-07-116
388-865-0205	NEW	01-12-047	388-865-0335	NEW	01-12-047	388-865-0474	NEW	01-12-047
388-865-0210	NEW-P	01-07-116	388-865-0340	NEW-P	01-07-116	388-865-0476	NEW-P	01-07-116
388-865-0210	NEW	01-12-047	388-865-0340	NEW	01-12-047	388-865-0476	NEW	01-12-047
388-865-0215	NEW-P	01-07-116	388-865-0345	NEW-P	01-07-116	388-865-0478	NEW-P	01-07-116
388-865-0215	NEW	01-12-047	388-865-0345	NEW	01-12-047	388-865-0478	NEW	01-12-047
388-865-0220	NEW-P	01-07-116	388-865-0350	NEW-P	01-07-116	388-865-0480	NEW-P	01-07-116
388-865-0220	NEW	01-12-047	388-865-0350	NEW	01-12-047	388-865-0480	NEW	01-12-047
388-865-0221	NEW-P	01-07-116	388-865-0355	NEW-P	01-07-116	388-865-0482	NEW-P	01-07-116
388-865-0221	NEW	01-12-047	388-865-0355	NEW	01-12-047	388-865-0482	NEW	01-12-047
388-865-0222	NEW-P	01-07-116	388-865-0360	NEW-P	01-07-116	388-865-0484	NEW-P	01-07-116
388-865-0222	NEW	01-12-047	388-865-0360	NEW	01-12-047	388-865-0484	NEW	01-12-047
388-865-0225	NEW-P	01-07-116	388-865-0363	NEW-P	01-07-116	388-865-0500	NEW-P	01-07-116
388-865-0225	NEW	01-12-047	388-865-0363	NEW	01-12-047	388-865-0500	NEW	01-12-047
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388-865-0502	NEW	01-12-047	390- 16-190	PREP	01-07-115	392-122-322	PREP	01-03-099
388-865-0504	NEW-E	01-06-040	390- 16-309	PREP	01-03-081	392-122-900	PREP	01-03-099
388-865-0504	NEW-S	01-09-078	390- 16-311	PREP	01-03-082	392-125-080	AMD-E	01-03-098
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388-865-0505	NEW-P	01-07-116	390- 24-200	AMD-P	01-07-109	392-125-080	AMD	01-11-099
388-865-0505	NEW	01-12-047	390- 24-200	AMD	01-10-053	392-136-020	AMD-P	01-06-064
388-865-0510	NEW-P	01-07-116	391- 08-001	AMD-P	01-10-112	392-136-020	AMD	01-11-098
388-865-0510	NEW	01-12-047	391- 25	PREP	01-04-073	392-138-003	AMD-P	01-12-048
388-865-0515	NEW-P	01-07-116	391- 25-001	AMD-P	01-10-112	392-138-005	AMD-P	01-12-048
388-865-0515	NEW	01-12-047	391- 25-002	AMD-P	01-10-112	392-138-010	AMD-P	01-12-048
388-865-0525	NEW-P	01-07-116	391- 25-010	AMD-P	01-10-112	392-138-011	NEW-P	01-12-048
388-865-0525	NEW	01-12-047	391- 25-030	AMD-P	01-10-112	392-138-012	REP-P	01-12-048
388-865-0530	NEW-P	01-07-116	391- 25-050	AMD-P	01-10-112	392-138-013	NEW-P	01-12-048
388-865-0530	NEW	01-12-047	391- 25-070	AMD-P	01-10-112	392-138-014	NEW-P	01-12-048
388-865-0535	NEW-P	01-07-116	391- 25-090	AMD-P	01-10-112	392-138-016	REP-P	01-12-048
388-865-0535	NEW	01-12-047	391- 25-110	AMD-P	01-10-112	392-138-017	NEW-P	01-12-048
388-865-0540	NEW-P	01-07-116	391- 25-130	AMD-P	01-10-112	392-138-018	NEW-P	01-12-048
388-865-0540	NEW	01-12-047	391- 25-140	AMD-P	01-10-112	392-138-019	NEW-P	01-12-048
388-865-0545	NEW-P	01-07-116	391- 25-190	AMD-P	01-10-112	392-138-021	NEW-P	01-12-048
388-865-0545	NEW	01-12-047	391- 25-210	AMD-P	01-10-112	392-138-025	REP-P	01-12-048
388-865-0546	NEW-P	01-07-116	391- 25-220	AMD-P	01-10-112	392-138-030	REP-P	01-12-048
388-865-0546	NEW	01-12-047	391- 25-230	AMD-P	01-10-112	392-138-035	REP-P	01-12-048
388-865-0550	NEW-P	01-07-116	391- 25-250	AMD-P	01-10-112	392-138-040	REP-P	01-12-048
388-865-0550	NEW	01-12-047	391- 25-270	AMD-P	01-10-112	392-138-045	REP-P	01-12-048
388-865-0555	NEW-P	01-07-116	391- 25-290	AMD-P	01-10-112	392-138-047	REP-P	01-12-048
388-865-0555	NEW	01-12-047	391- 25-299	AMD-P	01-10-112	392-138-050	REP-P	01-12-048
388-865-0557	NEW-P	01-07-116	391- 25-350	AMD-P	01-10-112	392-138-055	REP-P	01-12-048
388-865-0557	NEW	01-12-047	391- 25-370	AMD-P	01-10-112	392-138-060	REP-P	01-12-048
388-865-0560	NEW-P	01-07-116	391- 25-390	AMD-P	01-10-112	392-138-065	REP-P	01-12-048
388-865-0560	NEW	01-12-047	391- 25-410	AMD-P	01-10-112	392-138-065	REP-P	01-12-048
388-865-0565	NEW-P	01-07-116	391- 25-420	NEW-P	01-10-112	392-138-070	REP-P	01-12-048
388-865-0565	NEW	01-12-047	391- 25-430	AMD-P	01-10-112	392-138-071	REP-P	01-12-048
388-865-0600	NEW-P	01-07-116	391- 25-450	AMD-P	01-10-112	392-138-075	REP-P	01-12-048
388-865-0600	NEW	01-12-047	391- 25-470	AMD-P	01-10-112	392-138-080	REP-P	01-12-048
388-865-0610	NEW-P	01-07-116	391- 25-490	AMD-P	01-10-112	392-138-085	REP-P	01-12-048
388-865-0610	NEW	01-12-047	391- 25-510	AMD-P	01-10-112	392-138-100	REP-P	01-12-048
388-865-0620	NEW-P	01-07-116	391- 25-510	AMD-P	01-10-112	392-138-105	NEW-P	01-12-048
388-865-0620	NEW	01-12-047	391- 25-610	AMD-P	01-10-112	392-138-110	NEW-P	01-12-048
388-865-0630	NEW-P	01-07-116	391- 25-650	AMD-P	01-10-112	392-138-115	NEW-P	01-12-048
388-865-0630	NEW	01-12-047	391- 35	PREP	01-04-073	392-138-120	NEW-P	01-12-048
388-865-0640	NEW-P	01-07-116	391- 35-001	AMD-P	01-10-112	392-138-125	NEW-P	01-12-048
388-865-0640	NEW	01-12-047	391- 35-002	AMD-P	01-10-112	392-138-130	NEW-P	01-12-048
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392-172-220	AMD-P	01-11-129	415-210	PREP	01-05-075	417- 06-110	AMD-P	01-09-082
392-172-222	AMD-P	01-11-129	415-610	PREP	01-04-028	417- 06-110	AMD	01-13-123
392-172-224	AMD-P	01-11-129	415-620	PREP	01-04-028	417- 06-120	AMD-P	01-09-082
392-172-232	AMD-P	01-11-129	415-630	PREP	01-04-028	417- 06-120	AMD	01-13-123
392-172-23600	AMD-P	01-11-129	415-630-025	NEW-P	01-08-076	417- 06-130	AMD-P	01-09-082
392-172-23605	AMD-P	01-11-129	415-630-025	NEW	01-11-053	417- 06-130	AMD	01-13-123
392-172-23610	AMD-P	01-11-129	415-630-030	PREP	01-04-028	417- 06-135	NEW-P	01-09-082
392-172-238	AMD-P	01-11-129	415-630-030	AMD-E	01-04-029	417- 06-135	NEW	01-13-123
392-172-239	AMD-P	01-11-129	415-630-030	AMD-P	01-08-076	417- 06-140	AMD-P	01-09-082
392-172-241	NEW-P	01-11-129	415-630-030	AMD	01-11-053	417- 06-140	AMD	01-13-123
392-172-242	AMD-P	01-11-129	415-640	PREP	01-04-028	417- 06-150	AMD-P	01-09-082
392-172-338	AMD-P	01-11-129	415-650	PREP	01-04-028	417- 06-150	AMD	01-13-123
392-172-344	AMD-P	01-11-129	415-660	PREP	01-04-028	417- 06-170	AMD-P	01-09-082
392-172-377	AMD-P	01-11-129	415-670	PREP	01-04-028	417- 06-170	AMD	01-13-123
392-172-38410	AMD-P	01-11-129	415-680	PREP	01-04-028	420- 04-010	NEW	01-04-052
392-172-404	AMD-P	01-11-129	415-690	PREP	01-04-028	420- 04-015	NEW	01-04-052
392-172-424	AMD-P	01-11-129	415-695	PREP	01-04-028	420- 04-020	NEW	01-04-052
392-172-426	AMD-P	01-11-129	417- 01-105	AMD-E	01-05-101	420- 04-030	NEW	01-04-052
392-172-504	AMD-P	01-11-129	417- 01-105	PREP	01-05-102	420- 04-040	NEW	01-04-052
392-172-507	AMD-P	01-11-129	417- 01-105	AMD-P	01-09-082	420- 04-050	NEW	01-04-052
399- 10-010	AMD-P	01-03-143	417- 01-105	AMD	01-13-123	420- 04-060	NEW	01-04-052
399- 10-010	AMD	01-09-014	417- 01-110	PREP	01-05-102	420- 04-070	NEW	01-04-052

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
420- 04-080	NEW	01-04-052	458- 20-13501	NEW	01-13-042	468-300-040	AMD-P	01-04-078
420- 04-085	NEW	01-04-052	458- 20-169	AMD-P	01-03-091	468-300-040	AMD	01-11-010
420- 04-100	NEW	01-04-052	458- 20-169	AMD	01-09-066	468-300-220	AMD-P	01-04-078
420- 12-010	NEW	01-04-052	458- 20-178	PREP	01-07-093	468-300-220	AMD	01-11-010
420- 12-020	NEW	01-04-052	458- 20-17801	PREP	01-07-093	478-116	AMD-C	01-13-015
420- 12-030	NEW	01-04-052	458- 20-17802	NEW-P	01-09-040	478-116-010	AMD-P	01-08-074
420- 12-040	NEW	01-04-052	458- 20-228	AMD	01-05-022	478-116-040	REP-P	01-08-074
420- 12-050	NEW	01-04-052	458- 20-22802	AMD-P	01-03-105	478-116-046	REP-P	01-08-074
420- 12-060	NEW	01-04-052	458- 20-22802	AMD	01-07-017	478-116-051	AMD-P	01-08-074
420- 12-070	NEW	01-04-052	458- 20-240	PREP	01-08-060	478-116-101	AMD-P	01-08-074
420- 12-075	NEW	01-04-052	458- 20-240	AMD-P	01-13-004	478-116-111	AMD-P	01-08-074
420- 12-080	NEW	01-04-052	458- 20-24001	AMD-P	01-08-034	478-116-114	AMD-P	01-08-074
420- 12-085	NEW	01-04-052	458- 20-24001	AMD	01-12-041	478-116-121	AMD-P	01-08-074
420- 12-090	NEW	01-04-052	458- 20-24001A	NEW-P	01-08-034	478-116-145	AMD-P	01-08-074
434-260-220	AMD-P	01-06-023	458- 20-24001A	NEW	01-12-041	478-116-151	AMD-P	01-08-074
434-260-220	AMD	01-11-111	458- 20-247	AMD-P	01-04-048	478-116-163	AMD-P	01-08-074
434-260-225	AMD-P	01-06-023	458- 20-247	AMD	01-08-003	478-116-201	AMD-P	01-08-074
434-260-225	AMD	01-11-111	458- 20-259	REP-XR	01-09-036	478-116-211	AMD-P	01-08-074
434-260-300	AMD-P	01-06-023	458- 20-260	AMD-P	01-13-005	478-116-245	AMD-P	01-08-074
434-260-300	AMD	01-11-111	458- 30-255	REP-XR	01-11-028	478-116-255	AMD-P	01-08-074
434-260-305	AMD-P	01-06-023	458- 40-660	PREP	01-06-034	478-116-291	AMD-P	01-08-074
434-260-305	AMD	01-11-111	458- 40-660	AMD-P	01-10-080	478-116-301	AMD-P	01-08-074
434-260-307	NEW-P	01-06-023	458- 40-660	AMD	01-13-105	478-116-311	AMD-P	01-08-074
434-260-307	NEW	01-11-111	460- 24A-020	NEW-P	01-12-090	478-116-411	AMD-P	01-08-074
434-260-309	NEW-P	01-06-023	460- 24A-047	NEW-P	01-12-090	478-116-605	AMD-P	01-08-074
434-260-309	NEW	01-11-111	460- 24A-050	AMD-P	01-12-090	478-136-030	AMD-P	01-06-009
434-381-010	REP-E	01-11-089	460- 24A-055	AMD-P	01-12-090	478-136-030	AMD	01-11-135
434-381-020	REP-E	01-11-089	460- 24A-057	NEW-P	01-12-090	478-156-014	REP-XR	01-07-064
434-381-030	REP-E	01-11-089	460- 24A-058	NEW-P	01-12-090	478-250-050	AMD-P	01-07-014
434-381-040	REP-E	01-11-089	460- 24A-060	AMD-P	01-12-090	478-250-050	AMD	01-11-136
434-381-050	REP-E	01-11-089	460- 24A-070	NEW-P	01-12-090	478-250-070	AMD-P	01-07-014
434-381-060	REP-E	01-11-089	460- 24A-080	NEW-P	01-12-090	478-250-070	AMD	01-11-136
434-381-070	REP-E	01-11-089	460- 24A-105	AMD-P	01-12-090	478-276-020	AMD-P	01-07-014
434-381-080	REP-E	01-11-089	460- 24A-145	AMD-P	01-12-090	478-276-020	AMD	01-11-136
434-381-090	REP-E	01-11-089	460- 24A-170	AMD-P	01-12-090	478-276-060	AMD-P	01-07-014
434-381-100	REP-E	01-11-089	460- 24A-200	AMD-P	01-12-090	478-276-060	AMD	01-11-136
434-381-110	NEW-E	01-11-089	460- 24A-205	AMD-P	01-12-090	478-276-070	AMD-P	01-07-014
434-381-120	NEW-E	01-11-089	460- 24A-210	AMD-P	01-12-090	478-276-070	AMD	01-11-136
434-381-130	NEW-E	01-11-089	460- 33A	PREP	01-12-012	478-276-080	AMD-P	01-07-014
434-381-140	NEW-E	01-11-089	463- 06	PREP	01-13-084	478-276-080	AMD	01-11-136
434-381-150	NEW-E	01-11-089	463- 10	PREP	01-13-084	478-276-100	AMD-P	01-07-014
434-381-160	NEW-E	01-11-089	463- 14	PREP	01-13-084	478-276-100	AMD	01-11-136
434-381-170	NEW-E	01-11-089	463- 18	PREP	01-13-084	478-276-120	AMD-P	01-07-014
434-381-180	NEW-E	01-11-089	463- 22	PREP	01-13-084	478-276-120	AMD	01-11-136
434-381-190	NEW-E	01-11-089	463- 26	PREP	01-13-084	478-276-140	AMD-P	01-07-014
446- 16-030	PREP	01-10-003	463- 28	PREP	01-13-084	478-276-140	AMD	01-11-136
446- 16-030	AMD-P	01-13-052	463- 30	PREP	01-13-084	478-355-010	AMD-P	01-03-122
448- 13	PREP	01-08-049	463- 34	PREP	01-13-084	478-355-010	AMD	01-08-007
448- 13-035	NEW-E	01-10-007	463- 36	PREP	01-13-084	478-355-030	AMD-P	01-03-122
448- 13-035	NEW-P	01-11-134	463- 38	PREP	01-13-084	478-355-030	AMD	01-08-007
448- 13-040	AMD-E	01-10-007	463- 39	PREP	01-13-084	478-355-040	AMD-P	01-03-122
448- 13-040	AMD-P	01-11-134	463- 40	PREP	01-13-084	478-355-040	AMD	01-08-007
448- 13-056	NEW-P	01-11-134	463- 42	PREP	01-13-084	479- 05-240	AMD-P	01-13-126
448- 13-060	AMD-P	01-11-134	463- 43	PREP	01-13-084	480- 09	PREP	01-12-053
448- 13-225	NEW-P	01-11-134	463- 47	PREP	01-13-084	480- 14	PREP	01-13-125
458- 12-015	REP-XR	01-07-094	463- 50	PREP	01-13-084	480- 15	PREP	01-13-125
458- 12-015	REP	01-11-029	463- 54	PREP	01-13-084	480- 30	PREP	01-13-125
458- 12-020	REP-XR	01-07-094	463- 58	PREP	01-13-084	480- 31	PREP	01-13-125
458- 12-020	REP	01-11-029	468-300-010	AMD-P	01-04-078	480- 40	PREP	01-13-125
458- 12-085	REP-XR	01-07-094	468-300-010	AMD	01-11-010	480- 62-010	REP	01-04-026
458- 12-085	REP	01-11-029	468-300-020	AMD-P	01-04-078	480- 62-020	REP	01-04-026
458- 20-13501	NEW-P	01-09-035	468-300-020	AMD	01-11-010	480- 62-030	REP	01-04-026

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480- 62-040	REP	01-04-026	480- 70-080	REP	01-08-012	480- 70-276	NEW	01-08-012
480- 62-050	REP	01-04-026	480- 70-081	NEW	01-08-012	480- 70-280	REP	01-08-012
480- 62-060	REP	01-04-026	480- 70-086	NEW	01-08-012	480- 70-281	NEW	01-08-012
480- 62-070	REP	01-04-026	480- 70-090	REP	01-08-012	480- 70-286	NEW	01-08-012
480- 62-080	REP	01-04-026	480- 70-091	NEW	01-08-012	480- 70-290	REP	01-08-012
480- 62-085	REP	01-04-026	480- 70-096	NEW	01-08-012	480- 70-291	NEW	01-08-012
480- 62-090	REP	01-04-026	480- 70-100	REP	01-08-012	480- 70-296	NEW	01-08-012
480- 62-100	REP	01-04-026	480- 70-101	NEW	01-08-012	480- 70-300	REP	01-08-012
480- 62-120	REP	01-04-026	480- 70-106	NEW	01-08-012	480- 70-301	NEW	01-08-012
480- 62-125	NEW	01-04-026	480- 70-110	REP	01-08-012	480- 70-306	NEW	01-08-012
480- 62-130	NEW	01-04-026	480- 70-111	NEW	01-08-012	480- 70-310	REP	01-08-012
480- 62-135	NEW	01-04-026	480- 70-116	NEW	01-08-012	480- 70-311	NEW	01-08-012
480- 62-140	NEW	01-04-026	480- 70-120	REP	01-08-012	480- 70-316	NEW	01-08-012
480- 62-145	NEW	01-04-026	480- 70-121	NEW	01-08-012	480- 70-320	REP	01-08-012
480- 62-150	NEW	01-04-026	480- 70-126	NEW	01-08-012	480- 70-321	NEW	01-08-012
480- 62-155	NEW	01-04-026	480- 70-130	REP	01-08-012	480- 70-325	REP	01-08-012
480- 62-160	NEW	01-04-026	480- 70-131	NEW	01-08-012	480- 70-326	NEW	01-08-012
480- 62-165	NEW	01-04-026	480- 70-136	NEW	01-08-012	480- 70-330	REP	01-08-012
480- 62-170	NEW	01-04-026	480- 70-140	REP	01-08-012	480- 70-331	NEW	01-08-012
480- 62-200	NEW	01-04-026	480- 70-141	NEW	01-08-012	480- 70-335	REP	01-08-012
480- 62-205	NEW	01-04-026	480- 70-146	NEW	01-08-012	480- 70-336	NEW	01-08-012
480- 62-210	NEW	01-04-026	480- 70-150	REP	01-08-012	480- 70-339	NEW	01-08-012
480- 62-215	NEW	01-04-026	480- 70-151	NEW	01-08-012	480- 70-340	REP	01-08-012
480- 62-220	NEW	01-04-026	480- 70-155	REP	01-08-012	480- 70-341	NEW	01-08-012
480- 62-225	NEW	01-04-026	480- 70-156	NEW	01-08-012	480- 70-346	NEW	01-08-012
480- 62-230	NEW	01-04-026	480- 70-160	REP	01-08-012	480- 70-350	REP	01-08-012
480- 62-235	NEW	01-04-026	480- 70-161	NEW	01-08-012	480- 70-351	NEW	01-08-012
480- 62-240	NEW	01-04-026	480- 70-166	NEW	01-08-012	480- 70-356	NEW-W	01-12-085
480- 62-245	NEW	01-04-026	480- 70-170	REP	01-08-012	480- 70-360	REP	01-08-012
480- 62-250	NEW	01-04-026	480- 70-171	NEW	01-08-012	480- 70-361	NEW	01-08-012
480- 62-300	NEW	01-04-026	480- 70-176	NEW	01-08-012	480- 70-366	NEW	01-08-012
480- 62-305	NEW	01-04-026	480- 70-180	REP	01-08-012	480- 70-370	REP	01-08-012
480- 62-310	NEW	01-04-026	480- 70-181	NEW	01-08-012	480- 70-371	NEW	01-08-012
480- 62-315	NEW	01-04-026	480- 70-186	NEW	01-08-012	480- 70-376	NEW	01-08-012
480- 62-320	NEW	01-04-026	480- 70-190	REP	01-08-012	480- 70-380	REP	01-08-012
480- 62-325	NEW	01-04-026	480- 70-191	NEW	01-08-012	480- 70-381	NEW	01-08-012
480- 62-999	NEW	01-04-026	480- 70-196	NEW	01-08-012	480- 70-386	NEW	01-08-012
480- 70	PREP	01-13-125	480- 70-200	REP	01-08-012	480- 70-390	REP	01-08-012
480- 70-001	NEW	01-08-012	480- 70-201	NEW	01-08-012	480- 70-391	NEW	01-08-012
480- 70-006	NEW	01-08-012	480- 70-206	NEW	01-08-012	480- 70-396	NEW	01-08-012
480- 70-010	REP	01-08-012	480- 70-210	REP	01-08-012	480- 70-400	REP	01-08-012
480- 70-011	NEW	01-08-012	480- 70-211	NEW	01-08-012	480- 70-401	NEW	01-08-012
480- 70-016	NEW	01-08-012	480- 70-216	NEW	01-08-012	480- 70-405	REP	01-08-012
480- 70-020	REP	01-08-012	480- 70-220	REP	01-08-012	480- 70-406	NEW	01-08-012
480- 70-021	NEW	01-08-012	480- 70-221	NEW	01-08-012	480- 70-410	REP	01-08-012
480- 70-026	NEW	01-08-012	480- 70-226	NEW	01-08-012	480- 70-411	NEW	01-08-012
480- 70-030	REP	01-08-012	480- 70-230	REP	01-08-012	480- 70-416	NEW	01-08-012
480- 70-031	NEW	01-08-012	480- 70-231	NEW	01-08-012	480- 70-420	REP	01-08-012
480- 70-036	NEW	01-08-012	480- 70-236	NEW	01-08-012	480- 70-421	NEW	01-08-012
480- 70-040	REP	01-08-012	480- 70-240	REP	01-08-012	480- 70-426	NEW	01-08-012
480- 70-041	NEW	01-08-012	480- 70-241	NEW	01-08-012	480- 70-430	REP	01-08-012
480- 70-046	NEW	01-08-012	480- 70-245	REP	01-08-012	480- 70-431	NEW	01-08-012
480- 70-050	REP	01-08-012	480- 70-246	NEW	01-08-012	480- 70-436	NEW	01-08-012
480- 70-051	NEW	01-08-012	480- 70-250	REP	01-08-012	480- 70-440	REP	01-08-012
480- 70-055	REP	01-08-012	480- 70-251	NEW	01-08-012	480- 70-441	NEW	01-08-012
480- 70-056	NEW	01-08-012	480- 70-256	NEW	01-08-012	480- 70-446	NEW	01-08-012
480- 70-060	REP	01-08-012	480- 70-260	REP	01-08-012	480- 70-451	NEW	01-08-012
480- 70-061	NEW	01-08-012	480- 70-261	NEW	01-08-012	480- 70-456	NEW	01-08-012
480- 70-066	NEW	01-08-012	480- 70-262	NEW	01-08-012	480- 70-461	NEW	01-08-012
480- 70-070	REP	01-08-012	480- 70-266	NEW	01-08-012	480- 70-466	NEW	01-08-012
480- 70-071	NEW	01-08-012	480- 70-270	REP	01-08-012	480- 70-471	NEW	01-08-012
480- 70-076	NEW	01-08-012	480- 70-271	NEW	01-08-012	480- 70-476	NEW	01-08-012

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480- 70-481	NEW	01-08-012	480- 90-028	NEW-P	01-02-084	480- 90-133	NEW-P	01-02-084
480- 70-486	NEW	01-08-012	480- 90-028	NEW	01-11-003	480- 90-133	NEW	01-11-003
480- 70-500	REP	01-08-012	480- 90-031	REP-P	01-02-084	480- 90-136	REP-P	01-02-084
480- 70-510	REP	01-08-012	480- 90-031	REP	01-11-003	480- 90-136	REP	01-11-003
480- 70-530	REP	01-08-012	480- 90-032	REP-P	01-02-084	480- 90-138	NEW-P	01-02-084
480- 70-540	REP	01-08-012	480- 90-032	REP	01-11-003	480- 90-138	NEW	01-11-003
480- 70-550	REP	01-08-012	480- 90-033	NEW-P	01-02-084	480- 90-141	REP-P	01-02-084
480- 70-560	REP	01-08-012	480- 90-033	NEW	01-11-003	480- 90-141	REP	01-11-003
480- 70-570	REP	01-08-012	480- 90-036	REP-P	01-02-084	480- 90-143	NEW-P	01-02-084
480- 70-700	REP	01-08-012	480- 90-036	REP	01-11-003	480- 90-143	NEW	01-11-003
480- 70-710	REP	01-08-012	480- 90-041	REP-P	01-02-084	480- 90-146	REP-P	01-02-084
480- 70-720	REP	01-08-012	480- 90-041	REP	01-11-003	480- 90-146	REP	01-11-003
480- 70-730	REP	01-08-012	480- 90-043	REP-P	01-02-084	480- 90-148	NEW-P	01-02-084
480- 70-740	REP	01-08-012	480- 90-043	REP	01-11-003	480- 90-148	NEW	01-11-003
480- 70-750	REP	01-08-012	480- 90-046	REP-P	01-02-084	480- 90-151	REP-P	01-02-084
480- 70-760	REP	01-08-012	480- 90-046	REP	01-11-003	480- 90-151	REP	01-11-003
480- 70-770	REP	01-08-012	480- 90-051	REP-P	01-02-084	480- 90-153	NEW-P	01-02-084
480- 70-780	REP	01-08-012	480- 90-051	REP	01-11-003	480- 90-153	NEW-S	01-11-148
480- 70-790	REP	01-08-012	480- 90-056	REP-P	01-02-084	480- 90-156	REP-P	01-02-084
480- 70-999	NEW	01-08-012	480- 90-056	REP-S	01-11-148	480- 90-156	REP	01-11-003
480- 75	PREP	01-13-125	480- 90-061	REP-P	01-02-102	480- 90-158	NEW-P	01-02-084
480- 75-005	AMD-E	01-13-044	480- 90-061	REP	01-09-002	480- 90-158	NEW	01-11-003
480- 75-240	NEW-E	01-13-045	480- 90-066	REP-P	01-02-084	480- 90-161	REP-P	01-02-084
480- 80	AMD	01-09-002	480- 90-066	REP	01-11-003	480- 90-161	REP	01-11-003
480- 80-010	AMD-P	01-02-102	480- 90-071	REP-P	01-02-084	480- 90-163	NEW-P	01-02-084
480- 80-010	AMD	01-09-002	480- 90-071	REP	01-11-003	480- 90-163	NEW	01-11-003
480- 80-035	NEW-P	01-02-102	480- 90-072	REP-P	01-02-084	480- 90-166	REP-P	01-02-084
480- 80-035	NEW	01-09-002	480- 90-072	REP	01-11-003	480- 90-166	REP	01-11-003
480- 80-047	REP-P	01-02-102	480- 90-076	REP-P	01-02-084	480- 90-168	NEW-P	01-02-084
480- 80-047	REP	01-09-002	480- 90-076	REP	01-11-003	480- 90-168	NEW	01-11-003
480- 80-048	REP-P	01-02-102	480- 90-081	REP-P	01-02-084	480- 90-171	REP-P	01-02-084
480- 80-048	REP	01-09-002	480- 90-081	REP	01-11-003	480- 90-171	REP	01-11-003
480- 80-049	REP-P	01-02-102	480- 90-086	REP-P	01-02-084	480- 90-173	NEW-P	01-02-084
480- 80-049	REP	01-09-002	480- 90-086	REP	01-11-003	480- 90-173	NEW	01-11-003
480- 80-120	REP-P	01-02-102	480- 90-091	REP-P	01-02-084	480- 90-176	REP-P	01-02-084
480- 80-120	REP	01-09-002	480- 90-091	REP	01-11-003	480- 90-176	REP	01-11-003
480- 80-325	NEW-P	01-02-102	480- 90-096	REP-P	01-02-084	480- 90-178	NEW-P	01-02-084
480- 80-325	NEW	01-09-002	480- 90-096	REP	01-11-003	480- 90-178	NEW	01-11-003
480- 80-326	NEW-P	01-02-102	480- 90-101	REP-P	01-02-084	480- 90-181	REP-P	01-02-084
480- 80-326	NEW	01-09-002	480- 90-101	REP	01-11-003	480- 90-181	REP	01-11-003
480- 80-390	REP-P	01-02-102	480- 90-103	NEW-P	01-02-084	480- 90-183	NEW-P	01-02-084
480- 80-390	REP	01-09-002	480- 90-103	NEW	01-11-003	480- 90-183	NEW	01-11-003
480- 90-001	NEW-P	01-02-084	480- 90-106	REP-P	01-02-084	480- 90-188	NEW-P	01-02-084
480- 90-001	NEW	01-11-003	480- 90-106	REP	01-11-003	480- 90-188	NEW	01-11-003
480- 90-003	NEW-P	01-02-084	480- 90-108	NEW-P	01-02-084	480- 90-191	REP-P	01-02-084
480- 90-003	NEW	01-11-003	480- 90-108	NEW	01-11-003	480- 90-191	REP	01-11-003
480- 90-008	NEW-P	01-02-084	480- 90-113	NEW-P	01-02-084	480- 90-193	NEW-P	01-02-102
480- 90-008	NEW	01-11-003	480- 90-113	NEW	01-11-003	480- 90-193	NEW	01-09-002
480- 90-011	REP-P	01-02-084	480- 90-116	REP-P	01-02-084	480- 90-203	NEW-P	01-02-084
480- 90-011	REP	01-11-003	480- 90-116	REP	01-11-003	480- 90-203	NEW	01-11-003
480- 90-013	NEW-P	01-02-084	480- 90-116	REP-S	01-11-148	480- 90-208	NEW-P	01-02-084
480- 90-013	NEW	01-11-003	480- 90-118	NEW-P	01-02-084	480- 90-208	NEW	01-11-003
480- 90-016	REP-P	01-02-084	480- 90-118	NEW	01-11-003	480- 90-211	REP-P	01-02-084
480- 90-016	REP	01-11-003	480- 90-121	REP-P	01-02-084	480- 90-211	REP	01-11-003
480- 90-018	NEW-P	01-02-084	480- 90-123	NEW-P	01-02-084	480- 90-213	NEW-P	01-02-084
480- 90-018	NEW	01-11-003	480- 90-123	NEW-S	01-11-148	480- 90-213	NEW	01-11-003
480- 90-021	REP-P	01-02-084	480- 90-126	REP-P	01-02-084	480- 90-218	NEW-P	01-02-084
480- 90-021	REP	01-11-003	480- 90-126	REP	01-11-003	480- 90-218	NEW	01-11-003
480- 90-023	NEW-P	01-02-084	480- 90-128	NEW-P	01-02-084	480- 90-223	NEW-P	01-02-084
480- 90-023	NEW	01-11-003	480- 90-128	NEW	01-11-003	480- 90-223	NEW	01-11-003
480- 90-026	REP-P	01-02-084	480- 90-131	REP-P	01-02-084	480- 90-228	NEW-P	01-02-084
480- 90-026	REP	01-11-003	480- 90-131	REP	01-11-003	480- 90-228	NEW	01-11-003

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480-90-233	NEW	01-11-003	480-100-046	REP-P	01-02-083	480-100-151	REP-P	01-02-083
480-90-238	NEW-P	01-02-084	480-100-046	REP	01-11-004	480-100-151	REP	01-11-004
480-90-238	NEW	01-11-003	480-100-051	REP-P	01-02-083	480-100-153	NEW-P	01-02-083
480-90-303	NEW-P	01-02-084	480-100-051	REP	01-11-004	480-100-153	NEW-S	01-11-147
480-90-303	NEW	01-11-003	480-100-056	REP-P	01-02-083	480-100-156	REP-P	01-02-083
480-90-308	NEW-P	01-02-084	480-100-056	REP-S	01-11-147	480-100-156	REP	01-11-004
480-90-308	NEW	01-11-003	480-100-061	REP-P	01-02-102	480-100-161	REP-P	01-02-083
480-90-313	NEW-P	01-02-084	480-100-061	REP	01-09-002	480-100-161	REP	01-11-004
480-90-313	NEW	01-11-003	480-100-066	REP-P	01-02-083	480-100-163	NEW-P	01-02-083
480-90-323	NEW-P	01-02-084	480-100-066	REP	01-11-004	480-100-163	NEW	01-11-004
480-90-323	NEW	01-11-003	480-100-071	REP-P	01-02-083	480-100-166	REP-P	01-02-083
480-90-328	NEW-P	01-02-084	480-100-071	REP	01-11-004	480-100-166	REP	01-11-004
480-90-328	NEW	01-11-003	480-100-072	REP-P	01-02-083	480-100-168	NEW-P	01-02-083
480-90-333	NEW-P	01-02-084	480-100-072	REP	01-11-004	480-100-168	NEW	01-11-004
480-90-333	NEW	01-11-003	480-100-076	REP-P	01-02-083	480-100-171	REP-P	01-02-083
480-90-338	NEW-P	01-02-084	480-100-076	REP	01-11-004	480-100-171	REP	01-11-004
480-90-338	NEW	01-11-003	480-100-081	REP-P	01-02-083	480-100-173	NEW-P	01-02-083
480-90-343	NEW-P	01-02-084	480-100-081	REP	01-11-004	480-100-173	NEW	01-11-004
480-90-343	NEW	01-11-003	480-100-086	REP-P	01-02-083	480-100-176	REP-P	01-02-083
480-90-348	NEW-P	01-02-084	480-100-086	REP	01-11-004	480-100-176	REP	01-11-004
480-90-348	NEW	01-11-003	480-100-091	REP-P	01-02-083	480-100-178	NEW-P	01-02-083
480-90-353	NEW-P	01-02-084	480-100-091	REP	01-11-004	480-100-178	NEW	01-11-004
480-90-353	NEW	01-11-003	480-100-096	REP-P	01-02-083	480-100-181	REP-P	01-02-083
480-90-999	NEW-P	01-02-084	480-100-096	REP	01-11-004	480-100-181	REP	01-11-004
480-90-999	NEW	01-11-003	480-100-101	REP-P	01-02-083	480-100-183	NEW-P	01-02-083
480-93	PREP	01-13-125	480-100-101	REP	01-11-004	480-100-183	NEW	01-11-004
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480-93-240	NEW-E	01-13-045	480-100-103	NEW	01-11-004	480-100-186	REP	01-11-004
480-100-001	NEW-P	01-02-083	480-100-108	NEW-P	01-02-083	480-100-188	NEW-P	01-02-083
480-100-001	NEW	01-11-004	480-100-108	NEW	01-11-004	480-100-188	NEW	01-11-004
480-100-003	NEW-P	01-02-083	480-100-111	REP-P	01-02-083	480-100-191	REP-P	01-02-083
480-100-003	NEW	01-11-004	480-100-111	REP	01-11-004	480-100-191	REP	01-11-004
480-100-008	NEW-P	01-02-083	480-100-113	NEW-P	01-02-083	480-100-193	NEW-P	01-02-102
480-100-008	NEW	01-11-004	480-100-113	NEW	01-11-004	480-100-193	NEW	01-09-002
480-100-011	REP-P	01-02-083	480-100-116	REP-P	01-02-083	480-100-201	REP-P	01-02-083
480-100-011	REP	01-11-004	480-100-116	REP-S	01-11-147	480-100-201	REP	01-11-004
480-100-013	NEW-P	01-02-083	480-100-118	NEW-P	01-02-083	480-100-203	NEW-P	01-02-083
480-100-013	NEW	01-11-004	480-100-118	NEW	01-11-004	480-100-203	NEW	01-11-004
480-100-016	REP-P	01-02-083	480-100-121	REP-P	01-02-083	480-100-206	REP-P	01-02-083
480-100-016	REP	01-11-004	480-100-121	REP	01-11-004	480-100-206	REP	01-11-004
480-100-018	NEW-P	01-02-083	480-100-123	NEW-P	01-02-083	480-100-208	NEW-P	01-02-083
480-100-018	NEW	01-11-004	480-100-123	NEW-S	01-11-147	480-100-208	NEW	01-11-004
480-100-021	REP-P	01-02-083	480-100-126	REP-P	01-02-083	480-100-211	REP-P	01-02-083
480-100-021	REP	01-11-004	480-100-126	REP	01-11-004	480-100-211	REP	01-11-004
480-100-023	NEW-P	01-02-083	480-100-128	NEW-P	01-02-083	480-100-213	NEW-P	01-02-083
480-100-023	NEW	01-11-004	480-100-128	NEW	01-11-004	480-100-213	NEW	01-11-004
480-100-026	REP-P	01-02-083	480-100-131	REP-P	01-02-083	480-100-218	NEW-P	01-02-083
480-100-026	REP	01-11-004	480-100-131	REP	01-11-004	480-100-218	NEW	01-11-004
480-100-028	NEW-P	01-02-083	480-100-133	NEW-P	01-02-083	480-100-223	NEW-P	01-02-083
480-100-028	NEW	01-11-004	480-100-133	NEW	01-11-004	480-100-223	NEW	01-11-004
480-100-031	REP-P	01-02-083	480-100-136	REP-P	01-02-083	480-100-228	NEW-P	01-02-083
480-100-031	REP	01-11-004	480-100-136	REP	01-11-004	480-100-228	NEW	01-11-004
480-100-032	REP-P	01-02-083	480-100-138	NEW-P	01-02-083	480-100-233	NEW-P	01-02-083
480-100-032	REP	01-11-004	480-100-138	NEW	01-11-004	480-100-238	NEW	01-11-004
480-100-033	NEW-P	01-02-083	480-100-141	REP-P	01-02-083	480-100-251	REP-P	01-02-083
480-100-033	NEW	01-11-004	480-100-141	REP	01-11-004	480-100-251	REP	01-11-004
480-100-036	REP-P	01-02-083	480-100-143	NEW-P	01-02-083	480-100-308	NEW-P	01-02-083
480-100-036	REP	01-11-004	480-100-143	NEW	01-11-004	480-100-308	NEW	01-11-004
480-100-041	REP-P	01-02-083	480-100-146	REP-P	01-02-083	480-100-311	REP-P	01-02-083
480-100-041	REP	01-11-004	480-100-146	REP	01-11-004	480-100-311	REP	01-11-004
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480-100-318	NEW	01-11-004	480-120-531	NEW-P	01-03-100			
480-100-328	NEW-P	01-02-083	480-120-541	NEW-P	01-02-102			
480-100-328	NEW	01-11-004	480-120-541	NEW	01-09-002			
480-100-333	NEW-P	01-02-083	480-120-542	NEW-P	01-02-102			
480-100-333	NEW	01-11-004	480-120-542	NEW	01-09-002			
480-100-338	NEW-P	01-02-083	480-120-543	NEW-P	01-02-102			
480-100-338	NEW	01-11-004	480-120-543	NEW	01-09-002			
480-100-343	NEW-P	01-02-083	480-120-544	NEW-P	01-02-102			
480-100-343	NEW	01-11-004	480-120-544	NEW	01-09-002			
480-100-353	NEW-P	01-02-083	480-120-545	NEW-P	01-03-100			
480-100-353	NEW	01-11-004	480-121-061	NEW-P	01-02-102			
480-100-358	NEW-P	01-02-083	480-121-061	NEW	01-09-002			
480-100-358	NEW	01-11-004	480-121-062	NEW-P	01-02-102			
480-100-363	NEW-P	01-02-083	480-121-062	NEW	01-09-002			
480-100-363	NEW	01-11-004	480-121-063	NEW-P	01-02-102			
480-100-368	NEW-P	01-02-083	480-121-063	NEW	01-09-002			
480-100-368	NEW	01-11-004	480-121-064	NEW-P	01-02-102			
480-100-373	NEW-P	01-02-083	480-121-064	NEW	01-09-002			
480-100-373	NEW	01-11-004	504- 15-650	AMD-P	01-08-085			
480-100-378	NEW-P	01-02-083	504- 15-650	AMD	01-13-102			
480-100-378	NEW	01-11-004	504- 21	PREP	01-10-028			
480-100-383	NEW-P	01-02-083	504- 50-010	NEW-P	01-08-084			
480-100-383	NEW	01-11-004	504- 50-010	NEW	01-13-103			
480-100-388	NEW-P	01-04-081	504- 50-020	NEW-P	01-08-084			
480-100-388	NEW	01-08-009	504- 50-020	NEW	01-13-103			
480-100-393	NEW-P	01-04-081	504- 50-030	NEW-P	01-08-084			
480-100-393	NEW	01-08-009	504- 50-030	NEW	01-13-103			
480-100-398	NEW-P	01-04-081	504- 50-040	NEW-P	01-08-084			
480-100-398	NEW	01-08-009	504- 50-040	NEW	01-13-103			
480-100-999	NEW-P	01-02-083	504- 50-050	NEW-P	01-08-084			
480-100-999	NEW	01-11-004	504- 50-050	NEW	01-13-103			
480-120-011	AMD-P	01-03-100	504- 50-060	NEW-P	01-08-084			
480-120-015	NEW-P	01-03-100	504- 50-060	NEW	01-13-103			
480-120-016	AMD-P	01-03-100	504- 50-070	NEW-P	01-08-084			
480-120-022	REP-P	01-02-102	504- 50-070	NEW	01-13-103			
480-120-022	REP	01-09-002	504- 50-080	NEW-P	01-08-084			
480-120-023	REP-P	01-02-102	504- 50-080	NEW	01-13-103			
480-120-023	REP	01-09-002	516- 12	PREP	01-11-115			
480-120-024	REP-P	01-02-102	516- 13	PREP	01-11-115			
480-120-024	REP	01-09-002	516- 14	PREP	01-11-115			
480-120-025	REP-P	01-02-102	516- 15	PREP	01-13-067			
480-120-025	REP	01-09-002	516- 24-001	AMD-P	01-05-086			
480-120-026	AMD-P	01-03-100	516- 24-001	AMD	01-09-052			
480-120-027	REP-P	01-02-102	516- 24-050	REP-P	01-05-086			
480-120-027	REP	01-09-002	516- 24-050	REP	01-09-052			
480-120-028	NEW-P	01-03-100	516- 24-060	REP-P	01-05-086			
480-120-029	NEW-P	01-03-100	516- 24-060	REP	01-09-052			
480-120-032	AMD-P	01-03-100	516- 24-110	AMD-P	01-05-086			
480-120-033	AMD-P	01-03-100	516- 24-110	AMD	01-09-052			
480-120-036	REP-P	01-03-100	516- 24-115	REP-P	01-05-086			
480-120-043	NEW-P	01-02-102	516- 24-115	REP	01-09-052			
480-120-043	NEW	01-09-002	516- 24-130	AMD-P	01-05-086			
480-120-049	NEW-P	01-03-100	516- 24-130	AMD	01-09-052			
480-120-066	REP-P	01-02-102	516- 25-001	NEW-P	01-05-086			
480-120-066	REP	01-09-002	516- 25-001	NEW	01-09-052			
480-120-076	REP-P	01-03-100	516- 60-001	REP-W	01-08-031			
480-120-083	NEW-E	01-11-048	516- 60-002	REP-W	01-08-031			
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