

Washington State Register

May 15, 2002

OLYMPIA, WASHINGTON

ISSUE 02-10



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of May 2002 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$210.60 per year, sales tax included, postpaid to points in the United States. Periodical postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
P.O. Box 40552
Olympia, WA 98504-0552

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

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Chair, Statute Law Committee

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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) **PROPOSED**—includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**—includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (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 5, 01	Jul 25, 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 5, 01	Jul 18, 01	Aug 1, 01	Aug 21, 01	N/A
01 - 16	Jul 5, 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
02 - 01	Nov 21, 01	Dec 5, 01	Dec 19, 01	Jan 2, 02	Jan 22, 02	Feb 20, 02
02 - 02	Dec 5, 01	Dec 19, 01	Jan 2, 02	Jan 16, 02	Feb 5, 02	Mar 5, 02
02 - 03	Dec 26, 01	Jan 9, 02	Jan 23, 02	Feb 6, 02	Feb 26, 02	Mar 26, 02
02 - 04	Jan 9, 02	Jan 23, 02	Feb 6, 02	Feb 20, 02	Mar 12, 02	Apr 9, 02
02 - 05	Jan 23, 02	Feb 6, 02	Feb 20, 02	Mar 6, 02	Mar 26, 02	Apr 23, 02
02 - 06	Feb 6, 02	Feb 20, 02	Mar 6, 02	Mar 20, 02	Apr 9, 02	May 7, 02
02 - 07	Feb 20, 02	Mar 6, 02	Mar 20, 02	Apr 3, 02	Apr 23, 02	May 21, 02
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02 - 21	Sep 25, 02	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 26, 02	Dec 24, 02
02 - 22	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 10, 02	Jan 7, 03
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 RCW 1.12.040 and 34.05.353.

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;

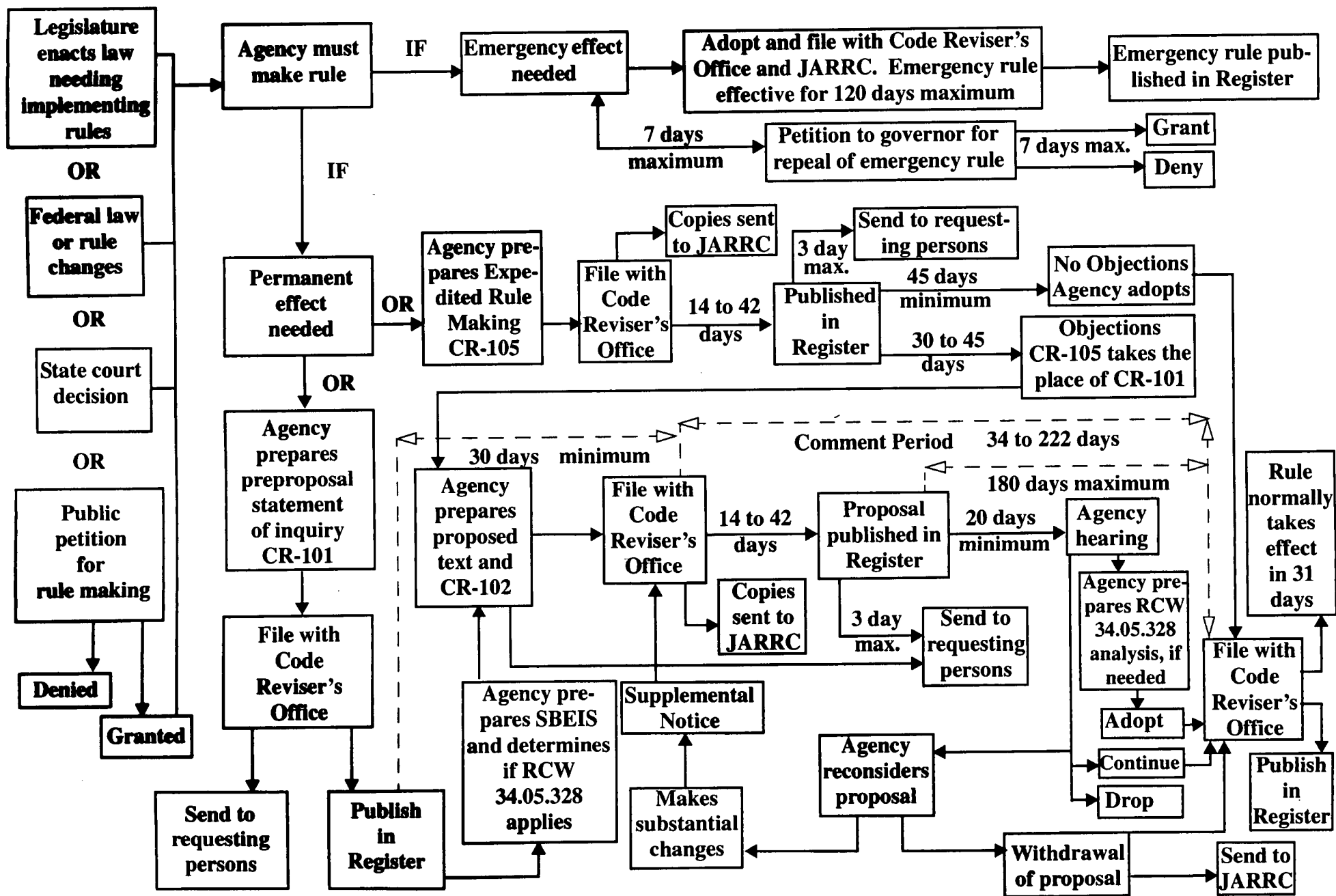
There is less than minor economic impact on business;

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



WSR 02-10-005
PREPROPOSAL STATEMENT OF INQUIRY
HIGHER EDUCATION
COORDINATING BOARD
 [Filed April 19, 2002, 2:57 p.m.]

Subject of Possible Rule Making: Institutional eligibility for participation in the state work study (SWS) program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.80.240, [28B.80].370, and 28B.12.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In March 2002, SSB 5166 changed the program provisions governing institutional eligibility in the state work study program. Revised rules are needed to reflect statutory changes to the "eligible institution" definition. The proposed revised rules will recognize as eligible those institutions accredited by any of the six regional accrediting associations. The institution must operate as a nonprofit college or university, have a record of delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and be eligible to administer federal financial aid.

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 Betty Gebhardt, Associate Director, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, e-mail bettyg@hecb.wa.gov, phone (360) 753-7852, fax (360) 704-6252.

April 19, 2002
 Betty Gebhardt
 Associate Director

WSR 02-10-008
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed April 19, 2002, 4:35 p.m.]

Subject of Possible Rule Making: Chapter 392-139 WAC, Finance—Levies—School district levy authority and local effort assistance for calendar year 2003 and thereafter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1), 84.52.0531(9), and EHB 3011 as passed by the 2002 legislature.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to repeal changes adopted in 2000 and effective for 2003 adjusting budgeted federal revenues in the levy base for the difference between budgeted and actual revenues in the prior year; implement 99% proration of local effort assistance in 2003 as provided in EHB 3011; and update revenues in the levy base for changes made in the 2001 and 2002 School District Accounting Manual.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Allen H. Jones, (360) 725-6300.

April 17, 2002
 Dr. Terry Bergeson
 Superintendent of
 Public Instruction

WSR 02-10-009
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed April 19, 2002, 4:37 p.m.]

Subject of Possible Rule Making: Chapter 392-121 WAC, Finance—General apportionment—State allocations for school district certificated instructional staff salaries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules implement SB 6823 as passed by the 2002 legislature. Effective for the 2002-03 school year, state allocated salaries for basic education and special education certificated instructional staff will be based on the average training and experience (mix factor) of all certificated instructional staff in the school district. Previously, allocations were based on the average mix factor of basic and special education staff only. Minor housekeeping changes correct section references and keep rules up-to-date.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360)

753-4201, TDD (360) 664-3631. For telephone assistance contact Ross Bunda, (360) 725-6308.

April 17, 2002
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 02-10-010

**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed April 19, 2002, 4:38 p.m.]

Subject of Possible Rule Making: Chapter 392-121 WAC, Finance—General apportionment—Limiting indirect cost charges to state vocational-secondary school programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules implement a new requirement in the state 2002 supplemental operating budget. Effective for the 2002-03 school year, indirect cost charges to state vocational programs are limited to 15% of the combined basic education and vocational enhancement allocations for vocational students. The effect of this change is to establish a minimum expenditure level for vocational programs. School districts that spend less than the minimum amount face potential recovery of state funding.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Allen H. Jones, (360) 725-6300.

April 17, 2002
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 02-10-011

**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed April 19, 2002, 4:39 p.m.]

Subject of Possible Rule Making: Chapter 392-122 WAC, Finance—Categorical apportionment—State funding

to school districts for the learning assistance program (LAP) for the 2002-03 school year.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1) and 28A.165.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules implement a change in state funding for the LAP program adopted in the 2002 supplemental operating budget (ESSB 6387). Effective for the 2002-03 school year, state funding is reduced by approximately 10% for most districts. A "hold-harmless" provision restores state funding for certain districts based on the percentage increase in federal Title I for the 2002-03 school year.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Allen H. Jones, (360) 725-6300.

April 17, 2002
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 02-10-019

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed April 22, 2002, 4:43 p.m.]

Subject of Possible Rule Making: Advanced hunter education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Advanced hunter education offers additional hunting opportunity to persons who are trained in marksmanship, the rules concerning hunting, and the ethics of hunting in more congested areas. This will additionally assist in damage control hunts, and allow harvest in areas where a harvestable game surplus exists but species identification confusion could create problems for less well trained hunters.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bjork, Enforcement Program

Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, (360) 902-2373. Contact by June 18, 2002, expected proposal filing date June 19, 2002.

April 22, 2002
Evan Jacoby
Rules Coordinator

WSR 02-10-027
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 24, 2002, 10:19 a.m.]

Subject of Possible Rule Making: Commercial fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The abundance of dogfish shark in Puget Sound is declining, and the commercial harvest needs to be reduced to meet the conservation needs of this species.

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 Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2651. Contact by June 18, 2002, expected proposal filing June 19, 2002.

April 24, 2002
Evan Jacoby
Rules Coordinator

WSR 02-10-035
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 24, 2002, 2:58 p.m.]

Subject of Possible Rule Making: Limitations on commercial and recreational groundfish landings into Washington ports.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Many of Washington's groundfish species are either under a rebuilding plan or managed under a conservation status and allowing landings from adjacent jurisdictions that provide more liberal fisheries than Washington's requirements for conservation needs is self defeating. This will provide for consistency of allowable landings into Washington ports with the management needs for those identified stocks.

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 Brian Culver, Montesano Regional Office, 48 Devonshire Road, Montesano, WA 98563, phone (360) 249-4628 ext. 205. Contact by June 14, 2002, expected filing date is June 19, 2002.

April 24, 2002
Evan Jacoby
Rules Coordinator

WSR 02-10-040
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed April 24, 2002, 4:25 p.m.]

Subject of Possible Rule Making: The elimination of state-funded medical assistance for children and families as directed by ESSB 6833 amending RCW 74.08A.100 and 74.09.415.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is required to implement legislation.

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 rule. Draft material and information about how to participate may be obtained from the department representative listed below. The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of the 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, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1330, e-mail scotsjk@dshs.wa.gov, fax (360) 586-0910, TDD 1-800-848-5429.

April 24, 2002
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-10-041
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed April 24, 2002, 4:26 p.m.]

Subject of Possible Rule Making: WAC 388-513-1350 Defining maximum amount of resources allowed and determining resources availability for LTC services and 388-513-1380 Determining a client's participation in the cost of care for long-term care (LTC) services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.575.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To increase the community spouse standards for long-term care programs to bring them up to the federal standards that became effective April 1, 2002.

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 rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Beth Ingram, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1327, e-mail ingramb@dshs.wa.gov, fax (360) 664-0910, TDD 1-800-848-5429.

April 24, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 02-10-045
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 25, 2002, 1:21 p.m.]

Subject of Possible Rule Making: WAC 180-82-105 Assignment of classroom teachers within districts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Editorial amendment to correct WAC reference.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Larry Davis at (360) 725-6024, or send written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631.

April 22, 2002

Larry Davis
 Executive Director

WSR 02-10-046
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 25, 2002, 1:22 p.m.]

Subject of Possible Rule Making: Amendments to rules governing the definition and use of clock hours for certification.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments would allow individuals serving on professional growth teams for the professional certificate to receive clock hours.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Larry Davis at (360) 725-6024, or send written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631.

April 22, 2002

Larry Davis
 Executive Director

WSR 02-10-047
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 25, 2002, 1:22 p.m.]

Subject of Possible Rule Making: Amendments to current rules regarding principal preparation and certification would provide a framework to implement a continuum of principal development focused on performance-based leadership standards.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments will establish performance-based leadership standards for principal preparation and professional development thus providing stronger leadership for schools and K-12 students.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Larry Davis at (360) 725-6024, or send written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631.

April 22, 2002

Larry Davis
Executive Director

WSR 02-10-048

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed April 25, 2002, 1:23 p.m.]

Subject of Possible Rule Making: WAC 180-77-041 Requirements for candidates seeking career and technical education certification on the basis of business and industry work experience.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This amendment clarifies that, because two programs have now been approved through which candidates can seek certification based on business and industry work experience, candidates must complete an approval program in order to obtain certification.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Larry Davis at (360) 725-6024, or send written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631.

April 22, 2002

Larry Davis
Executive Director

WSR 02-10-049

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed April 25, 2002, 1:25 p.m.]

Subject of Possible Rule Making: Chapter 180-20 WAC, School bus driver qualifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.160.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Larry Davis at (360) 725-6024, or send written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631.

April 22, 2002

Larry Davis
Executive Director

WSR 02-10-050

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed April 25, 2002, 1:26 p.m.]

Subject of Possible Rule Making: Chapter 180-79A WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Larry Davis at (360) 725-6024, or send written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O.

Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357,
TTY (360) 664-3631.

April 19, 2002

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 02-04-018,
filed 1/24/02, effective 2/24/02)

WAC 180-79A-150 General requirements—Teachers, administrators, educational staff associates. The following requirements are to be met by candidates for certification as teachers including career and technical education teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, educational staff associate's, or career and technical education certificate must give evidence of good moral character and personal fitness as specified in WAC 180-79A-155 and must complete a record check through the Washington state patrol criminal identification system and through the Federal Bureau of Investigation at the applicant's expense as required by RCW 28A.410.010; such record check shall include a fingerprint check using a Washington state patrol approved fingerprint card: Provided, That the superintendent of public instruction may waive the record check for an applicant who has had a record check within the two years prior to application.

(3) Degrees and course work. A candidate for certification shall hold appropriate degrees, licenses, and additional course work as prescribed in chapters 180-79A and 180-77 WAC or have qualified under WAC 180-79A-257.

(4)(a) Approved preparation program. Applicants for certification as teachers, administrators, school counselors, school psychologists and school social workers, except as otherwise provided in WAC 180-79A-257, and 180-79A-231, and in chapter 180-77 WAC, in order to be certified within the state of Washington shall have completed a state approved college/university preparation program in the professional field for which certification is to be issued.

(b) In addition, candidates for principal's certificates must hold or have held:

(i) A valid teacher's certificate, excluding certificates issued under WAC 180-79A-231, or comparable out-of-state certificates; or

(ii) A valid educational staff associate certificate and have demonstrated successful school-based experience in an instructional role with students. Persons whose teacher or educational staff associate certificates were revoked, suspended, or surrendered are not eligible for principal's certificates. Candidates for superintendent's certificates must hold a valid teacher, educational staff associate, program administrator, or principal certificate; excluding certificates issued under WAC 180-79A-231, or comparable out-of-state certificates.

**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed April 25, 2002, 1:26 p.m.]

Subject of Possible Rule Making: Chapter 180-37 WAC, Pupils—Nonpublic agencies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.155.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Larry Davis at (360) 725-6024, or send written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631.

April 19, 2002

Larry Davis
Executive Director

Chapter 180-37 WAC

PUPILS—NONPUBLIC AGENCIES

NEW SECTION

WAC 180-37-005 Purpose and authority. (1) The purpose of this chapter is to identify the process for providing services to special education students through contracts between school districts and nonpublic agencies.

(2) The authority for this chapter is RCW 28A.155.060.

NEW SECTION

WAC 180-37-010 Nonpublic agency approval procedure. (1) Nonpublic agencies shall be approved in accordance with the provisions of WAC 392-172-219 through 392-172-226, and comply with the application requirements set forth by the office of the superintendent of public instruction (OSPI) and available on the OSPI website.

(2) On a case-by-case basis, the state board of education may approve a nonpublic agency to provide services for fewer than one hundred eighty days if the rationale and evidence is compelling and the needs of the student, the student's parent(s) or legal guardian(s), and the school district would be best met for a period of fewer than one hundred eighty days.

WSR 02-10-054**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

[Filed April 25, 2002, 2:20 p.m.]

Subject of Possible Rule Making: Election review process and certification of election administrators.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29.60.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the timelines for issuance of various election review reports, update confusing language, and delete out of date provisions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will coordinate with the certification and training board on adopting these rules.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bill Huennekens, Policy Analyst, Office of the Secretary of State, P.O. Box 40229, Olympia, WA 98504-0229, phone (360) 902-4169, fax (360) 586-5629.

April 24, 2002

Steve Excell

Assistant Secretary of State

WSR 02-10-055**PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION**

[Docket No. A-020405—Filed April 25, 2002, 2:27 p.m.]

Subject of Possible Rule Making: This rule making would consider establishing a new standard for calculating the interest rate on customer deposits in chapter 480-70 WAC, Solid waste; chapter 480-90 WAC, Gas operations; chapter 480-100 WAC, Electric operations; and chapter 480-110 WAC, Water companies. In addition, this rule making would consider amendment of WAC 480-100-148 Service responsibility, to clarify current language that may unintentionally prevent electric utilities from suspending services for reasonable periods in order to repair meters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, and 81.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 1994, the commission began using the fifty-two week treasury bill rate to compute the interest rate payable on customer deposits. After February 2001, the fifty-two week treasury bill auctions were eliminated. The interest on deposit rules in the four chapters listed above should be reviewed to consider establishing a new standard for calculating the interest rate on customer deposits.

WAC 480-100-148 (2)(d), service responsibility should be reviewed to consider amending current language that may

unintentionally prevent electric utilities from suspending services for reasonable periods in order to repair meters.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Energy Regulatory Commission (FERC).

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150. For specific information regarding opportunities for written comment and to ensure receipt of further information concerning this rule making, please see below.

WRITTEN COMMENTS may be submitted to the commission at the address given above and should be filed with the commission no later than **May 22, 2002**.

Electronic copies. The commission also requests, but does not require, that comments be provided in electronic format to facilitate quotations from the comments, to enhance public access, and to reduce the need for additional paper copies. Please help us by sending an electronic copy with your paper filing on a 3-1/2 inch, IBM-formatted, high density disk, in .pdf Adobe Acrobat format, reflecting the pagination of your original. Also send us the text in your choice of .doc (Word 97 or later) or .wpd (WordPerfect 6.0 or later) and include all of the following information on the label of the diskette:

- The docket number of this proceeding (A-020405)
- The commenting party's name
- The title and date of the comment or comments; and
- The type of software used

Please use the three-letter extension noted above for all electronic files. You may also send your comments by electronic mail to the Commission's Records Center at records@wutc.wa.gov; if you choose this means of submitting comments, include all of the information requested above for the diskette label. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.wutc.wa.gov/020405>.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may: (1) Call the Commission's Records Center at (360) 664-1234; (2) e-mail the commission at records@wutc.wa.gov; or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission, please refer to Docket No. A-020405 to ensure that you are placed on the appropriate service list. Questions may be addressed to Sharyn Bate, (360) 664-1295 or e-mail at sbate@wutc.wa.gov.

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 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 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-020405, 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-020405, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the commission's Internet web site at http://www.wutc.wa.gov/. THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.

April 25, 2002
Carole J. Washburn
Secretary

WSR 02-10-056
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 25, 2002, 2:48 p.m.]

Subject of Possible Rule Making: Recreational fishing rules and marine protected area rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department needs to make housekeeping changes on marine protected area boundaries and clarify rules regarding sturgeon harvest.

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 Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. **Contact by June 18, 2002, expected proposal filing June 19, 2002.**

April 25, 2002
Evan Jacoby
Rules Coordinator

WSR 02-10-058

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed April 25, 2002, 4:16 p.m.]

Subject of Possible Rule Making: WAC 468-38-120 Transport of extra-legal manufactured housing, is being proposed for change to comply with new federal rule governing tire loadings on manufactured housing. The proposal will provide a rewrite to subsection (6) of the WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090 and 46.44.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The new federal rule eliminates tire overloading on new manufactured homes and provides some additional limitations on older manufactured housing. The changes will create a safer environment for the movement of manufactured housing. In addition, failure by the state to comply with the new rules could result in monetary penalties imposed by the Federal Highway Administration against the state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Patrol (WSP) has been consulted, reviewed the proposed changes and concurred with the process.

Process for Developing New Rule: Research of 43 C.F.R. 393 changes and adoption of federal language and/or intent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barry Diseth, Motor Carrier Services, WSDOT, P.O. Box 47367, Olympia, WA 98504-7367, e-mail disethb@wsdot.wa.gov, phone (360) 704-6340, fax (360) 704-6350.

April 25, 2002
John F. Conrad
Assistant Secretary
Engineering and Regional Operations

WSR 02-10-061
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 26, 2002, 11:55 a.m.]

Subject of Possible Rule Making: Vehicle use permits. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify what constitutes display of a fish and wildlife lands vehicle use permit as display relates to license plate numbers.

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.

PREPROPOSAL

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bjork, Enforcement Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091. **Contact by June 18, 2002, expected proposal filing June 19, 2002.**

April 26, 2002
Evan Jacoby
Rules Coordinator

WSR 02-10-066
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH

[Filed April 26, 2002, 12:40 p.m.]

Subject of Possible Rule Making: WAC 246-100-166 Immunization of child care and school children against certain vaccine-preventable diseases.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule does not allow conditional status for children who may not receive required immunizations in the event of a vaccine shortage. The rule needs to be changed to grant the state health officer the power to declare a shortage in vaccine so that schools and licensed day care facilities can allow children who are not fully immunized to attend school in early September or any other applicable time. The state health officer also needs to have the power to declare that the vaccine shortage is over so that schools and licensed day care facilities can then enforce the immunization requirements in a reasonable amount of time.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: RCW 28A.210.150 requires the superintendent of public instruction to "provide procedures for schools to quickly verify the immunization of records of students transferring from one school to another before immunization records are received." The State Board of Education, under chapter 180-38 WAC, sets procedural and substantive due process requirements governing the exclusion of students from public and private schools for failure to comply with immunization requirements. Department of Social and Health Services sets immunization requirements for children in licensed day care settings under WAC 388-150-220 Health supervision and infectious disease prevention. The board and department will work with these agencies to assure they are informed of any change in immunization requirements.

Process for Developing New Rule: Collaborative rule making. The Board of Health and Department of Health will work together and consult with interested parties to develop the proposed rule. In addition to working with the agencies identified in the previous section, the department and board will contact local health jurisdictions, schools, vaccine providers, the child care action council, child care resource and referral groups and other interested parties. The board and

department will invite all interested persons to comment on the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doreen Garcia, Senior Policy Advisor, Washington State Board of Health, P.O. Box 47990, Olympia, WA 98504-7990, phone (360) 236-4101, fax (360) 236-4088, e-mail doreen.garcia@doh.wa.gov, or Richelle Peterson, Clinical and Assessment Services Manager, Department of Health, P.O. Box 47843, Olympia, WA 98504-7843, phone (360) 236-3720, fax (360) 236-3590, e-mail richelle.peterson@doh.wa.gov.

April 26, 2002
Don Sloma
Executive Director

WSR 02-10-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed April 26, 2002, 3:47 p.m.]

Subject of Possible Rule Making: Division of Employment and Assistance Programs will amend all necessary sections of Title 388 WAC to implement changes that affect client's eligibility and benefit level for food stamps and the state-funded food assistance program for legal immigrants (FAP). This could include changes to rules in any of the following chapters: Change of circumstances requirements in chapter 388-418 WAC; Immigrant eligibility for food assistance in chapter 388-424 WAC; Employment and Training requirements in chapter 388-444 WAC; Income and deductions for food assistance in chapter 388-450 WAC; Standards in chapter 388-478 WAC; and any other sections necessary to implement the requirements of the food stamp program or FAP.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.500, 74.04.510, 74.08.090, H.R. 2646 - The Farm Security Act, Title 7 of the Code of Federal Regulations - Subchapter C, Food Stamp and Food Distribution Program (7 C.F.R. 271 - 283).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must adopt rules to be consistent with federal regulations for food stamps. The United States Congress is reauthorizing the food stamp program through the passage of the Farm Security Act of 2001. When the president signs this bill into law, the department must change rules for both the federal food stamp program and the state-funded assistance program for legal immigrants (FAP) to be consistent with new requirements and exercise state options related to the food stamp program. In addition, the department must implement the noncitizen eligibility provisions of the Personal Responsibility and Work Opportunity Reconciliation Act as adopted by Food and Nutrition Service (FNS) in 7 C.F.R. 273.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-

cies: The United States Department of Agriculture, FNS publishes federal regulations for the food stamp program in the Federal Register. Rules published in the federal register are incorporated into the U.S. Code of Federal Regulations. FNS also issues administrative notices to inform states of new program requirements that are not yet in the U.S. Code of Federal Regulations. DSHS incorporates these regulations and exercises state options by adopting administrative rules for food assistance benefits in Washington state.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making. A copy of the draft will be sent to everyone on the mailing list and to anyone 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 John Camp, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3232, fax (360) 413-3493, e-mail CAMPJX@DSHS.WA.GOV.

April 26, 2002
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 02-10-074
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed April 26, 2002, 3:50 p.m.]

Subject of Possible Rule Making: The DSHS Division of Employment and Assistance Programs will amend chapter 388-474 WAC to implement changes in eligibility for the state supplemental payment program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.05.055, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state legislature passed legislation that specifies changes to the categories of individuals eligible to receive state supplemental payments (SSP). Rules must be amended to reflect the new legislation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal government publishes regulations under Public Law 92-603 and the Social Security Act for states that must provide a state supplemental payment program. The Social Security Administration oversees state compliance with federal state supplementation rules.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. After the rules are drafted, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule

making. A copy of the draft will be sent to everyone on the mailing list and to anyone 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 Carole McRae, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3074, fax (360) 413-3493, e-mail MCRAECA@DSHS.WA.GOV.

April 26, 2002
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 02-10-075
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed April 26, 2002, 3:52 p.m.]

Subject of Possible Rule Making: WAC 388-475-1250 Healthcare for workers with disabilities (HWD)—Premium payments, is being amended to incorporate the following changes: (1) American Indians/Alaska Natives are exempt from payment of HWD premiums; and (2) HWD premium payment amounts shall not exceed 7.5% of the enrollee's total income.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.08.090, 74.09.500, 74.09.510 and 74.09.540, section 1902 (a)(10)(A)(ii) of the Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This adoption is necessary to comply with federal requirements regarding premium amounts to ensure continued federal financial participation and to reflect such policy contained in our Medicaid state plan.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: MAA will coordinate this effort with all other agencies, including but not limited to AASA, ESA, HRSA, and the Washington Department of Veterans Affairs. They will be furnished copies of all materials drafted during the process for their review, input, and comments, and will be invited to participate in meetings regarding the amendment of these rules. Whenever possible, announcements of opportunities to collaborate will be published in the Washington State Register and posted on agency Internet pages.

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 may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stephen Kozak, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360)

725-1321, e-mail kozaks@dshs.wa.gov, fax (360) 664-0910, TDD 1-800-848-5429.

April 25, 2002
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 02-10-079
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed April 29, 2002, 8:14 a.m.]

Subject of Possible Rule Making: Chapter 308-99 WAC, Vehicle reciprocity, to include but not limited to WAC 308-99-040.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

April 26, 2002
 D. McCurley, Administrator
 Title and Registration Services

WSR 02-10-084
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 29, 2002, 2:47 p.m.]

Subject of Possible Rule Making: Chapter 180-20 WAC, School bus driver qualifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.160.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and

consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

April 26, 2002
 Larry Davis
 Executive Director

WSR 02-10-094
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 29, 2002, 3:37 p.m.]

Subject of Possible Rule Making: Hunters with disabilities and designated hunter companion rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Technical rule changes are needed to clarify the scope of activity of the designated hunter companion, and provide internal consistency in the rules.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2504. **Contact by June 18, 2002, expected proposal filing June 19, 2002.**

April 29, 2002
 Evan Jacoby
 Rules Coordinator

WSR 02-10-095
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 29, 2002, 3:40 p.m.]

Subject of Possible Rule Making: Ballast water exchange reporting rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current method of ballast water exchange reporting relies on a contract that is

expiring. Rules will be needed to identify a different reporting mechanism if the contract is not renewed.

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 Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. **Contact by June 18, 2002, expected proposal filing June 19, 2002.**

April 29, 2002

Evan Jacoby
Rules Coordinator

WSR 02-10-096

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed April 29, 2002, 3:42 p.m.]

Subject of Possible Rule Making: Invasive aquatic species rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 281, Laws of 2002 and RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature has created an invasive aquatic species management plan that requires identification, classification and prohibition of release of species that may cause significant problems to native species. Rules are needed to begin the classification process.

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 Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. **Contact by June 18, 2002, expected proposal filing June 19, 2002.**

April 29, 2002

Evan Jacoby
Rules Coordinator

WSR 02-10-097

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed April 29, 2002, 3:46 p.m.]

Subject of Possible Rule Making: Personal use fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Some clam and oyster beaches need seasonal adjustment due to national security concerns and unanticipated winter kills.

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 Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. **Contact by June 18, 2002, expected proposal filing June 19, 2002.**

April 29, 2002

Evan Jacoby
Rules Coordinator

WSR 02-10-104

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed April 30, 2002, 10:52 a.m.]

Subject of Possible Rule Making: Limitations on commercial and recreational groundfish landings into Washington ports.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Many of Washington's groundfish species are either under a rebuilding plan or managed under a conservation status and allowing landings from adjacent jurisdictions that provide more liberal fisheries than Washington's requirements for conservation needs is self defeating. This will provide for consistency of allowable landings into Washington ports with the management needs for those identified stocks.

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 Brian Culver, Montesano Regional Office, 48 Devonshire Road, Montesano, WA 98563, phone (360) 249-4628, ext. 205. **Contact by June 14, 2002, expected filing date is June 19, 2002.**

April 30, 2002

Evan Jacoby
Rules Coordinator

WSR 02-10-105
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 30, 2002, 10:55 a.m.]

Subject of Possible Rule Making: Implementation of ESHB 2323 and other housekeeping measures dealing with fish ticket and catch documentation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047 and ESHB 2323.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of ESHB 2323 to provide direct retail license endorsement for salmon and crab fishing license holders who choose to sell their own catch to other than a wholesale license dealer. Also to modify existing rules in chapter 220-69 WAC for purpose of clarification, correction and integration.

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 Morris Barker, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826. Contact by June 14, 2002, expected filing date is June 19, 2002.

April 30, 2002

Evan Jacoby
Rules Coordinator

WSR 02-10-109
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 30, 2002, 1:34 p.m.]

Subject of Possible Rule Making: Deer, elk, and cougar seasons, permits, and damage; waterfowl seasons, regulations, decoys, official hunting hours and game reserves/closures; small game seasons and regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide recreational opportunity; damage control.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by June 12, 2002, rule proposal filing expected to be June 19, 2002.

April 30, 2002

Evan Jacoby
Rules Coordinator

WSR 02-10-110
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed April 30, 2002, 3:13 p.m.]

Subject of Possible Rule Making: Chapter 458-19 WAC.

AMENDATORY SECTIONS: WAC 458-19-005 Definitions, 458-19-010 Levy limit and levy rate calculations, 458-19-020 (~~One hundred six percent~~) Levy limit—Method of calculation. (~~RCW 84.55.010 and 84.55.092~~), 458-19-025 (~~One hundred six percent levy limit~~) Restoration of regular levy. (~~RCW 84.55.015~~), 458-19-030 (~~One hundred six percent~~) Levy limit—Consolidation of districts. (~~RCW 84.55.020~~), 458-19-035 (~~One hundred six percent~~) Levy limit—Annexation. (~~RCW 84.55.030 and 84.55.110~~), 458-19-040 (~~One hundred six percent~~) Levy limit—Newly formed taxing district. (~~RCW 84.55.035~~), 458-19-045 (~~One hundred six percent~~) Levy limit—Removal of limit (lid lift). (~~RCW 84.55.050~~), 458-19-050 Port district levies, 458-19-055 (~~One hundred six percent~~) Levy limit—Proration of earmarked funds, 458-19-060 Emergency medical service levy, 458-19-065 (~~One hundred six percent~~) Levy limit—Protection of future levy capacity, 458-19-070 Procedure to adjust consolidated levy rate for taxing districts when (~~limits~~) the statutory aggregate dollar rate limit is exceeded. (~~RCW 84.52.010 and 84.52.050~~), and 458-19-075 Constitutional one percent (~~levy~~) limit calculation, 458-19-080 City annexed by fire protection and/or library districts. (~~RCW 52.04.081 and 27.12.390~~), and 458-19-550 State levy—Apportionment between counties.

NEW SECTION: WAC 458-19-085 Refunds—Procedures—Applicable limits.

SECTION TO BE REPEALED: WAC 458-19-015 Assessor to determine one hundred six percent levy limit—Exceptions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.08.010, 84.08.070, 84.48.080, 84.55.060, and 84.52.0502.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are designed to assist the counties in the levy making process. They provide necessary information and instructions as to how the levy process is to be conducted at the local level. The chapter of rules is being revised at this time to clarify existing rules, to incorporate changes made to the various levy statutes since the rules were last adopted, and to incorporate the text of various initiatives that have been recently passed by the voters of this state.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to: Kim M. Qually, Counsel, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6113, fax (360) 664-0693, e-mail kimq@dor.wa.gov.

Location and Date of Public Meeting: June 10, 2002, at 10 a.m., Capital Plaza Building, 1025 Union Avenue S.E., 4th Floor Large Conference Room, Olympia, Washington.

Assistance for Persons with Disabilities: Contact Sandy Davis, no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 570-6175.

April 30, 2002

Alan R. Lynn, Rules Coordinator
Legislation and Policy Division

WSR 02-10-112

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed April 30, 2002, 4:33 p.m.]

Subject of Possible Rule Making: Chapter 388-805 WAC, Certification requirements for chemical dependency service providers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.96A.040 and [70.96A].090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of 42 C.F.R., Part 8, which created federal opioid treatment program (OTP) certification regulations effective May 18, 2001, and implementation of amendments of chapter 70.96A RCW, sections 400, 410, and 420, which changed state opiate substitution treatment program certification regulations effective July 22, 2001, require the Division of Alcohol and Substance Abuse (DASA) to make permanent amendments to all sections of chapter 388-805 WAC that regulate OTPs. DASA filed emergency rules with the Washington state code reviser regulating OTPs, which became effective March 11, 2002, for one hundred twenty days. DASA amended WAC 388-805-005, 388-805-030, 388-805-065, 388-805-145, 388-805-205, 388-805-300, 388-805-710, 388-805-720, 388-805-730, 388-805-740, and 388-805-750, and implementing new WAC 388-805-035 and 388-805-040. New language is proposed to define requirements for conducting court ordered chemical dependency assessments. A new requirement is proposed to require agencies to report critical incidents to DASA within 48 hours of the critical incident. Language is proposed to clarify the requirements for outcomes evaluation, outpatient treatment requirements for patients convicted of DUI or physical control pursuant to chapter 46.61 RCW and definitions of court ordered treatment in WAC 388-805-330. Language is proposed to revise fees collected by DASA for change of agency ownership applications. Language is proposed to revise ADATSA assessment center certification and requirements. Language is proposed to correct inaccurate WAC section citations and typographical errors. In addition, other sections of this chapter may be subject to review and amendment deemed appropriate as required by Governor Locke's Executive Order 97-02 on regulatory improvement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Center for Substance Abuse Treatment,

Substance Abuse and Mental Health Services Administration also regulates OTPs within Washington state. DASA coordinates rule making with the Washington State Department of Health (DOH), Chemical Dependency Professional Program, DOH Facilities and Services Licensing Division, Department of Licensing, and the Office of the Administrator for the Courts.

Process for Developing New Rule: The department welcomes the public to take part in developing these certification rules. Anyone interested in participating in reviewing and revising proposed WAC should contact the DASA staff member indicated below. At a later date, DASA will file proposed rules with the Washington State Code Reviser's Office, accept written comments and conduct a public hearing on the proposed rules. DASA will distribute the proposed rules to individuals on its mailing list and to anyone 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 Dennis W. Malmer, Certification Policy Manager, Division of Alcohol and Substance Abuse, P.O. Box 45331, Mailstop 45331, Olympia, WA 98504-5331, phone (360) 438-8086, fax (360) 407-5318, toll free phone (877) 301-4557, e-mail malmedw@dshs.wa.gov.

April 30, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-10-126

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Basic Health Plan)

[Order 02-01—Filed May 1, 2002, 10:07 a.m.]

Subject of Possible Rule Making: Revising basic health rules regarding eligibility based on income and other factors, to ensure that enrollment and subsidy levels are based on an accurate appraisal of the person's circumstances.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules need to be evaluated and possibly revised to ensure that they support the intent of the program.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Information regarding this rule making will be posted on the agency website <http://www.wa.gov/hca/laws.htm>, or you may contact Rosanne Reynolds, P.O. Box 42686,

Olympia, WA 98504-2686, fax (360) 412-4276, e-mail
Rrey107@hca.wa.gov.

May 1, 2002
Melodie H. Bankers
Rules Coordinator

WSR 02-10-130
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 1, 2002, 11:07 a.m.]

Subject of Possible Rule Making: Chapter 296-62 WAC, General occupational health standards.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Labor and Industries is proposing to clarify and amend requirements relating to material safety data sheet requirements for manufacturers, importers and distributors. We propose to rewrite and reorganize the rule for clarity, while eliminating unnecessary requirements, outdated terminology, and incorporate requirements to be at-least-as-effective-as OSHA.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly Rhoads, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5008, fax (360) 902-5529.

May 1, 2002
Gary Moore
Director

WSR 02-10-137
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed May 1, 2002, 11:34 a.m.]

Subject of Possible Rule Making: These rules will implement electronic online filing and digital image based storage processes for corporations, limited liability company, charitable organizations, etc., with the office of the secretary of state, corporations division. The rules implement chapters 74 and 297, Laws of 2002.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 297, Laws of 2002, sections 1, 6, 9, 16, 43, and 44. Chapter 74, Laws of 2002, sections 1, 3, 4, 5, 6, 15, 16, 17, and 20. RCW 43.07.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are needed to implement online electronic filing for corporations, limited liability companies, persons and firms registering under the Charitable Solicitation Act, and charitable trusts. The rules will also allow the corporations division to realize efficiencies through converting the divisions filing and record retention systems from a paper based process to digital images. This conversion will allow the division to make information more readily available to the public.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agencies regulate these processes. The corporations division is working with the Department of Licensing (DOL) to ensure that the systems designed under these rules will work with DOL and our other unified business identifier partner agencies.

The Internal Revenue Service governs reporting for certain charitable trusts. These entities must simultaneously file copies of completed IRS forms with the charities program in the corporations division.

Process for Developing New Rule: Agency study; and possible information meetings. It is possible that implementation of some provisions may require emergency rule adoption, while proceeding.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bill Kellington, Digital Signature and Policy Manager, Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504-40234, phone (360) 753-2524, fax (360) 664-8781, e-mail bkellington@secstate.wa.gov.

May 1, 2002
Sam Reed
Secretary of State

WSR 02-10-139
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed May 1, 2002, 11:51 a.m.]

Subject of Possible Rule Making: New WAC 388-543-1225 Provider requirements, possible other related rules in chapter 388-543 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is establishing a new section in chapter 388-543 WAC (WAC 388-543-1225) to establish in rule specific requirements for providers who furnish items under the department's durable medical equipment program. The new section includes documenta-

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tion requirements. These requirements are in addition to the general documentation requirements for providers that are listed in WAC 388-502-0020. The rules are necessary to ensure providers maintain adequate documentation of items supplied to clients; this will assist the department's utilization reviews, which contribute to the maintenance of fiscal responsibility.

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 the proposed WAC. Draft material and information about how to participate may be obtained by contacting the person listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ann Myers, Regulatory Improvement, Medical Assistance Administration, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1345, fax (360) 586-9727, e-mail myersea@dshs.wa.gov.

May 1, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-08-081
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed April 3, 2002, 10:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-09-027.

Title of Rule: Customer information rules, WAC 480-120-201 through 480-120-209 and WAC 480-120-211 through 480-120-216. The proposed rules would consider the use of information made available to telecommunications companies by customers solely by virtue of the customer-company relationship.

Purpose: The proposed rules would clarify the extent to which customer information may be used by telecommunications companies; establish notice requirements; establish operational requirements for customer approval mechanisms; establish requirements for confirmation of customer approval for the use of customer information; and limit the use, under some circumstances, of subscriber list information. The proposed rules would replace the current rules on this topic: WAC 480-120-144 and 480-120-151 through 480-120-154.

Other Identifying Information: Docket UT-990146, Customer privacy notification rules. This is the second CR-102 proposal in this docket. The first covered general rules and was adopted at WSR 01-15-022. Another proposal will be filed that will address remaining rules.

Statutory Authority for Adoption: RCW 80.01.040 and 80.04.160.

Summary: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Robert Shirley, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1292; **Implementation and Enforcement:** Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1174.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule concerns the use of customer information made available to telecommunications companies by customers solely by virtue of the customer-carrier relationship. Its purpose is to clarify the uses of the information and the approval, or lack of approval, that must be given by the customer to the company before the information is used.

The anticipated effect is to permit the use of call detail information (e.g., whom you call and when and where you call) only with affirmative approval of a customer (so-called "opt-in" approval). Other, less personal information (e.g., whether customer subscribes to one line or two) may be used by companies or entities under common control of or with a telecommunications company after annual notice and opportunity to "opt-out" (i.e., disapprove) the use of that less personal information. Customers will be in a position to control the use of certain very private information and some less private information, while companies will be in a position to

conduct the day-to-day operations of their business and use, with the approval of the customer, certain information that may be useful in marketing telecommunications-related services and other products and services.

The proposed rules would clarify permitted and not permitted uses of customer information that has been rendered uncertain by a decision of the 10th Circuit Court of Appeals and a revision of the FCC's rules on this topic. For example, a recent action by one company to use opt-out approval where current rules require opt-in approval resulted in substantial confusion among customers.

Proposal Changes the Following Existing Rules: The proposal would permit customers to opt-out of the use of certain private account information by their telecommunications company. Federal law, 47 U.S.C. § 222, requires customer approval before certain customer information may be used by a company for other than day-to-day operations. The proposed rules replace WAC 480-120-151 through 480-120-154, which did not permit customers to opt-out of certain uses under certain circumstances. Call detail information that once was permitted to be used without affirmative approval and without an opportunity to opt-out under some circumstances, will now require affirmative, opt-in approval before it can be used.

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

Small Business Economic Impact Statement

1. Introduction: In 1999, the Washington Utilities and Transportation Commission (commission) initiated a review of the rules in chapter 480-120 WAC regarding telecommunications companies. The commission initiated this review in Docket No. UT-990146 pursuant to Executive Order 97-02, which requires agencies to review existing rules for readability and content with attention being paid to clarity, intent, statutory authority, need, effectiveness, efficiency, coordination, cost, and fairness. The commission also undertook this review to ensure that its rules reflect and support an open, competitive industry structure, because both state and federal legal barriers to telecommunications competition were removed in the mid-1990s. The commission also conducted a general revision of the rules to analyze whether they provided the results that they were originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies. New rules were added to ensure clear communication of policies, processes, and procedures or to provide complete information important to regulated companies and the customers they serve.

Over the last three years, the commission has circulated multiple rounds of draft rules and held many workshops with stakeholders to discuss draft rule language, receive comments, and explore options. The commission's regulation of the telecommunications industry is economic regulation, and at every stage of the process, the economic impact of potential rule changes was an integral part of the commission's analysis. In addition, the commission on two occasions asked stakeholders to provide information on the economic impact of potential rule provisions for use in preparing a small business economic impact statement (SBEIS). An

SBEIS is intended to evaluate any disproportionate impacts of the rule making on small businesses.

2. Regulatory Fairness Act Requirements: Administrative rules implemented by state agencies can have a disproportionate impact on small businesses, compared to large business, simply because of the size of those businesses. This disproportionate impact may affect competition, innovation, employment, economic growth, and threaten the very existence of some small businesses. Thus, the Regulatory Fairness Act, chapter 19.85 RCW, was enacted with the intent of reducing any disproportionate impact of state administrative rules on small businesses.

The Regulatory Fairness Act requires agencies to prepare an SBEIS if the proposed rule will impose "more than minor costs on businesses in an industry." An agency must then compare the costs of compliance with the proposed rule for large and small businesses within an industry, and then consider how to mitigate any disproportionate impact on small businesses. A business is categorized as "small" under the Regulatory Fairness Act if the business employs fifty or fewer employees.

3. Background: Pursuant to chapter 19.85 RCW, staff determined that it was necessary to prepare an SBEIS for revisions to the rules in Docket No. UT-990146, as the proposed rules may impose more than minor costs on telecommunications companies operating in Washington state. However, almost all telecommunications companies operating in Washington state are not "small" businesses as defined by the Regulatory Fairness Act. Under the telecommunications laws, specifically RCW 80.04.350, a telecommunications company is considered to be "small" if it serves fewer than 2% of the state's access lines, i.e., fewer than about 80,000 access lines. Even a small telecommunications company typically has more than the fifty employees that define a "small business" under the Regulatory Fairness Act.

Because the commission engages in economic regulation of the telecommunications industry, the economic impact of its regulation is integrated directly into its decision process. The statutory objective of the agency is to ensure that telecommunications companies offer service at prices and terms that are fair, just, reasonable, and sufficient. These terms, taken together, have come to mean that the commission must provide regulated companies with a reasonable opportunity to earn a fair profit on their business. Rates for regulated services are based on costs and reasonable profit, so requirements that increase costs for the regulated company can ultimately lead to increased rates by that company. The ultimate impact of changes in regulations therefore falls on the customers of the regulated company more than on the regulated company itself.

Few telecommunications companies are small businesses, and the commission's regulations primarily take the form of economic regulation. As a result of these two factors, the principal impact of commission regulations on small business is indirect, through the rates that small businesses pay to large telecommunications companies. Small businesses are generally not affected directly by the commission's regulations. Rather, as customers of the telecommunications companies, small businesses are affected if the commission's rules cause a telecommunications company to change its

rates, offer different services, or change the quality of its services.

Because of this large indirect effect on small businesses as customers of regulated telecommunications companies, traditional mitigation approaches to minimize disproportionate impact on small businesses are frequently not meaningful.

4. Study Procedure: The commission considered the economic impact of potential changes to the telecommunications industry rules as an integral part of its review of the rules themselves. In each round of written and oral comments by stakeholders, economic factors were central to the public interest considerations being argued.

In addition, the commission specifically solicited input on economic impacts at two points during the rule review process. The commission circulated an SBEIS questionnaire in March 2001 on draft rules to require customer credits for service quality performance problems. The commission received responses from Qwest, Verizon, and WCI Cable, none of whom are small businesses. WCI Cable said the rules would have no economic impact. Verizon said that the draft rules would cause it to incur expenses of \$3.7 million to hire, train, and equip additional staff to improve service performance and cause it to incur lower revenues of \$4.5 million per year in the form of service quality credits. Qwest said the draft rule would result in lower revenues of \$1.5 million due to service quality credits. Qwest was unable to quantify the cost of some components of the draft rules and identified minor tariff revision and customer notification costs.

The commission modified the service performance rules in response to concerns raised by Verizon, Qwest, and other stakeholders. The proposed rules still require customer credits when customers receive inadequate service, but the standards better match the operating practices of the regulated companies. Even at the cost levels identified by Qwest and Verizon, however, the increased expenses and reduced revenues are well under 1% of the companies' revenues.

The commission issued a second SBEIS questionnaire in August 2001 soliciting input on the economic impact of all the rules being revised in chapter 480-120 WAC. The commission used an interactive survey form on its web site to make it easier for companies to submit cost data. Paper copies were accepted as well. The interactive SBEIS web site accepted submissions from August 24, 2001, through November 7, 2001, and again from February 14, 2002, through March 7, 2001 [2002]. The commission received a single response from a company that provides specialized E-911 services. The respondent said that the rules, as revised, would have no economic impact on its business.

It may be that companies did not respond either because they were not small businesses or because, under the cost-based methods used by the commission to set prices, any impact of the rules would not ultimately be borne by the company itself.

This SBEIS is based primarily on the commission's knowledge of the telecommunications industry and the policy-oriented comments of stakeholders in various workshops and written filings.

5. Conclusion: As the section-by-section analysis below shows, the economic impact of the proposed rule revisions is generally not significant for telecommunications companies

in general or for small business telecommunications companies in particular. The proposed revisions make the telecommunications rules clearer and more consistent, which makes it easier for companies to comply with the rules. Outdated and monopoly-oriented provisions are eliminated or modernized. Some rules will result in additional costs for companies, but these are not significant.

Section-by-Section Analysis of Economic Impact of Proposed Revisions
Chapter 480-120 WAC - Telecommunications Operations

PART I. GENERAL RULES	
480-120-011 Application of rules.	No substantive change. No economic impact.
480-120-015 Exemptions from rules in chapter 480-120 WAC.	No substantive change. No economic impact.
480-120-016 Additional requirements.	No substantive change. No economic impact.
480-120-017 Severability.	No substantive change. No economic impact.
480-120-019 Telecommunications performance requirements—Enforcement.	The proposed change eliminates vague standards that could create uncertainty about compliance for regulated companies. This may reduce legal costs for regulated companies, and the benefit would be relatively more for small businesses.
480-120-021 Definitions.	Any substantive effect of a change in definition is analyzed with the substantive rule itself.
480-120-026 Tariffs and price lists.	No change.
480-120-028 Registration.	No change.
480-120-061 Refusing service.	The rule clarifies the circumstances in which a telecommunications company is required to provide service. The clarification reduces compliance costs. Since compliance costs are a disproportionate burden on small businesses, the changes to this rule will benefit small businesses more than other businesses.
PART II. ESTABLISHING SERVICE AND CREDIT	
480-120-102 Service offered.	No substantive change. No economic impact.
480-120-103 Local calling areas.	No substantive change. No economic impact.

480-120-104 Application for service.	The changes provide more specific requirements for filing applications for new service. The specific requirements are consistent with existing installation practices of most telecommunications companies, so there will be no economic impact. However, some telecommunications companies may be providing slower service than the proposed rule would allow. These companies may incur additional costs to improve their service delivery ability. Small telephone companies are as quick, or quicker, at installing new service. Therefore the cost impact of this rule change, if any, will disproportionately fall on any large businesses that have relatively slow installation performance.
480-120-105 Availability of information to consumers.	The proposed change requires companies to mail new customers information about the services they have ordered. Most companies already do this, and for those companies there will be no impact from the requirement. For a company that is not mailing information to new customers, the proposed rule will cause them to incur the cost of printing and mailing the information. These costs may be offset if the information causes customers to make fewer customer service calls, fail to understand and comply with a company's service terms, or request a free copy of the company's tariff or price list. Any such costs will probably be disproportionately large if the company is a small business, because printing and postage can be purchased more economically in large quantities. The commission was unable to identify any mitigation measures that would preserve customer protections. However, the commission eliminated some information elements that were included in earlier drafts, because companies said these would be more costly to include.

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<p>480-120-107 Company performance standards for installation or activation of access lines.</p>	<p>Subsection (1)(a) eliminates an uncertainty about whether companies could use above-standard performance in one exchange to offset below-standard in another exchange. The uncertainty is eliminated to the advantage of the regulated companies. This would reduce compliance costs, particularly for large companies that have a mix of rural and urban exchanges.</p> <p>Subsection (1)(b) is not a substantive change.</p> <p>Subsection (1)(c) is a new requirement to complete all access line orders within one hundred eighty days. Companies rarely take longer than one hundred eighty days to complete an order, but this requirement could increase costs for a company that would otherwise take longer.</p> <p>Subsection (2) clarifies the method of counting violations. It is not a substantive change.</p> <p>Subsection (3) provides for exceptions. It is not a substantive change.</p> <p>Subsection (4) exempts competitive local exchange companies, who are currently subject to the rule. This mitigation reduces compliance costs for both small and large competitive companies.</p>		<p>The indirect impact on small businesses, as telephone customers, is to lower costs. Fewer order commitments will be missed, and in those cases where a commitment is missed the customer will receive a credit on its telephone bill.</p> <p>Small telecommunications companies generally have better service performance than large telecommunications companies. Thus the economic cost, if any, of compliance will be less for small business.</p>
<p>480-120-108 Installation and activation credits.</p>	<p>This rule requires companies to offer credits to customers when service is not installed by the promised date. It exempts any service that is subject to effective competition. It provides two methods that a company can use to calculate the credit.</p> <p>The rule will impose economic costs on any company that does not install service on time. This will be in the form of either reduced revenues, due to application of the credits, or increased expenses to meet commitments.</p>	<p>480-120-109 Missed appointment credits.</p>	<p>This rule requires companies to offer credits to customers when the company does not keep an installation or repair appointment.</p> <p>The rule will impose economic costs on any company that does not keep appointments. This will be in the form of either reduced revenues, due to application of the credits, or increased expenses to employ enough technicians to keep appointments.</p> <p>The indirect impact on small businesses, as telephone customers, is to lower costs. Fewer appointments will be missed, and in those cases where an appointment is missed the customer will receive a credit on its telephone bill.</p> <p>Small telecommunications companies generally have better service performance than large telecommunications companies. Thus the economic cost, if any, of compliance will be less for small business.</p>
		<p>480-120-112 Company performance for orders for nonbasic services.</p>	<p>This rule requires companies to complete orders for nonbasic services within one hundred eighty days.</p> <p>Companies rarely take longer than one hundred eighty days to complete an order, but this requirement could increase costs for a company that would otherwise take longer.</p>

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	<p>The indirect impact on small businesses, as telephone customers, is to lower costs. Nonbasic services include business access lines beyond two lines and data services typically used by small business. More timely installation of these services would allow businesses to have telecommunications services necessary for their operation. Small telecommunications companies generally have better service performance than large telecommunications companies. Thus the economic cost, if any, of compliance will be less for small business telecommunications companies.</p>
480-120-122a Establishment of establishing credit—Residential services.	<p>The proposed changes clarify requirements for companies to require deposits and manage their risk of uncollectible accounts. Doing so reduces compliance costs, particularly for small business telecommunications companies. The proposed rule says companies cannot use credit reports as the basis to require deposits for basic local service. The existing rule also has this prohibition, so there is no economic impact. The proposed rule clarifies that companies cannot use a customer's long-distance payment history as a basis for requiring a deposit for basic local service. This clarification could result in increased costs or lower revenues for some companies, if they are requiring deposits based on long-distance charges. The overall economic effect of the proposed changes is negligible.</p>
480-120-122b Establishment of establishing credit—Residential services.	<p>The proposed changes clarify requirements for companies to require deposits and manage their risk of uncollectible accounts. Doing so reduces compliance costs, particularly for small business telecommunications companies. The proposed rule says companies cannot use credit reports as the basis to require deposits for basic local service. The existing rule also has this prohibition, so there is no economic impact.</p>

	<p>The proposed rule clarifies that companies cannot use a customer's long-distance payment history as a basis for requiring a deposit for basic local service. This clarification could result in increased costs or lower revenues for some companies, if they are requiring deposits based on long-distance charges. The overall economic impact of the proposed changes is negligible.</p>
480-120-123 Establishment of establishing credit—Business services.	No substantive change. No economic impact.
480-120-124 Guarantee in lieu of deposit.	No substantive change. No economic impact.
480-120-125 Deposit or security—Telecommunications resellers.	No substantive change. No economic impact.
480-120-127 Protection of customer prepayments.	No substantive change. No economic impact.
480-120-128 Deposit administration.	<p>The proposed changes clarify requirements without making substantive changes. The type of treasury bill used in calculating the interest rate on deposits is changed, due to a change by the federal government in the types of bills issued. The method of calculation is unchanged, and companies' deposit interest expenses are expected to have virtually no change.</p>
480-120-132 Business offices.	No substantive change. No economic impact.
480-120-133 Response time for calls to business office or repair center.	<p>The proposed rule would establish standards for how long a company could keep a customer on hold during a customer service or repair call. The new standards are more specific than the existing standard, which applies to repair calls but not customer service calls. The proposed standards are consistent with answer time standards used by the industry itself. As a result, there is no economic impact from the proposed rule. Small business telecommunications companies often do not use automated call handling systems. The commission included an alternative performance standard in subsection (3) to accommodate these companies.</p>
480-120-145 Extending service.	No substantive change. No economic impact.

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<p>480-120-146 Changing service providers from one local exchange company to another.</p>	<p>The proposed rule clarifies responsibilities when a customer changes from one local telephone company to another local telephone company. To comply with this rule, a company must communicate with another company during the transition of a customer's service. This could result in minor costs to disconnect service. Since any cost would be based on the number of disconnection orders, there is no disproportionate impact on small business.</p>
<p>480-120-147 Changes in local exchange and intrastate toll services.</p>	<p>There is no substantive change to the existing requirements for verification of customer orders before changing local or long-distance providers. Subsection (7) provides an exception when a company is changing customers' service as a result of a corporate merger, acquisition, or transfer of customer base. Companies currently must seek a waiver of the rule in these circumstances. Incorporating the exception into rule means that companies will no longer incur costs to file a waiver petition and will not have to wait for the commission to review and approve the petition. By eliminating a filing requirement, the cost savings resulting from subsection (7) will disproportionately benefit small business telecommunications companies. This is because costs of regulatory filings are higher, on a per-revenue or per-customer basis, for small business.</p>
<p>PART III. PAYMENTS AND DISPUTES</p>	
<p>480-120-161 Form of bills.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-162 Cash and urgent payments.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-163 Refunding for overcharge.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-164 Prorata credits.</p>	<p>The proposed rule requires companies to provide credits if a service is unavailable for more than twenty-four hours. Most companies already provide credits in this circumstance. Those that do not will incur costs to modify their billing or accounting systems to track the credits and will incur reduced revenues by the amount of the credits.</p>

	<p>Small business telephone companies generally have better service performance than large business telephone companies, so they would pay fewer credits on a per-customer or per-revenue basis. However, if a small business has to modify its systems to track the credits, the costs of these modifications would be higher on a per-customer or per-revenue basis. The commission did not identify any mitigation provisions that would still protect customers, including small business customers, from having to pay for service not received.</p>
<p>480-120-165 Complaints and disputes.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-166 Customer complaints.</p>	<p>The proposed rule incorporates existing practices and policies into rule. There is no substantive change in the requirements and no economic impact.</p>
<p>480-120-167 Company responsibility.</p>	<p>The proposed rule clarifies responsibility when an informal complaint involves more than one company. The economic impact is to reduce costs, but by a negligible amount. Since costs would be incurred on a per-customer basis, the effect on small business is proportionate to the effect on large business.</p>
<p>PART IV. DISCONTINUING AND RESTORING SERVICE</p>	
<p>480-120-171 Discontinuing service—Customer requested.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-172 Discontinuing service—Company initiated.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-173 Restoring service after discontinuation.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-174 Restoring service based on Washington telephone assistance program (WTAP) or federal enhanced tribal lifeline program eligibility.</p>	<p>The proposed rule requires a company to restore local service if the customer enrolls in a low-income assistance program. There is no economic impact on the regulated companies, because the program benefits cover the costs of providing service.</p>
<p>PART V. POSTING AND PUBLICATION NOTICE</p>	
<p>480-120-193 Posting of tariffs for public inspection and review.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-194 Publication of proposed tariff changes to increase charges, or restrict access to services.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services.</p>	<p>No substantive change. No economic impact.</p>

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480-120-196 Customer notice requirements—Competitively classified telecommunications companies or services.	No substantive change. No economic impact.
480-120-197 Adjudicative proceedings where public testimony will be taken.	No substantive change. No economic impact.
480-120-198 Notice verification and assistance.	No substantive change. No economic impact.
480-120-199 Other customer notice.	No substantive change. No economic impact.
PART VI. CUSTOMER INFORMATION	
480-120-201 Telephone solicitation.	No substantive change. No economic impact.
480-120-202 Using a customer's call detail information.	No substantive change from the existing rule, which also requires opt-in approval for use of call detail information. No economic impact.
480-120-203 Using private account information in the provision of services.	No substantive change. No economic impact.
480-120-204 Using private account information during an inbound call.	No substantive change. No economic impact.
480-120-205 Using private account information for marketing related services.	The current rule allows companies to use private account information to market related services without informing the customer or securing the customer's approval. The proposed rule allows a customer to opt out of this use. The economic impact of this rule, in the form of either additional expenses or reduced revenues, is discussed below at WAC 480-120-207 and 480-120-208.
480-120-206 Using private account information for marketing unrelated services.	This proposed rule allows companies to use an "opt-out" approach before using customers' private account information to market unrelated services. The existing rule requires affirmative, "opt-in" approval. The change reduces expenses and increases revenues for regulated companies. Companies will incur lower expenses to secure approval for use of customer information. Companies will increase revenues due to the increased marketing capabilities through use of private information. The economic impacts of this change are similar for large and small businesses.

480-120-207 Notice when use of private account information is permitted unless a customer directs otherwise ("opt-out").	This rule establishes the notice provisions when opt-out approval is used. To use customers' private information, the company must print and mail a notice to customers explaining the use and giving the customer a chance to say no. Printing and postage costs are higher, on a per-customer basis, for a small business. There is no overall increase in costs as a result of this rule, because the company is not required to use customers' private account information to market other services. A company would incur these costs only if it expects that the use would reduce other marketing expenses and/or increase revenues by enough to offset the notice costs.
480-120-208 Mechanisms for opting out of use, disclosure, and access to private customer account information.	The proposed rule [rule] requires a company, if it chooses to use customers' private account information for marketing, to establish mechanisms by which customers can say no. A company would incur costs to process incoming telephone calls, written notices, and web site transactions. There is no overall increase in costs as a result of this rule, because the company is not required to use customers' private account information to market other services. A company would incur these costs only if it expects that the use would reduce other marketing expenses and/or increase revenues by enough to offset the notice costs.
480-120-209 Notice when explicit ("opt-in") approval is required.	The proposed rule clarifies and increases the disclosures that a company must make when seeking explicit approval to use a customer's private account information. There is no increase in costs as a result of this rule, because the existing rule requires a notice when a company seeks opt-in approval. Moreover, a company is not required to incur any costs, since it is not required to use customer private account information for marketing.

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480-120-211 Confirming change in approval status.	The proposed rule requires a company to give written confirmation of a customer's change in privacy status. A company would incur costs to print and mail the confirmation notice. There is no overall increase in costs as a result of this rule, because the company is not required to use customers' private account information for marketing.
480-120-212 Duration of customer approval or disapproval.	No substantive change. No economic impact.
480-120-213 Safeguards required for using private account information.	The proposed revision requires companies to file a copy of a document that they are already required to produce. The additional cost of filing the document, as part of an existing annual report filing, is negligible. There is no economic impact on small business telecommunications companies, if they are exempt from this filing requirement by RCW 80.04.530.
480-120-214 Disclosing customer proprietary network information.	No substantive change. No economic impact.
480-120-215 Using privacy listings for telephone solicitation.	No substantive change. No economic impact.
480-120-216 Using subscriber list information for purposes other than directory publishing.	The proposed rule requires companies to remove customers, upon request, from subscriber lists sold to telemarketers. There is no requirement to notify customers of this provision. The rule reflects existing practice within the telecommunications industry. There is no economic impact.
PART VII. TELECOMMUNICATIONS SERVICES	
480-120-251 Directory service.	No substantive change. No economic impact.
480-120-252 Intercept services.	No substantive change. No economic impact.
480-120-253 Automatic dialing-announcing device (ADAD).	No substantive change. No economic impact.
480-120-254 Information delivery services.	No substantive change. No economic impact.
480-120-255 Caller identification service.	No substantive change. No economic impact.
480-120-256 Emergency services.	No substantive change. No economic impact.
480-120-261 Operator services.	No substantive change. No economic impact.
480-120-262 Operator service providers (OSPs).	The proposed rule increases the amount of information that customers receive when they make operator-assisted calls. The rule establishes benchmark rates for operator-assisted calls.

	<p>The current rule applies only to calls from pay phones and hotels using the presubscribed operator service. The proposed rule expands the scope to include calls made using any operator service provider. Operator service providers that do not already provide presubscribed services will incur additional expenses if they do not currently give customers the ability to obtain a rate quote. If they already have rate quote ability, there will be no additional costs as a result of the expanded scope.</p> <p>For operator service providers whose charges are below the benchmark, the proposed rule does not change existing disclosure requirements. There is no economic impact for these companies.</p> <p>For operator service providers whose charges are above the benchmark, the proposed rule requires a rate quote on each call. These companies may incur one-time costs to reprogram operator assistance platforms to deliver the rate quote on all above-benchmark calls. Additional expense may be incurred due to the time spent delivering the rate quote. The companies also may experience reduced revenues, because customers may hang up when they hear what the rates are.</p> <p>The proposed rule likely does not directly affect small businesses, because operator service providers typically require more than fifty employees. However, the proposed rule indirectly affects small businesses that own, manage, or operate pay telephones, convenience stores, and motels. These businesses sometimes receive commissions from operator service providers that are based on operator service revenues generated at their location. If customers choose not to complete calls after they hear the rates, revenues to the site owners will be reduced.</p>
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	The commission did not identify any mitigation provisions for small businesses. Requiring disclosure was the less burdensome method of protecting consumers, compared to direct regulation of operator service provider rates. The rule implements a statute, RCW 80.36.520, that applies to all operator service providers regardless of size.
480-120-263 Pay phone service providers (PSPs).	No substantive change. No economic impact.
480-120-264 Prepaid calling services.	No substantive change. No economic impact.
PART VIII. FINANCIAL RECORDS AND REPORTING RULES	
480-120-301 Accounting requirements for competitively classified companies.	No substantive change. No economic impact.
480-120-302 Accounting requirements for companies not competitively classified as competitive.	The proposed rule updates and streamlines accounting requirements. The economic impact of the changes, while a benefit to companies, is negligible. The rule provides for reduced accounting requirements for small businesses.
480-120-303 Reporting requirements for competitively classified companies.	No substantive change. No economic impact.
480-120-304 Reporting requirements for companies not competitively classified as competitive.	No substantive change. No economic impact. The rule provides streamlined filing requirements for small businesses.
480-120-305 Streamlined filing requirements for Class B telecommunications company rate increases.	The proposed rule simplifies and reduces the filing requirements for a small telecommunications company (including small businesses) that seek to increase rates. The revisions reduce expenses for companies seeking to justify an increase in regulated rates. The benefits are disproportionately felt by small businesses, since accounting and legal services are higher for them on a per-revenue or per-customer basis.
480-120-311 Access charge and universal service reporting.	The proposed rule simplifies and reduces filing requirements for companies that collect access charges. The benefits are disproportionately felt by small businesses, since accounting and legal services are higher for them on a per-revenue or per-customer basis.
480-120-312 Universal service cost recovery authorization.	No substantive change. No economic impact.
480-120-313 Terminating access charges.	No substantive change. No economic impact.

480-120-321 Expenditures for political or legislative activities.	No substantive change. No economic impact.
480-120-322 Retaining and preservation of preserving records and reports.	No substantive change. No economic impact.
480-120-323 Washington Exchange Carrier Association (WECA).	No substantive change. No economic impact.
PART IX. SAFETY AND STANDARDS RULES	
480-120-401 Network performance standards.	The proposed changes clarify existing performance standards and make them more specific. This reduces uncertainty and compliance costs. Expenses could increase for a company whose performance was not in violation of the existing, vague rule, if the same performance level does not comply with the more specific standards. The commission is not aware of any companies in this situation.
480-120-402 Safety.	No substantive change. No economic impact.
480-120-411 Network maintenance.	No substantive change. No economic impact.
480-120-412 Major outages.	No substantive change. No economic impact.
480-120-413 Collocation.	No substantive change. No economic impact.
480-120-414 Emergency operation.	No substantive change. No economic impact.
480-120-436 Responsibility for drop facilities and support structure.	The proposed rule reflects current practice. No substantive change. No economic impact.
480-120-437 Responsibility for maintenance and repair of facilities and support structures.	The proposed rule reflects current practice. No substantive change. No economic impact.
480-120-438 Trouble report standard.	No substantive change. No economic impact.
480-120-439 Service quality performance reports.	The proposed changes eliminate outdated reporting requirements and add reporting requirements consistent with the commission's performance standards. Local exchange companies are expected to incur some initial costs to establish systems to track and report the statistics in the report. The cost of the periodic report filing itself is negligible. Reporting costs are generally a disproportionate expense for small businesses, but the rule exempts small telecommunications companies from the reporting requirements. With this mitigation, there is no disproportionate impact on small business.

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<p>480-120-440 Service interruptions and impairments, excluding major outages.</p>	<p>The proposed rule would change the standard for restoration of interruptions of basic service from two working days, which is an average of sixty hours, to forty-eight hours. Most companies restore basic service interruptions in less than forty-eight hours, but some companies may incur additional expenses to hire employees or contracts to meet the shorter restoration interval. The proposed rule would change the standard for restoration of nonbasic services from two working days to seventy-two hours. Some companies may have slightly lower expenses because they will be able to comply with the rule with fewer repair technicians.</p> <p>The proposed rule provides additional exceptions to the service restoration intervals. These exceptions represent situations when a company would have difficult[y] meeting the forty-eight hour or seventy-two hour standard. Including the additional exceptions lowers costs for regulated companies.</p> <p>The increased expenses and reduced expenses resulting from the proposed rule changes do not have a disproportionate impact on small business, because the costs are generally incurred in proportion to the number of customers served.</p>
<p>480-120-450 Enhanced 9-1-1 (E911) obligations of local exchange companies.</p>	<p>The proposed rule changes clarify responsibilities for maintaining E-911 information. Some companies may incur additional costs to comply with the requirement to offer a method for customers and other telecommunications companies to submit data base changes electronically. Any additional costs would be minor and could be recovered through the rates charged for E-911 service.</p>
<p>480-120-451 Local exchange carrier contact number for use by public safety answering points (PSAPs).</p>	<p>This proposed rule requires companies to maintain a contact number for use by county E-911 systems. The cost of a contact number is negligible, so there is no economic impact from the proposed rule.</p>
<p>480-120-452 Reverse search by enhanced 9-1-1 (E911) public safety answering point (PSAP) of ALI/DMS data base—When permitted.</p>	<p>No substantive change. No economic impact.</p>
<p>PART X. ADOPTION BY REFERENCE</p>	

<p>480-120-999 Adoption by reference.</p>	<p>No substantive change. No economic impact.</p>
<p>REPEALED</p>	
<p>480-120-121 Responsibility for delinquent accounts.</p>	
<p>480-120-131 Reports of accidents.</p>	
<p>480-120-151 Telecommunications carriers' use of customer proprietary network information (CPNI).</p>	
<p>480-120-152 Notice and approval required for use of customer proprietary network information (CPNI).</p>	
<p>480-120-153 Safeguards required for use of customer proprietary network information. (CPNI).</p>	
<p>480-120-154 Definitions.</p>	

A copy of the statement may be obtained by writing to Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1234, fax (360) 586-1150. The small business economic impact statement addresses this proposal and the remaining rules that will be filed under a subsequent proposal.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules as referenced in RCW 34.05.328(5).

Hearing Location: Washington Utilities and Transportation Commission, Headquarters, Room 206, 1300 South Evergreen Park Drive S.W., Olympia, WA 98502-7250 [98504-7250], on July 26, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Mary De Young by Friday, July 19, 2002, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Secretary, Docket No. UT-990146, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, fax (360) 586-1150, by May 22, 2002.

Date of Intended Adoption: July 26, 2002.

April 3, 2002

Carole J. Washburn
Secretary

NEW SECTION

WAC 480-120-201 Definitions. The definitions in this section apply to WAC 480-120-202 through 216.

"Call detail" means:

(a) Any information that identifies or reveals for any specific call, the name of the caller, the name of any person called, the location from which a call was made, the area code, prefix, any part of the telephone number of any participant, the time of day of the call, the duration of a call, or the cost of a call;

(b) The aggregation of information in (a) of this subsection up to the level where a specific individual is associated with information on calls made to a given area code, prefix,

or complete telephone number, whether that information is expressed through amount spent, number of calls, or number of minutes used and whether that information is expressed in monthly, less-than-monthly or greater-than-monthly units;

(c) The aggregation of the information in (a) of this subsection up to the level where a specific individual is associated with general calling patterns (e.g. peak, off-peak, week-ends) or amounts spent expressed on a less-than-per-month basis;

(d) The number of calls that are answered or unanswered and information related to them that provide information by time of the day, day of the week, or by week or weeks up to but not including by month.

Call detail does not include information other than (a), (b) and (c) of this subsection compiled on a monthly basis. For example, it does not include the monthly amount spent on long distance calls or the monthly amount spent on ancillary services. It does include, for example, the monthly amount spent calling area code XXX, and the number of unanswered calls between the hours of 8:00 A.M. and 5:00 P.M. and the number of unanswered calls on Tuesdays.

"Customer proprietary network information (CPNI)" means (a) Information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service, including call detail, and that is made available to the company by the customer solely by virtue of the customer-company relationship, which includes information obtained by the company for the provision of the telecommunication service; and (b) Information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a company; except that CPNI does not include subscriber list information.

"Company" means any telecommunications company as defined in RCW 80.04.010.

"Private account information" means customer proprietary network information that is associated with an identifiable individual.

"Subscriber list information (SLI)" means any information:

(a) Identifying the listed names of subscribers of a company and those subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned when service is established), or any combination of listed names, numbers, addresses, or classifications; and

(b) That the company or an affiliate has published, caused to be published, or accepted for publication in any directory format.

"Telecommunications-related products and services" means:

(a) The offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used; or

(b) Services offered over common carrier transmission facilities which employ computer processing applications that act on the format, content, code, protocol, or similar aspects of the subscriber's transmitted information, provide the subscriber additional, different, or restructured informa-

tion, or involve subscriber interaction with stored information; or

(b) Equipment employed on the premises of a person to originate, route, or terminate telecommunications.

"Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used.

"Telemarketing" means contacting a person by telephone in an attempt to sell one or more products or services.

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 480-120-202 Use of customer proprietary network information permitted. Customer proprietary network information may be used as permitted by 47 U.S.C. Section 222 except where sections 480-120-202 through 216 require otherwise.

NEW SECTION

WAC 480-120-203 Using a customer's call detail information. (1) Except as provided in this section and WAC 480-120-205, a company may not use, disclose, or permit access to a customer's call detail information, unless the customer has given explicit written ("opt-in") approval.

(2) Without seeking or obtaining customer approval, a company may use, disclose, or permit access to a customer's call detail information to the extent necessary to:

(a) Initiate, render, coordinate, facilitate, bill, and collect for telecommunications services the customer has purchased or requested;

(b) Protect the rights or property of the company, or to protect users of those services and other companies from fraudulent, abusive, or unlawful use of, or subscription to, such services;

(c) Resolve formal and informal complaints communicated to the company or commission by an applicant or customer;

(d) Provide records to a data base management system, as defined in WAC 480-120-340, or to any other database used in the provision of enhanced 9-1-1 or 9-1-1 service, or perform any other service for enhanced 9-1-1 or 9-1-1 purposes; and

(e) Comply with any applicable law, or any governmental rule, regulation or order, or any subpoena or other demand of apparently lawful authority.

NEW SECTION

WAC 480-120-204 Using private account information in the provision of services. Without seeking or obtaining customer approval, a company may use, disclose, or permit access to a customer's private account information to the extent necessary to:

(1) Initiate, render, coordinate, facilitate, bill, and collect for telecommunications services the customer has purchased or requested;

(2) Protect the rights or property of the company, or to protect users of those services and other companies from fraudulent, abusive, or unlawful use of, or subscription to, such services;

(3) Resolve formal and informal complaints communicated to the company or commission by a customer or applicant;

(4) Provide records to a data base management system, as defined in WAC 480-120-340, or to any other database used in the provision of enhanced 9-1-1 or 9-1-1 service, or perform any other service for enhanced 9-1-1 or 9-1-1 purposes; and

(5) Comply with any applicable law, or any governmental rule, regulation or order, or any subpoena or other demand of apparently lawful authority.

NEW SECTION

WAC 480-120-205 Using private account information during an inbound call. A company may use, disclose, or permit access to a customer's private account information to the extent necessary to provide any inbound telemarketing, referral, or administrative services to the customer for the duration of the call, if:

(1) Such call was initiated by the customer; and

(2) During the call and prior to the company's use of the information, the customer expresses approval for the company to use the information during the call.

NEW SECTION

WAC 480-120-206 Using private account information for marketing telecommunications-related products and services and other products and services. (1) Unless the customer directs otherwise, a telecommunications company and any entity under common control of or with the telecommunications company, may use a customer's private account information, with the exception of call detail, to offer or market telecommunications-related services and other products and services. Such company or entity may not disclose or permit access to private account information outside the company or entity unless a company has obtained approval under WAC 480-120-209, except that it may provide information to agents that are contractually bound to use the information only for the purposes permitted by this rule and to make no other use, or disclose, or permit access to the private account information.

(2) A company may not use a customer's private account information as provided for in subsection (1) of this section unless it has provided notice to each customer pursuant to WAC 480-120-207 and provides the customer with reasonable opportunity to direct the company not to use the information ("opt-out") pursuant to WAC 480-120-208.

NEW SECTION

WAC 480-120-207 Notice when use of private account information is permitted unless a customer directs otherwise ("opt-out"). (1) This section applies when a company, pursuant to WAC 480-120-206, uses a customer's private account information unless the customer directs otherwise ("opt-out"). If a company that is permitted to use the opt-out method voluntarily uses the opt-in method, the requirements of WAC 480-120-209 will apply.

(2) A company may not use a customer's private account information pursuant to WAC 480-120-206 unless, at least once in the past year, the company has provided a written notice to the customer, as provided for in this section, and provides the customer with a reasonable opportunity to opt-out at any time.

(3) The written notice must be mailed separately from any advertising or promotional material. It may be included with the customer's bill.

(4) The written notice must be posted on the company's web site and must be readily accessible from the company's home page.

(5) Any opt-out notice must include the following items:

(a) A statement that the name, address, and telephone number, if published in the telephone directory, are not private information and will not be withheld from telemarketers if the customer opts-out;

(b) A statement that private account information may be used to market (i) telecommunications-related products and services, or (ii) other products and services, or both (i) and (ii), whichever applies;

(c) A statement that the customer has a right to direct the company not to use the customer's private account information and that doing so will not affect the provision of any services to which the customer subscribes;

(d) A disclaimer that an opt-out directive for private account information does not prevent the company from making telephone solicitation or telemarketing calls to the customer and does not prevent the company from including the customer's listed name, address, and telephone number in lists sold, leased or provided to other firms. This disclaimer is not required if the company's practice is to exclude customers who opt-out of private account information use from use or disclosure for telemarketing purposes or if the company does not sell, lease, or directly provide such lists to other firms;

(e) A statement that the customer should expect to receive written confirmation within thirty days of the directive and suggest that the customer call the company if the confirmation is not received by this time;

(f) A prominent statement of specific instructions by which the customer can direct the company not to use the customer's private account information. The dedicated opt-out telephone number required by WAC 480-120-208 (2)(a) must be printed in bold type and in a size larger than the body of the notice.

(6) The notice must be in plain language and must not be misleading.

(7) The notice must be clearly legible, in twelve-point or larger type.

(8) A company may state in the notice that the use of private account information may enhance the company's ability to offer products and services tailored to the customer's needs, if such a statement is accurate.

(9) A company may state in the notice that the customer, upon affirmative written request, may compel the company to provide private account information to any person.

(10) If the company has a website, it must provide a link on the home page that is labeled "Customer Privacy" that will take a reader to the notice required in this section and the telephone number required in WAC 480-120-208 (2)(a).

NEW SECTION

WAC 480-120-208 Mechanisms for opting out of use of private customer account information. (1) This section applies when a company, pursuant to WAC 480-120-206, uses a customer's private account information unless the customer directs otherwise ("opt-out").

(2) At a minimum, companies must allow customers to opt-out using the following mechanisms, which must be provided by the company:

(a) Calling a dedicated, toll-free telephone number that provides access to a live or automated operator at all times. The telephone number must be accessible from all areas of the state and customers must have the option to direct the company to not use their private account information ("opt-out") without receiving additional information from the company before giving their directive;

(b) Calling any telephone number that the company provides for billing or customer service inquiries. This subsection permits companies to transfer customers directly to the number required in (a) of this subsection;

(c) Marking a box or blank on the notice and returning it to a stated address;

(d) Returning a postage-paid card included with the notice;

(e) Electronic mail, if the company otherwise receives or sends electronic mail messages to its customers; and

(f) Submitting an opt-out form found on the company's web site. The opt-out form must be directly linked to the written notice required by WAC 480-120-207. The web site must be accessible to the public using generally available browser software.

(3) A company may require, as part of any opt-out mechanism, that the customer comply with reasonable procedures to verify the identity of the customer. Any opt-out verification procedure must be no more burdensome on the customer than any verification procedure used by the company when a customer provides explicit ("opt-in") approval or orders additional services on an existing account.

NEW SECTION

WAC 480-120-209 Notice when explicit ("opt-in") approval is required and mechanisms for explicit approval. (1) This section applies when explicit ("opt-in") approval of the customer is required for a company to use,

disclose, or permit access to a customer's private account information.

(2) A company must maintain records of customer notification and approval.

(3) Any solicitation for explicit customer approval must be accompanied by a written notice to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's private account information. The notice must state that private account information includes all information related to specific calls initiated or received by a customer.

(a) The notice must state that the customer has a right under federal and state law to protect the confidentiality and limit the use, disclosure, and access to the customer's private account information.

(b) The notice must state that the company has a duty under federal and state law to protect the confidentiality of private account information and to comply with the customer's limitations on use, disclosure of, and access to the information.

(c) The notice must state the types of information that constitute private account information. If a company is seeking explicit approval to use, disclose, or permit access to call detail information, the notice must specify that private account information includes the telephone numbers of all calls made or received by the customer.

(d) The notice must specify the names of entities, including affiliates, subsidiaries and companies under common control, which may receive private account information and whether the private account information can be used, disclosed, or accessed by any entity or person other than the company providing the notice.

(e) The notice must describe each purpose for which private account information can be used, disclosed, or accessed and specifically disclose whether the private account information can be used to market services to the customer.

(f) The notice must inform the customer that approval by the customer is voluntary and that no action is required to protect the customer's private account information.

(g) The notice must inform the customer that deciding not to approve will not affect the provision of any services to which the customer subscribes.

(h) The notice must be comprehensible and must not be misleading.

(i) The notice must be clearly legible, in twelve-point or larger type, and be placed so as to be readily apparent to a customer.

(j) If any portion of a notice is translated into another language, then all portions of the notice must be translated into that language.

(k) A company may state in the notice that the customer's approval to use, disclose, or permit access to private account information may enhance the company's ability to offer products and services tailored to the customer's needs, if the statement is accurate.

(l) A company may state in the notice that the customer, upon affirmative written request, may compel the company to disclose the customer's private account information to any person.

(m) The notice must state that any approval for use, disclosure of, or access to private account information may be revoked or limited at any time.

(n) The notice must state that the customer should expect to receive written confirmation within thirty days and suggest that the customer call the company if the confirmation is not received by this time.

(4) Opt-in approval by the customer must be:

(a) In writing and may be made by e-mail; or

(b) Orally, if the oral approval is verified by an independent third-party using substantially the same procedures as provided in WAC 480-120-139 (1)(c).

(5) The following table illustrates information identified in subsection 208 and 209 and whether it would be considered to require explicit "opt-in" permission, an "opt-out" directive or is not covered by the rule.

Customer Approval Method Depends on the Type of Information and How the Company Will Use It

Type of Activity	Type of Information		
	Call Detail (identifies specific calls)	Other Private Account Information	Aggregate CPNI
Activities necessary to provide service or to comply with the law	No approval required.	No approval required.	Not covered by the rule.
Inbound customer service and marketing	Oral opt-in, good for duration of call.	Oral opt-in, good for duration of call.	Not covered by the rule.
Market new versions of existing services	Opt-in.	Opt-out.	Not covered by the rule.
Market telecom and telecom-related services	Opt-in.	Opt-out.	Not covered by the rule.
Market non-telecom-related services	Opt-in.	Opt-out.	Not covered by the rule.
Disclose to commonly controlled company	Opt-in.	Opt-out.	Not covered by the rule.
Disclose to other companies	Opt-in.	Opt-in.	Not covered by the rule.

NEW SECTION

WAC 480-120-211 Confirming change in approval status. (1) Each time a company receives a customer's "opt-out" directive or explicit "opt-in" approval, the company must confirm in writing the change in approval status to the customer within thirty days. The written confirmation must be mailed to the customer's billing address, but may be sent to the customer's e-mail address if the directive was sent to the company by e-mail, and must be separate from any other mail from the company. The confirmation must include a summary of the effect of the customer's opt-out or opt-in choice and must provide a reasonable method to notify the company if the company made an error in changing the customer's approval status.

(2) A company may not use, disclose, or permit access to a customer's private account information based on a customer's explicit "opt-in" approval until three weeks after mailing the confirmation to the customer.

NEW SECTION

WAC 480-120-212 Duration of customer approval or disapproval. Any "opt-out" directive or explicit "opt-in" approval received by a company will remain in effect until the customer revokes, modifies, or limits such directive or approval.

NEW SECTION

WAC 480-120-213 Safeguards required for using private account information. Every company has a duty to protect the confidentiality of private account information.

(1) Companies must train all personnel who have access to private account information as to when they are and are not authorized to use, disclose, or permit access to private account information, and companies must implement an express disciplinary process to deal with violations of the requirement.

(2) Companies must establish a supervisory review process regarding company compliance with rules governing use, disclosure of, or access to private account information for outbound marketing situations and must maintain records of company compliance for at least two years. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request.

(3) Companies must have an officer, as an agent of the company, sign a compliance certificate on an annual basis stating the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with rules concerning private account information and call detail. The company must provide a statement accompanying the certificate explaining how its operating procedures ensure that it is or is not in compliance with the rules on this topic. The certificate and the compliance statement must be filed with the company's annual report to the commission.

NEW SECTION

WAC 480-120-214 Disclosing customer proprietary network information. A company must disclose any or all customer proprietary network information upon affirmative written request by the customer, to any person designated by the customer.

NEW SECTION

WAC 480-120-215 Using privacy listings for telephone solicitation. (1) A local exchange company may not make telephone solicitation or telemarketing calls using its list of customers with nonpublished or unlisted numbers unless it has notified each such customer at least once in the past year that the company makes such calls to its customers

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with nonpublished or unlisted numbers and that the customer has a right to direct that the company make no such calls.

(2) When the company provides the notice required in subsection (1) of this section in writing, the notice must include a toll-free number and an e-mail address the customer may use to state that solicitation should not be made.

(3) When the company provides the notice in subsection (1) of this section by phone call, the customer must be informed that inclusion in a solicitation list may be declined and if declined, the company must not make any additional solicitation.

NEW SECTION

WAC 480-120-216 Using subscriber list information for purposes other than directory publishing. If a company uses or provides subscriber list information for purposes other than directory publishing, it must exclude from use or disclosure the subscriber list information of any customer who subscribes to a privacy listing, including a nonpublished or unlisted number, or who directs the company to exclude subscriber list information relating to his or her service.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 480-120-144 Use of privacy listings for telephone solicitation.
- 480-120-151 Telecommunications carriers' use of customer proprietary network information (CPNI).
- 480-120-152 Notice and approval required for use of customer proprietary network information (CPNI).
- 480-120-153 Safeguards required for use of customer proprietary network information (CPNI).
- 480-120-154 Definitions.

**WSR 02-09-065
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)
(Division of Employment and Assistance Programs)

[Filed April 15, 2002, 3:49 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-03-091.

Title of Rule: WAC 388-406-0040 What happens if the processing of my application is delayed?, 388-406-0045 Is there a good reasons my application for cash or medical assis-

tance has not been processed?, 388-406-0050 How do I know when my application is processed?, 388-406-0055 When do my benefits start?, 388-406-0060 What happens when my application is denied?, 388-406-0065 Can I still get benefits even after my application is denied?, 388-452-0005 Do I have to be interviewed in order to get benefits?, and 388-472-0005 What are my rights and responsibilities?

Purpose: Amending rules in chapter 388-406 WAC and WAC 388-452-0005 and 388-472-0005 to clarify and streamline policy.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 74.09.530.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 74.09.530.

Summary: Amending rules in chapter 388-406 WAC and WAC 388-452-0005 and 388-472-0005.

Reasons Supporting Proposal: To clarify and streamline existing policy.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vicky T. Robinson, 1009 College Street S.E., Lacey, WA, (360) 413-3031.

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: Amending rules in chapter 388-406 WAC to clarify and streamline existing policy. Also amending WAC 388-452-0005 and 388-472-0005 for clarity.

Proposal Changes the Following Existing Rules: The proposed rules clarify what happens when the processing of an application is delayed, good cause reasons for the delay, when an application is processed, when benefits start, what happens when an application is denied, and reconsideration of denied applications. Also describes client's rights and responsibilities.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Small businesses are not affected by these rule changes.

RCW 34.05.328 does not apply to this rule adoption. These amendments do not meet the definition of significant legislative rule changes and are exempt under RCW 34.05.325 [34.05.328] (5)(b)(vii).

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (parking on 12th off Jefferson), 14th and Jefferson, Olympia, WA 98504, on June 4, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact DSHS Rules Coordinator by May 31, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@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, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., June 4, 2002.

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Date of Intended Adoption: No sooner than June 5, 2002.

April 11, 2002

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 388-406-0040 (~~(Delays in application))~~ What happens if the processing of my application is delayed? (1) ~~((When the department discovers that a food assistance application has not been processed within the initial thirty day time limit, and:~~

(a) ~~The department has sufficient information to determine eligibility, the application will be processed without further delay; or~~

(b) ~~If additional information is needed to determine eligibility, the household will be:~~

(i) ~~Mailed or given a written request for the additional information needed to determine eligibility; and~~

(ii) ~~Allowed an additional thirty day period to provide the information.~~

(2) ~~When a household files a joint application requesting food assistance and medical or cash assistance:~~

(a) ~~Approval of the food assistance application cannot be delayed pending the processing of the application for medical or cash assistance;~~

(b) ~~A new application for food assistance cannot be required if the application for medical or cash assistance is denied;~~

(c) ~~Approval for a medical program is not delayed pending the processing of the application for cash or food assistance.~~

(3) ~~For medical and cash assistance, application processing may be delayed only when good cause exists as specified in WAC 388-406-0045))~~ We process your application for benefits as soon as possible. We do not intentionally delay processing your application for benefits for any reason. If we have enough information to decide eligibility for:

(a) Food assistance, then we promptly process your request for food assistance even if we need more information to determine eligibility for cash or medical;

(b) Medical assistance, then we promptly process your request for medical even if we need more information to determine eligibility for cash or food assistance.

(2) If we discover that your application for food assistance has not been processed within the first thirty days and we have enough information to determine eligibility, then we promptly process your application. If additional information is needed to determine eligibility, we give you:

(a) A written request for the additional information; and

(b) An additional thirty days to provide the information.

(3) If your application for food assistance has not been processed by the sixtieth day and you are responsible for the delay, then we deny your request for benefits. If we are responsible for the delay, then we:

(a) Promptly process your request if we have the information needed to determine eligibility; or

(b) Deny your request if we don't have enough information to determine eligibility. If we deny your request we notify you of your right to file a new application and that you may be entitled to benefits lost. If you reapply by the sixtieth day of your first application and are eligible, we give you benefits lost from:

(i) The date of your first application if we caused the delay in the first thirty days; or

(ii) The month following the month of your first application if you caused the delay in the first thirty days.

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

WAC 388-406-0045 Is there a good (~~(cause for delay in processing))~~ reason my application for cash or medical (~~(and cash))~~ assistance (~~(applications))~~ has not been processed? If your application for cash or medical assistance is not processed within the time limits under WAC 388-406-0035, the department must decide if there is a good reason for the delay. This good reason is also called "good cause."

(1) ((Good cause reasons for delay in processing a medical or cash assistance application include:

(a) The applicant does not provide requested information or take another required action;

(b) The eligibility decision depends on medical reports and there is a delay in obtaining the reports or in securing medical information;

(c) An eligibility determination depends on correspondence with out of state or intercity contacts and no other verification is available for the eligibility factor;

(d) An administrative or other emergency occurs which is beyond the department's control; or

(e) For cash assistance, an eligibility determination depends on extensive property appraisals)) We do not have a good reason for not processing your application for TANF or SFA within thirty days if:

(a) We did not give or send you a notice of what information we needed to determine your eligibility within twenty days from the date of your application;

(b) We did not give or send you a notice that we needed additional information or action within five calendar days of the date we learned that more information was needed to determine eligibility;

(c) We did not process your application within five calendar days from getting the information needed to decide eligibility; and

(d) We decide good cause exists but do not document our decision in the case record on or before the time limit for processing the application ends.

(2) We do have a good reason for not processing your application timely if:

(a) You do not give us the information or take an action needed for us to determine eligibility;

(b) We have an emergency beyond our control; or

(c) There is no other available verification for us to determine eligibility and the eligibility decision depends on information that has been delayed such as:

(i) Medical documentation;

(ii) Proof of your resources; or

(iii) Out-of-state documents or correspondence.

(3) For medical assistance, good cause exists only when the department otherwise acted promptly at all stages of the application process .

~~((3) For TANF and SFA, good cause exists only when the department:~~

~~(a) Notifies the applicant in writing of specific information needed to determine eligibility within twenty days of the date of application;~~

~~(b) Notifies the applicant in writing of the need for additional information or action within five calendar days;~~

~~(c) Determines eligibility and disposes of the application within five working days of receiving all information necessary to determine eligibility; and~~

~~(d) Determines good cause exists and documents the decision in the case record on or before the time limit for processing the application expires.))~~

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

WAC 388-406-0050 ((Completing the)) **How do I know when my application ((process)) is processed?** (1) You're application ((processing is completed when the department makes an eligibility decision and:

(a) Authorizes benefits and, for food assistance, mails or gives a written approval notice to the applicant; or

(b) Mails or gives a written withdrawal or denial notice to the applicant.

(2) The applicant will be notified of the department's eligibility decision in writing. A notice of denial or withdrawal must meet the adequate notice requirements in WAC 388-458-0005.

(3) For cash, medical, and food assistance, an applicant may voluntarily withdraw an application orally or in writing.

(4) For cash assistance, an application is considered withdrawn when the applicant:

(a) Fails to appear for a scheduled interview required for eligibility determination; and

(b) Does not contact the department to reschedule the interview within thirty days from the date of application.

(5) For approved applications, the date the applicant becomes eligible for assistance is established according to WAC 388-406-0055.

(6) A decision to deny an application must be made according to the requirements of WAC 388-406-0060)) is processed when:

(a) We approve or deny benefits; and

(b) We give or send you a letter telling you if you are eligible to get benefits.

(2) Any letters we send you must meet the requirements under chapter 388-458 WAC.

(3) We send you a letter of withdrawal under WAC 388-458-0006 if you voluntarily withdraw an application verbally, in sign language, or in writing.

(4) We send you a letter of denial according to the requirements of WAC 388-406-0060.

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

WAC 388-406-0055 ((Date of eligibility for approved applications.)) **When do my benefits start?** The ((effective)) date ((of eligibility for approved applications is)) we approve your application affects the amount of benefits you get. If you are eligible for:

(1) ((For)) Cash assistance, ((the earlier of)) your benefits start:

(a) The date ((the department has sufficient)) we have enough information to make an eligibility decision; or

(b) ((The last day of the time limit period specified in WAC 388-406-0035.

(2) For medical programs, as specified in chapter 388-416 WAC.

(3) For food assistance, except as described in subsections (4) and (5) of this section:

(a) The first day of the month following the end of the previous certification period for:

(i) All households that reapply before their previous certification period ends; and

(ii) Migrant and seasonal farmworker households that reapply within one month after their previous certification period ends; or

(b) The date of application for all other households.

(4) For food assistance applications approved after reconsideration as required by WAC 388-406-0065:

(a) The date the household provides required verification when:

(i) The application is denied because the applicant fails to respond to a written request for the verification, and

(ii) The household provides the requested verification after the end of the initial thirty day time limit; or

(b) The date the household becomes eligible for TANF or SFA when:

(i) The household is denied nonassistance food assistance; and

(ii) Is later found to be categorically eligible for food assistance because TANF or SFA is approved.

(5) For food assistance applications not processed within the thirty day time limit, the first day of the month following the month of application when:

(a) Required verification is not provided by the household by the end of the initial thirty day time limit;

(b) The household provides the required verification by the end of the second thirty day period; and

(c) The delay in providing the required verification is the fault of the household)) No later than the thirtieth day for TANF, SFA, or RCA; or

(c) No later than the forty-fifth day for general assistance (GAU).

(2) Food assistance, your benefits start from the date you applied unless:

(a) You are recertified for food assistance, then the date we start your benefits is under WAC 388-434-0020;

(b) We were unable to process your application within thirty days because of a delay on your part. If you caused the delay, then we approve your benefits starting the first day of the month following the month of application if you submit

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required verification by the end of the second thirty-day period, even if we denied your application; or

(c) We denied your application for food assistance and your assistance unit becomes categorically eligible (CE) within sixty days from the date you applied, then the date we approve food assistance is the date you become CE. You are CE if you meet the criteria specified in WAC 388-414-0001.

(3) Medical assistance, the date your benefits start is stated in chapter 388-416 WAC.

AMENDATORY SECTION (Amending WSR 00-13-076, filed 6/19/00, effective 7/20/00)

WAC 388-406-0060 What happens when my application is denied? (1) We (the department((-with))) deny your application ((when we cannot decide your eligibility based on the information we have.

(2) If we ask you to provide information and you do not provide it by the due date, we will not deny your application unless this information is needed to decide your eligibility.

(3) We will deny your application for everyone in the assistance unit when:

(a) You do not provide information that is required to decide eligibility for everyone in your assistance unit; or

(b) Your situation causes everyone in your assistance unit to be not eligible.

(4) We will tell you about our decision to deny your application by following notice requirements in WAC 388-458-0005.

(5) If we deny your application, you may request a fair hearing. If we deny your application because we do not have enough information to decide that you are eligible, the hearing issue is whether you can provide the needed information.

(6) For medical and cash assistance applications:

(a) If getting medical information is slowed down beyond your and our control, we will not deny your application;

(b) If you have good cause under WAC 388-406-0045, we will wait to deny your application; and

(c) If you do not meet a medical spenddown obligation, we will not deny your medical application before thirty days after the end of the base period as defined in WAC 388-519-0110.

(7) For food assistance applications:

(a) If you do not keep your first scheduled appointment:

(i) We will send you a letter telling you to get in touch with us to schedule another appointment; and

(ii) We will deny your application on the thirtieth day after you applied if you do not schedule a new appointment.

(b) If you do not provide the requested information within ten days:

(i) We will deny your application right after the ten days if you do not have a pending application for TANF, SFA, or SSI; or

(ii) We may wait to deny your application up to thirty days from the date you applied if you have a pending application for TANF, SFA or SSI.

(c) If we do not deny your application within the first thirty days from the date you applied, we will deny your application at the end of the second thirty day period when:

(i) We could not make an eligibility decision based on the information provided to us; and

(ii) You did not provide the requested information that was necessary to decide eligibility)) for cash, medical, or food assistance benefits if:

(a) You do not show for your appointment for cash or food assistance and have not rescheduled and your application is over thirty days old;

(b) We do not have the information we need to determine your eligibility within ten days of request and you did not ask for additional time to give us the information;

(c) Your entire assistance unit does not meet certain eligibility criteria to get benefits;

(d) For food assistance, your application has not been processed by the sixtieth day because of a delay on your part.

(2) If we deny your application, you are not eligible to get benefits.

(3) We can reconsider if you are eligible for benefits under the requirements of WAC 388-406-0065 even after your application is denied.

(4) We give or send a letter to you explaining why your application was denied as required under WAC 388-458-0011.

(5) If you disagree with our decision about your application, you can ask for a fair hearing. If we deny your application because we do not have enough information to decide that you are eligible, the hearing issue is whether you can provide the needed information or if we already have sufficient information to decide eligibility

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

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

WAC 388-406-0065 ((Reconsideration of denied applications.)) Can I still get benefits even after my application is denied? (1) ((For medical and cash assistance, an applicant is allowed thirty days from the date of a denial notice to provide information needed to determine eligibility as specified in the notice.

(a) A redetermination of eligibility will be made and eligibility will be determined based on the information provided unless the applicant's circumstances have changed to the extent that additional information is needed to determine eligibility.

(b) If eligibility is approved based on the information provided, the eligibility date is based on the application date of the denied application.

(2) A denial of an application for medical benefits will be rescinded if the applicant, following the thirty day period specified in subsection (1) of this section:

(a) Timely requests a fair hearing to appeal the denial; and

(b) Provides additional information needed to establish eligibility, including medical expenses sufficient to meet spenddown if the applicant shows reasonable cause for the delay in verifying the medical expenses.

~~(3) For food assistance, an applicant is allowed thirty days from the end of the initial thirty day period to provide information needed to determine eligibility as specified in a denial notice. If the information is provided, the eligibility date is determined as specified under WAC 388-406-0055.~~

~~(4) A denied food assistance application will be re-evaluated within sixty days of the application date when the household was:~~

~~(a) Applying for both food assistance and TANF, SFA or SSI; and~~

~~(b) Denied food assistance before TANF, SFA or SSI was approved))~~ If we (the department) deny your application for benefits, we can redetermine your eligibility for benefits without a new application if:

(a) For cash or medical assistance, you give us the information we need within thirty days from the date we denied your application;

(b) For food assistance:

(i) You give us the information we need by the end of the month following the month you applied; or

(ii) You become categorically eligible for food assistance under WAC 388-414-0001 within sixty days of the date you applied for benefits.

(2) If you are eligible for cash or food assistance, we decide the date your benefits start according to WAC 388-406-0055. If you are eligible for medical assistance, we decide the date your benefits start according to chapter 388-416 WAC.

AMENDATORY SECTION (Amending WSR 01-14-060, filed 6/29/01, effective 8/1/01)

WAC 388-452-0005 Do I have to be interviewed in order to get benefits? (1) Unless you are applying for medical only or meet certain hardship criteria listed in subsection (8) below, you or your authorized representative must have a face-to-face interview with the department:

(a) At initial certification; and

(b) At least once every twelve months if your assistance unit (AU) is certified for twelve months or less.

(2) You are not required to attend an interview when your application or review is just for medical benefits. If we ~~((the department))~~ deny your application for cash or food assistance because you did not appear for an interview, we ~~((will))~~ continue to process your request for medical benefits:

(a) If you are pregnant;

(b) If you are a child under the age of nineteen;

(c) If you have a family with children under the age of nineteen; or

(d) If we have enough information to determine if you are eligible or can get the information by mail.

(3) You will have ~~((only a single))~~ just one interview even when you apply for or have a review for more than one assistance program.

(4) If you are not interviewed on the same day that we get your application, we schedule an interview appointment for you. We schedule your appointment the day we get your application or on the next business day if we get your application on a holiday or a weekend.

(5) We schedule an interview so your AU has at least ten days after the interview to provide needed verification:

(a) Before the end of the thirty-day processing period for applications; or

(b) Before your certification period ends for eligibility reviews.

(6) If you miss your first interview and request another interview within thirty days of the date of your application for benefits, we schedule a second interview for you.

(7) You or another person who can give information about your AU must attend the interview. You may bring another person to the interview. You may choose another person to go to the interview for you when:

(a) You cannot come to the local office for us to decide if you are eligible for cash assistance; or

(b) You have an authorized representative as described in WAC 388-460-0005 for food assistance.

(8) We usually have interviews at the local office. You can have a scheduled telephone interview or an interview in your home if attending an interview at the local office causes a hardship for you or your representative. Examples of hardships include:

(a) If your entire assistance unit is elderly or mentally or physically disabled;

(b) If you live in a remote area or have transportation problems;

(c) Severe weather;

(d) If someone in your AU is ill, or you have to stay home to care for an AU member;

(e) Your work or training hours make it difficult to come into the office during regular business hours;

(f) Someone in your AU is affected by family violence such as physical or mental abuse, harassment, or stalking by the abuser; or

(g) Any other problem which would make it difficult for you to come into the office for an interview.

AMENDATORY SECTION (Amending WSR 01-10-104, filed 5/1/01, effective 6/1/01)

WAC 388-472-0005 What are my rights and responsibilities? For the purposes of this chapter, "we" and "us" refer to the ~~((administrations within the))~~ department ~~((of social and health services that provide cash and medical assistance benefits. "You" refers to the head of the household))~~ and "you" refers to the applicant or recipient.

~~((The following rules apply to cash, food and medical assistance programs unless stated otherwise.))~~

(1) If you apply for or ~~((receive))~~ get cash, food or medical assistance benefits you have the right to:

(a) ~~((Be fully informed, in writing, of all legal rights and responsibilities in connection with benefits;~~

~~((Be treated politely and fairly without regard to race, color, political beliefs, national origin, religion, age, gender, disability or birthplace;~~

~~((Give us a written request for benefits using a form or alternative method designated by us. You have the right to get a receipt when leaving an application or other materials with us;~~

~~(d) Ask that the application be processed without delay if you are pregnant, in need of immediate medical care, experiencing an emergency such as having no money for food, or facing an eviction. If you are pregnant and request an interview, you have the right to have one within five working days;~~

~~(e) Get a written decision in most cases within thirty days.~~

~~(i) Medical and some disability decisions may take forty-five to sixty days. Pregnancy medical will be authorized within fifteen working days.~~

~~(ii) Food assistance will be authorized within thirty days if you are eligible. If you are eligible and have little or no money, food assistance will be authorized within five days.~~

~~(f) Have information you give us kept private. We share some facts with other agencies for efficient management of federal and state programs;~~

~~(g) For cash and medical assistance programs, ask us not to collect child support if the absent parent may harm you or your child;~~

~~(h) For some cash assistance programs, ask for extra money to help in an emergency, such as an eviction or a utility shutoff;~~

~~(i) Get a written notice, in most cases, at least ten days before we make changes to reduce or end your benefits;~~

~~(j) Ask for a fair hearing if you do not agree with us about a decision. You can also ask a supervisor or administrator to review our decision or action without affecting your right to a fair hearing;~~

~~(k) Have interpreter or translator services provided at no cost to you and without delay;~~

~~(l) Refuse to speak to a fraud investigator. You do not have to let an investigator into your home. You may ask the investigator to come back at another time. Such a request will not affect your eligibility for benefits;~~

~~(m) If you are applying for or receiving medical assistance, limited casualty programs, medical care services, or children's health services you have the same rights as cash assistance clients; and~~

~~(n) Receive help from us to register to vote.~~

~~(2) You are responsible to:~~

~~(a) Report any changes to us within:~~

~~(i) Ten days for all cash and food assistance programs; and~~

~~(ii) Twenty days for all medical assistance programs.~~

~~(b) Give all the facts needed to determine eligibility;~~

~~(c) Give us proof of any facts for which proof is needed;~~

~~(d) For most cash or medical assistance programs related to children, cooperate with us to get child support or medical care support unless you show that cooperation may harm you or your child;~~

~~(e) Apply for and get any benefits from other agencies or programs prior to getting cash or medical assistance from us;~~

~~(f) Complete reports and reviews when asked to do so;~~

~~(g) Get a job or training if required;~~

~~(h) Show your medical identification card or other notification of eligibility from us to your medical care provider; and~~

~~(i) Cooperate with the quality assurance review process.~~

(3) You will be screened for and provided necessary supplemental accommodation services as described in this chapter.) Have your rights and responsibilities explained to you and given to you in writing;

(b) Be treated politely and fairly no matter what your race, color, political beliefs, national origin, religion, age, gender, disability or birthplace;

(c) Request benefits by giving us an application form using any method listed under WAC 388-406-0010. You can ask for and get a receipt when you give us an application or other documents;

(d) Have your application processed as soon as possible. Unless your application is delayed under WAC 388-406-0040, we process your application for benefits within thirty days, except:

(i) If you are eligible for expedited services under WAC 388-406-0015, you get food assistance within five days. If we deny you expedited services, you have a right to ask that the decision be reviewed by the department within two working days from the date we denied your application;

(ii) If you are pregnant and otherwise eligible, you get medical within fifteen working days.

(iii) General assistance (GAU), alcohol or drug addiction treatment (ADATSA), or medical assistance may take up to forty-five days; and

(iv) Medical assistance requiring a disability decision may take up to sixty days.

(e) Be given at least ten days to give us information needed to determine your eligibility. If we do not have the information needed to decide your eligibility, then we may deny your request for benefits;

(f) Have the information you give us kept private. We may share some facts with other agencies for efficient management of federal and state programs;

(g) Ask us not to collect child support or medical support if you fear the noncustodial parent may harm you, your children, or the children in your care;

(h) Ask for extra money to help pay for temporary emergency shelter costs, such as an eviction or a utility shutoff, if you get TANF;

(i) Get a written notice, in most cases, at least ten days before we make changes to lower or stop your benefits;

(j) Ask for a fair hearing if you disagree with a decision we make. You can also ask a supervisor or administrator to review our decision or action without affecting your right to a fair hearing;

(k) Have interpreter or translator services given to you at no cost and without delay;

(l) Refuse to speak to a fraud investigator. You do not have to let an investigator into your home. You may ask the investigator to come back at another time. Such a request will not affect your eligibility for benefits; and

(m) Get help from us to register to vote.

(2) If you get cash, food, or medical assistance, you are responsible to:

(a) Tell us if you are pregnant, in need of immediate medical care, experiencing an emergency such as having no money for food, or facing an eviction so we can process your request for benefits as soon as possible;

(b) Report the following expenses so we can decide if you can get more food assistance:

- (i) Shelter costs;
- (ii) Child or dependent care costs;
- (iii) Child support that is legally obligated;
- (iv) Medical expenses; and
- (v) Self-employment expenses.

(c) Report changes as required under WAC 388-418-0005 and 388-418-0007. If you get:

- (i) Cash or food assistance, changes must be reported within ten days from the date you learn of the change; or
- (ii) Medical assistance, changes must be reported within twenty days from the date you learn of the change.

(d) Give us the information needed to determine eligibility;

(e) Give us proof of information when needed. If you have trouble getting proof, we help you get the proof or contact other persons or agencies for it;

(f) Cooperate in the collection of child support or medical support unless you fear the noncustodial parent may harm you, your children, or the children in your care;

(g) Apply for and get any benefits from other agencies or programs prior to getting cash assistance from us;

(h) Complete reports and reviews when asked;

(i) Look for, get, and keep a job or participate in other activities if required for cash or food assistance;

(j) Give your medical identification card or letter of eligibility from us to your medical care provider; and

(k) Cooperate with the quality control review process.

WSR 02-10-007

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed April 19, 2002, 4:34 p.m.]

Supplemental Notice to WSR 01-21-035.

Preproposal statement of inquiry was filed as WSR 01-17-034.

Title of Rule: WAC 392-140-970 through 392-140-974, Finance—Special allocations—Salary bonus for teachers who attain certification by national board.

Purpose: To put in rule the standards and procedures for award of a state salary bonus to teachers who attain certification by the National Board for Professional Teaching Standards. The supplemental notice increases eligibility from three to four years as provided in the state 2002 supplemental budget.

Statutory Authority for Adoption: RCW 28A.150.290(1).

Statute Being Implemented: Chapter 7, Laws of 2001 3rd sp.s. and ESSB 6387.

Summary: Rules are needed to implement language in the 2001-03 State Operating Appropriations Act as amended in the 2002 legislative session.

Reasons Supporting Proposal: These rules will enable proper administration of the salary bonus.

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 725-6130; Implementation: Ross Bunda, Office of Superintendent of Public Instruction, (360) 725-6308; and Enforcement: Mike Bigelow, Office of Superintendent of Public Instruction, (360) 725-6111.

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: The rules are part of the state funding formula for K-12 education. Rules are needed to implement language in the 2001-03 State Operating Appropriations Act. These rules will enable proper administration of the salary bonus and clarify which teachers are eligible for the bonus.

The rules clarify who is considered a "teacher" eligible to receive the salary bonus. The individual must be employed part-time or full-time by a Washington public school district or educational service district in a teaching assignment.

The 2002 amendments to the appropriations act increase from three to four the number of years teachers may receive the bonus. This will allow all individuals receiving the salary bonus in the 2001-02 school year to receive the salary bonus for at least one more year.

Proposal does not change existing rules. These are new rules. Rules provide clarification, but do not change state policies established by the legislature.

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

RCW 34.05.328 does not apply to this rule adoption. The Superintendent of Public Instruction is not subject to RCW 34.05.328 per subsection (5)(a)(i). Additionally, this rule is not a significant legislative rule per subsection (5)(c)(iii).

Hearing Location: Bruno Conference Room, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, on June 4, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by May 31, 2002, TDD (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 May 31, 2002.

Date of Intended Adoption: July 3, 2002.

April 17, 2002

Dr. Terry Bergeson
Superintendent of
Public Instruction

SALARY BONUS FOR TEACHERS WHO ATTAIN CERTIFICATION BY THE NATIONAL BOARD

NEW SECTION

WAC 392-140-970 Salary bonus for teachers who attain certification by the national board—Applicable

provisions—Authority. The provisions of WAC 392-140-970 through 392-140-974 govern administration of the salary bonus for teachers who attain certification by the national board for professional teaching standards. The authority for WAC 392-140-970 through 392-140-974 is the state Biennial Operating Appropriations Act and RCW 28A.150.290(1).

NEW SECTION

WAC 392-140-971 Salary bonus for teachers who attain certification by the national board—Purpose. These rules determine eligibility for state funding and establish guidelines for the administration of the bonus.

NEW SECTION

WAC 392-140-972 Salary bonus for teachers who attain certification by the national board—Definitions. As used in this chapter:

(1) "Form SPI 1525" means the form provided by the superintendent of public instruction on which districts may request payment of the salary bonus for teachers who attain certification by the national board for professional teaching standards.

(2) "Teacher" means an employee assigned to one of the following duties as defined in the *S-275 Personnel Reporting Handbook*:

- (a) Elementary teacher, duty root 31;
- (b) Secondary teacher, duty root 32;
- (c) Other teacher, duty root 33;
- (d) Long-term substitute teacher, duty root 52;
- (e) Contractor teacher, duty root 63; or
- (f) If the district certifies that the employee is assigned teaching responsibilities or serves as a mentor teacher:
 - (i) Other support personnel, duty root 40;
 - (ii) Library media specialist, duty root 41;
 - (iii) Counselor, duty root 42; or
 - (iv) Reading resource specialist, duty root 49.

NEW SECTION

WAC 392-140-973 Salary bonus for teachers who attain certification by the national board—Eligibility. Candidates who are eligible for the bonus shall be limited to those meeting the following requirements:

(1) Hold current certification by the national board for professional teaching standards; and

(2) Who are:

(a) Teachers employed full time or part time by Washington public school districts or educational service districts pursuant to RCW 28A.405.210; or

(b) Teachers employed full time or part time by a contractor pursuant to WAC 392-121-188 and 392-121-206 (2)(a).

NEW SECTION

WAC 392-140-974 Salary bonus for teachers who attain certification by the national board—Administra-

tive procedures. (1) School districts that employ teachers eligible for the salary bonus shall report those employees to the office of superintendent of public instruction by submitting Form SPI 1525 for each individual.

(2) Districts shall document each teacher's eligibility by maintaining on file for audit a copy of the teacher's national board certification notice and, if the teacher is not shown on Report S-275, evidence of employment and duties assigned.

(3) Report forms received by the superintendent of public instruction by the 15th of the month shall be paid in that month's apportionment and displayed on Report 1197, in revenue account 4158.

(4) For each candidate, the superintendent of public instruction shall send the district the amount of the salary bonus set in the operating appropriations act plus an amount for the district's (employer) portion of social security benefits.

(5) The district shall pay the bonus to the employee in a lump sum amount on a supplemental contract pursuant to RCW 28A.400.200.

(6) The salary bonus is excluded from the definition of "earnable compensation" under RCW 41.32.010(10).

(7) Teachers achieving certification by the national board for professional teaching standards shall receive the salary bonus for no more than four years.

WSR 02-10-020

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed April 23, 2002, 10:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-004.

Title of Rule: Safety oversight of rail fixed guideway systems.

Purpose: Update existing rules to clarify requirements, comply with newly issued federal regulations, and add rules to address part-time operations and recovery of state triennial audit expenses.

Other Identifying Information: Chapter 468-550 WAC.
Statutory Authority for Adoption: RCW 81.104.115(5).
Statute Being Implemented: RCW 81.104.115(3).

Summary: Revises and adds several clarifying definitions, exempts seasonal operations from submitting plans, adds requirement for reimbursing department for triennial audit expenses, and changes due date for annual report from January 15 to February 1.

Reasons Supporting Proposal: Comply with recently-enacted state law and federal regulations.

Name of Agency Personnel Responsible for Drafting: Paul Gamble, Olympia, (360) 705-7912; Implementation and Enforcement: Cathy Silins, Olympia, (360) 705-7919.

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

Rule is necessary because of federal law, 49 C.F.R. Part 659 amended April 4, 2002.

Explanation of Rule, its Purpose, and Anticipated Effects: Explanation: Updates several provisions to reflect recently enacted state law and federal regulations.

Purpose: Comply with recently enacted state law and ensure safe operation of rail fixed guideway systems and reduce application of regulations on part-time operations.

Anticipated Effects: Addresses part-time operations and an appropriate level of reporting for them; complies with recently revised federal definitions that replace accidents with incidents, adds reporting for derailments, certain evacuations, and certain collisions, and lowers threshold for reporting in instances of physical damage; extends due date of annual reports; clarifies reporting of incidents and unacceptable hazardous conditions; and adds requirement for reimbursing department for triennial audit expenses.

Proposal Changes the Following Existing Rules: Replaces "accident" with "incident" per newly enacted federal regulations; add "seasonal" operations - fewer than one hundred eighty days in a twelve month period; clarifies medical care for defining injured person; clarifies applicability to general public operations; exempts seasonal operations from preparing safety and security programs; requires reimbursement of department's triennial audit expenses by RFGS; and changes due date for annual reports from January 15 to February 1.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules affect only operations operated by or regulated by municipal corporations.

RCW 34.05.328 does not apply to this rule adoption. This rule making is exempt under subsection (5)(b)(ii).

Hearing Location: Transportation Building, Commission Board Room, 1D2, Maple Park S.E., Olympia, Washington 98504, on June 6, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Paul Gamble by June 6, 2002, TDD (360) 705-6980, or (360) 705-7912.

Submit Written Comments to: Paul Gamble, Public Transportation Office, Washington State Department of Transportation, P.O. Box 47387, Olympia, WA 98504-7387, (360) 705-7912, fax (360) 705-6820, by June 6, 2002.

Date of Intended Adoption: June 6, 2002.

April 22, 2002
P. J. Hammond
Chief of Staff

AMENDATORY SECTION (Amending Order 193, filed 8/30/99, effective 9/30/99)

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

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

~~(a) An individual dies; or~~

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

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

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

~~((3)) (2) Chief executive officer means, but is not limited to, the mayor, county executive, or chair of the municipality, or corporate president of the public or private entity that owns, operates, or maintains a RFGS.~~

~~((4)) (3) Contractor means an entity that performs tasks required by this chapter on behalf of the department or a RFGS.~~

~~((5)) (4) Department means the Washington state department of transportation which has been designated as the state safety oversight agency.~~

~~((6)) (5) Emergency means a situation which is life threatening to passengers, employees, or others or which causes damage to any rail fixed guideway vehicle or facility or results in a significant theft of services which severely affects the ability of the system to fulfill its mission.~~

~~((7)) (6) FTA means the Federal Transit Administration, or its successors, an agency within the U.S. Department of Transportation.~~

~~((8)) (7) Hazardous condition means a set of circumstances that if not identified and corrected has or will result in personal injury or property damage. It includes unacceptable hazardous conditions.~~

~~((9)) (8) Investigation means a procedure that the department or a RFGS utilizes to determine the cause of a reportable ~~((accident)) incident~~, hazardous condition, or security breach.~~

(9) Medical attention means emergency care at a state-licensed general hospital, critical access hospital, or health clinic, or by a religious practitioner.

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

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

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

(13) Reportable incident means any event involving a RFGS vehicle or occurring on RFGS-controlled property, involving one or more of the following:

(a) A human fatality;

(b) Any personal injury requiring immediate medical attention away from the scene;

(c) Property damage equal to or exceeding twenty-five thousand dollars;

(d) An evacuation due to life safety reasons; and

(e) A derailment on a revenue line segment.

(14) Revenue line segment means that portion of a fixed guideway system upon, under, or through which a RFGS provides service available to the general public. It includes stations used by the system's passengers to enter or leave the RFGS's conveyance.

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

~~((14))~~ (16) Safety means freedom from danger.

~~((15))~~ (17) Seasonally means the provision of service available to the general public fewer than a total of one hundred eighty days within a twelve-month period. The provision of service any time on a calendar day is a day counted towards the threshold of one hundred eighty days.

(18) Security means freedom from intentional danger.

~~((16))~~ (19) Security breach means an unforeseen event or occurrence that endangers life or property and may result in the loss of services or system equipment.

~~((17))~~ (20) Service available to the general public does not include operations for a specific private function when a RFGS accepts hire, such as group charters, weddings, or other private events that are not available to the general public on a walk-in basis.

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

~~((18))~~ (22) System means a composite of people, property, environment, and procedures which are integrated to perform a specific operational function in a specific environment.

~~((19))~~ (23) Triennial safety and security audit means a formal, comprehensive, on-site examination by the department of a RFGS's safety and security procedures to determine whether it complies with the RFGS's policies and procedures as outlined in the RFGS's plan.

~~((20))~~ (24) Unacceptable hazardous condition means a hazardous condition of type IA, IB, IC, IIA, IIB, OR IIIA as determined using the "Hazardous Resolution Matrix" in APTA *Manual for the Development of Rail Transit System Program Plans*.

AMENDATORY SECTION (Amending Order 193, filed 8/30/99, effective 9/30/99)

WAC 468-550-040 Requirements for system safety and security plans. (1) Each RFGS, except any that operate seasonally, shall prepare a system safety and security pro-

gram plan. Such Plan shall describe the RFGS's procedures for:

(a) Reporting and investigating reportable (~~accidents~~) incidents and unacceptable hazardous conditions;

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

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

(d) Addressing passenger and employee security.

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

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

(3) The security section of the plan is exempt from public disclosure under chapter 42.17 RCW. Each RFGS may develop procedures to implement this subsection. Completed reports of reportable (~~accidents~~) incidents and unacceptable hazardous conditions, corrective action plans, annual safety and security audit reports, published reviews of the department, published RFGS internal safety and security audits, and notifications of reportable (~~accidents~~) incidents and unacceptable hazardous conditions are not subject to this exemption.

(4) Each RFGS that operates seasonally shall submit a system description and organization structure to the department by September 1, 2002, or within ninety days of commencing operations, whichever is sooner. Each RFGS shall update this submittal within thirty days after any changes to the system description or organizational structure occur.

(a) The system description shall identify the revenue line segments, revenue equipment, and all locations for embarking or debarking passengers.

(b) The organizational structure shall identify the decision-making structure for the RFGS, including any firm or organization contracted to undertake its seasonal operations.

(c) This submittal shall include safety contact information for the RFGS and any firm or organization contracted to undertake its seasonal operations.

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

WAC 468-550-050 Department procedures for reviewing, approving, and filing rail fixed guideway sys-

tem safety and security plans and inspections. The department shall review each RFGS plan, and all subsequent revisions, for compliance with these rules and the standard, using the APTA system safety checklist which includes:

- Policy statement and authority for the plan
- Description of purpose for the plan
- Clearly stated goals for plan
- Identifiable and attainable objectives
- System description and organizational structure
- The plan control and update procedures
- Hazard identification and resolution process
- ((Accidents)) **Incidents**, hazardous conditions and reporting and investigation procedures
- Internal safety audit process
- Facilities inspections (includes system equipment and rolling stock)
- Maintenance audits and inspections (all systems and facilities)
- Rules and procedures review
- Training and certification reviews and audits
- Emergency response planning, coordination and training
- System modification review and concurrence process
- Safety data acquisition and analysis
- Interdepartmental and interagency coordination
- Configuration management
- Employee safety program
- Hazardous materials program
- Drug abuse and alcohol misuse programs
- Contractor safety coordination
- Procurement

The department shall provide written concurrence with the RFGS's plan or provide written comments to the RFGS specifying required changes. The RFGS shall revise its plan to incorporate the department's review comments, if any, within sixty days after receipt thereof, and resubmit its revised plan for review. After resolving issues arising in the review process, the department shall notify the RFGS of its concurrence with the plan. The plan and the department's concurrence shall be maintained by the department in a permanent file.

AMENDATORY SECTION (Amending Order 193, filed 8/30/99, effective 9/30/99)

WAC 468-550-060 Annual and triennial safety and security audits and reports. (1)(a) Each RFGS shall perform scheduled internal safety and security audits to evaluate compliance with the standard, identify hazardous and risk conditions, and measure the effectiveness of its plan. The RFGS shall include its internal safety and security audit schedule for the next year with the annual report required in WAC 468-550-070(5). These audits shall include, but are not limited to:

- (i) Observing work practices and employee performance during system operations;
- (ii) Sampling and inspecting selected system components to verify proper maintenance; and

(iii) Reviewing RFGS records for all phases of system operations, maintenance, and security.

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

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

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

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

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

(3) The department shall audit each RFGS plan at least once every three years. The RFGS shall be given written notification at least thirty days in advance of the department's audit. The notification shall include a proposed schedule, planned scope, and list of activities to be reviewed for the audit. Each audit shall be preceded by an on-site, preaudit conference attended by the department's audit team, the RFGS's owner, and the RFGS staff in charge of the activities subject to audit. Each audit shall be conducted in accordance with an audit checklist. Checklists shall not restrict the department from performing additional investigations as it deems appropriate. The department shall use as a basis for its

checklist the RFGS's plan and records which shall include, but are not limited to:

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

Each RFGS shall reimburse the reasonable expenses of the department in carrying out its responsibilities of this subsection within ninety days after receipt of an invoice. The department shall notify the RFGS of the estimated expenses at least six months in advance of when the department audits the system.

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

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

(6) Each RFGS that operates seasonally shall be exempt from the provisions of this section.

AMENDATORY SECTION (Amending Order 193, filed 8/30/99, effective 9/30/99)

WAC 468-550-070 Notifying of, investigating, and reporting ((accidents)) incidents and unacceptable hazardous conditions. (1) Each RFGS shall notify the department by telephone, electronic mail or facsimile within four hours of the occurrence of any reportable ((accident)) incident, or discovery of any unacceptable hazardous condition. The department shall notify each RFGS of the person to

notify and the telephone, electronic mail and facsimile numbers for notification. The notification shall include all of the following details:

- (a) Name and title of the person making the notification;
- (b) Time and date the notification is transmitted;
- (c) Synopsis of what happened, such as, but not limited to: Collision with another RFGS revenue vehicle, derailment, collision with a motor vehicle, collision with a pedestrian, collision with a bicyclist, fire, bomb threat, or hostage-taking;
- (d) Specific location of the ((accident)) incident or unacceptable hazardous condition;
- (e) Time of the accident or discovery of the unacceptable hazardous condition;
- (f) Identification of RFGS vehicle(s) and/or facility involved;
- (g) Initial number of fatalities and/or ((individuals)) injured persons who ((suffered bodily injury and immediately)) received medical ((treatment)) attention away from the scene of the ((accident)) incident; and
- (h) Description of and preliminary value of property damage.

(2) The department has authority to perform separate, independent investigations of reportable ((accidents)) incidents or unacceptable hazardous conditions at its own discretion.

(3) Each RFGS shall investigate all reportable ((accidents)) incidents and unacceptable hazardous conditions. The RFGS may use its own staff or a contractor to conduct its investigation and shall designate a staff person to be responsible for submitting written investigation reports and findings to the department, on a department form, within forty five calendar days after the reportable ((accident)) incident or unacceptable hazardous condition was discovered. This report shall identify the causal factors contributing to the occurrence and contain a corrective action plan with an implementation schedule to prevent a recurrence of the ((accident)) incident, or to mitigate the unacceptable hazardous condition.

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

(5) Each RFGS shall submit an annual summary report to the department covering all reportable ((occurrences)) activities. The RFGS shall ensure delivery of the annual report to the department no later than ((January 15)) February 1 after the year being reported. ((The annual summary report

shall be submitted whether any reportable event occurred or any unacceptable hazardous condition was identified during the previous year.)

AMENDATORY SECTION (Amending Order 193, filed 8/30/99, effective 9/30/99)

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

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

(b) Internal safety and security audit schedule for the next year by ~~((January 15))~~ February 1;

(c) Annual report for the internal safety and security audits performed during the preceding year by ~~((January 15))~~ February 1;

(d) Annual summary report to the department covering all reportable occurrences by ~~((January 15))~~ February 1;

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

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

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

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

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

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

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

(3) If any RFGS delivers incomplete documentation by the required due date, the department shall notify the RFGS of any deficiency within one week. The RFGS shall supplement its required documentation within one week after receiving the department's notification. If the RFGS fails to supplement its documentation adequately, the department shall proceed to schedule a meeting and follow the procedures in subsection (2) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) One thousand dollars applied each thirty-day period, beginning the 90th day after a reportable ~~((accident))~~ incident occurred, or after an unacceptable hazardous condition was discovered for failure to deliver to the department an accept-

able investigation report, corrective action plan, and accompanying implementation schedule.

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

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

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

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

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

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

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

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

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

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

(iv) Where payment should be made.

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

Title of Rule: Safety standards for telecommunications, chapter 296-32 WAC; Safety standards for electrical workers, chapter 296-45 WAC; and Safety standards for construction workers, chapter 296-155 WAC.

Purpose: To add an additional public hearing in Spokane, Washington on April 30, 2002.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: To add an additional public hearing in Spokane, Washington on April 30, 2002.

Reasons Supporting Proposal: To add an additional public hearing in Spokane, Washington on April 30, 2002.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: To add an additional public hearing in Spokane, Washington on April 30, 2002.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department is adding an additional public hearing in Spokane, Washington on April 30, 2002.

RCW 34.05.328 applies to this rule adoption. The department has determined that the proposed rules are "significant legislative rules."

Hearing Location: Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA, on April 22, 2002, at 1:30 p.m.; and Department of Labor and Industries, 901 North Monroe Street, Suite 100, Spokane, WA, on April 30, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by March 19, 2002, at (360) 902-5484.

Submit Written Comments to: Steve Vik, Project Manager, P.O. Box 44620, Olympia, WA 98504-4620, e-mail vikt235@lni.wa.gov, fax (360) 902-5529, comments faxed must be ten pages or less.

Date of Intended Adoption: June 1, 2002.

April 24, 2002

Gary Moore
Director

WSR 02-10-025
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed April 24, 2002, 10:02 a.m.]

Supplemental Notice to WSR 02-05-080.

Preproposal statement of inquiry was filed as WSR 01-05-115.

WSR 02-10-031
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Order 02-02—Filed April 24, 2002, 11:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-05-011.

Title of Rule: Chapter 173-401 WAC, Operating permits regulation.

Small Business Economic Impact Statement

Purpose: Changes to chapter 173-401 WAC are proposed to include: (1) Changing the treatment of insignificant emissions units at air operating permit sources; (2) updating the definition of "Major Source" to reflect certain changes made in federal rules; (3) adding certain definitions that deal with compliance; (4) clarifying what is required for a complete application; (5) reporting requirements for deviations from permitted standards are clarified; and (6) the proposed language will make all parts of the rule consistent regarding time frames for renewal applications.

Statutory Authority for Adoption: RCW 70.94.161 directs the Department of Ecology to obtain and maintain an approved air operating permit program consistent with federal rules.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: Changes to chapter 173-401 WAC are proposed to include: (1) Changing the treatment of insignificant emissions units at air operating permit sources; (2) updating the definition of "Major Source" to reflect certain changes made in federal rules; (3) adding certain definitions that deal with compliance; (4) clarifying what is required for a complete application; (5) reporting requirements for deviations from permitted standards are clarified; and (6) the proposed language will make all parts of the rule consistent regarding time frames for renewal applications.

Reasons Supporting Proposal: Conformity with federal regulations and clarifying requirements.

Name of Agency Personnel Responsible for Drafting: Tom Todd, Lacey, Washington, (360) 407-7528; **Implementation and Enforcement:** Mary Burg, Lacey, Washington, (360) 407-6880.

Name of Proponent: Washington Department of Ecology, governmental.

Rule is necessary because of federal law, 40 C.F.R. 70.6.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule sets the standards for operation of the federally mandated air operating permits program.

Proposal Changes the Following Existing Rules: Under the proposed revision, permitting agencies may require monitoring recordkeeping and reporting for insignificant emissions units if the permitting authority determines it is necessary to assure compliance with regulations. Definitions of "continuous compliance" and "intermittent compliance," will be added to the rule. These terms will make it clear what the compliance status is when sources submit their semi-annual (or more frequent) compliance reports. EPA has changed the definition of "Major Source"; ecology proposes to change our language to conform to the federal definition. The proposed language clarifies what is considered a complete operating permit application. The current rule says that a copy of the standard form needs to be submitted, but many industries have found that the data from their facilities does not easily fit into the form. The proposed language states that complete information on all of the required data elements is sufficient for permit application. Reporting requirements for deviations from permitted standards are clarified. The proposed language will make all parts of the rule consistent regarding time frames for renewal applications.

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

INTRODUCTION: Chapter 19.85 RCW (the Regulatory Fairness Act) requires that rule making actions be examined for disproportionate impacts on small versus large businesses. If such impacts occur, they are to be mitigated to the extent feasible and legal under the stated objectives of the statute upon which the chapter 173-401 WAC is based. An examination of the above referenced rule indicates that no disproportionate impacts will occur. The remainder of this document describes the analysis and the reasoning leading to that conclusion.

BACKGROUND: The purpose of this proposed rule amendment is to incorporate changes into state statute as a result of federal regulatory requirements.

The federal Environmental Protection Agency (EPA) issued a Notice of Deficiency (NOD) to the state of Washington on December 14, 2001. The NOD states that "pursuant to its authority under section 502(i) of the Clean Air Act and the implementing regulations at 40 C.F.R. 70.10 (b)(1), EPA is publishing this notice of deficiency for the state of Washington's (Washington or state) Clean Air Act Title V operating permits program, which is administered by two state agencies and seven local air pollution control authorities. The notice of deficiency is based upon EPA's finding that Washington's provisions for insignificant emissions units do not meet minimum federal requirements for program approval. Publication of this notice is a prerequisite for withdrawal of Washington's Title V program approval, but does not affect such withdrawal." The Department of Ecology (ecology) is proposing to amend its operating permit regulation in chapter 173-401 WAC to enact language agreed upon by ecology and EPA to address the NOD and meet federal requirements.

Although many businesses or industries may occasionally be affected by the proposed rule revisions, it appears there will be no significant impacts to large or small businesses because of this rule change, except on a case-by-case basis for compliance issues.

ANALYSIS OF IMPACTS:

a) Affected companies:

The direct impacts of this rule-making proposal will fall upon the following for-profit companies of Washington state:

A & B ASPHALT	MARCH POINT COGENERATION
AFFORDABLE CUSTOM CABINETS	MELCHER MFG CO INC
AGRIUM US INC	MERIDIAN AGGREGATES PACIFIC QUARRY
ALCOA INC	MILNE FRUIT PRODUCTS
ALTEK INC APPLEWAY AVE	MT BAKER PLYWOOD
AMOCO FOAM PROD CO	MUTUAL MATERIALS MICA
ARCO PETROLEUM CHERRY POINT	NORTHWEST ALLOYS INC
AVISTA CORP	NORTHWEST PIPELINE CORP MT VERNON
BAYLINER MARINE	OESER COMPANY
BOEING	PACIFIC GAS TRANSMISSION CO
BOISE CASCADE LUMBER	PACIFIC NORTHWEST SUGAR

PROPOSED

BROOKLYN INDUSTRIAL COATINGS	PENWEST FOODS COMPANY	LONGVIEW FIBRE LUMBERMENS BUILDING CENTER	WEYERHAEUSER PAPER CO WHATCOM BUILDERS INC
BROOKS MANUFACTURING CO	PHILLIPS 66 CO FERNDAL REFINERY	MAAX HYDROSWIRL MFG CORP	WILDER CONSTRUCTION SINGER PIT
CANAM STEEL CORP SUNNY-SIDE PLANT	POST POINT PLANT		
CENTRAL PRE MIX CON-CRETE CO	PT TOWNSEND PAPER CORP		
COLUMBIA LIGHTING	PUGET POWER WHITEHORN FERNDAL		
COLUMBIA PAINT & COAT-INGS	PUGET SOUND REFINING CO		
CONOCO INC	RELIANCE TRAILER CO LLC GEIGER BLVD		
CSR ASSOCIATED BUTLER PIT	SANDVIK SPECIAL METALS CORP		
CXT INC PRECAST PLANT	SDS LUMBER CO BINGEN		
DURAMETAL BRAKE CO	SELECT FARMS LTD PAINT BOOTH		
ENCOGEN NW COGENERA-TION PLANT	SHAMROCK PAVING INC		
ERSHIGS INC	SHIELDS BAG & PRINTING CO		
EXXON MOBILE SPOKANE TERMINAL	SIMPSON TACOMA KRAFT CO		
FIBER TECH INDUSTRIES	SOLAR SYSTEM ATHLETIC RECONDITIONING		
FIBREX CORPORATION	SONSHINE COLLISION SER-VICES INC		
FORT JAMES CAMAS MILL	STIMSON LUMBER CO ARDEN		
FRAMATOME ANP RICHLAND, INC	SUMAS COGENERATION CALPINE		
GENERAL CHEMICAL CORP	TECNAL CORP 708		
GEORGIA PACIFIC CORP	TENASKA FERNDAL COGEN-ERATION		
GOLDENDALE ALUMINUM CO	TESORO NORTHWEST CO		
GUNDERSON NW FINLEY SHOP	TESSENDERLO KERLEY INC		
GUY BENNETT LUMBER	TEXACO NATURAL GAS FERN-DALE TERMINAL		
HONEYWELL ELECTRONIC MATERIALS	TOSCO SPOKANE TERMINAL		
HUNTWOOD INDUSTRIES	TRAIL WAGONS INC R ST		
IKO PACIFIC INC SUMAS	TRANSTATE ASPHALT		
INLAND ASPHALT COMPANY	TRAVIS PATTERN		
INLAND EMPIRE PAPER	TREE TOP INC PROSSER		
INTALCO ALUMINUM CORP FERNDAL	TWIN CITY FOODS PROSSER 6TH ST		
JOHN I HAAS INC HOP PRO-CESSING PLANT	UNIMIN CORP		
KAISER ALUMINUM	UNITED COATINGS MANU-FACTURING CO		
KIMBERLY CLARK CORP	VAAGEN BROTHERS LUMBER INC COLVILLE		
KRIEG CONSTRUCTION INC	VANALCO		
LAMB WESTON INC RICHLAND	VENCO PRODUCTS		
LIGNOTECH USA INC	WASTE TO ENERGY		
LONGVIEW ALUMINUM LLC	WESTERN RECREATIONAL VEHICLES INC		

This list represents sixty-eight different SIC numbers due to the wide range of permits under chapter 173-401 WAC. This list shall not be construed to preclude application of the rule to any business or industry to which it would otherwise apply.

ANALYSIS AND RESULTS: The first part of this analysis addresses the NOD received by the state of Washington from the EPA, and published to the Federal Register on January 2, 2002. The NOD states that Washington's insignificant emissions rules are not up to the EPA's standards and that Washington must comply with the federal rules or face losing both federal funding and the right to delegate the Title V program. This could put a large monetary burden on the state of Washington, businesses, and taxpayers.

The second part of this analysis, although not required for this small business impact statement, addresses the paper-work burden of complying with federal requirements.

PART ONE: A small business economic impact statement is not required, per RCW 19.85.061 Compliance with federal law, "Unless so requested by a majority vote of the joint administrative rules review committee under RCW 19.85.030, an agency is not required to comply with this chapter when adopting any rule solely for the purpose of conformity or compliance, or both, with federal statute or regulations. In lieu of the statement required under RCW 19.85.030, the agency shall file a statement citing, with specificity, the federal statute or regulation with which the rule is being adopted to conform or comply, and describing the consequences to the state if the rule is not adopted."

EFFECTS OF NOTICE OF DEFICIENCY: 40 C.F.R. Part 70 provides that EPA may withdraw a Part 70 program approval, in whole or in part, whenever the approved program no longer complies with the requirements of Part 70 and the permitting authority fails to take corrective action. 40 C.F.R. 70.10 (c)(1) goes on to list a number of potential bases for program withdrawal, including the case where the permitting authority's legal authority no longer meets the requirements of Part 70.40 C.F.R. 70.10(b) sets forth the procedures for program withdrawal, and requires as a prerequisite to withdrawal that the permitting authority be notified of any finding of deficiency by the administrator and that the document be published in the Federal Register. The EPA's deficiency document satisfies this requirement and constitutes a finding of program deficiency.

If the permitting authority has not taken "significant action to assure adequate administration and enforcement of the program" within ninety days after publication of a notice of deficiency, EPA may withdraw the state program, apply any of the sanctions specified in section 179(b) of the act, or promulgate, administer, and enforce a federal Title V program.

Section 70.10 (b)(3) provides that if a state has not corrected the deficiency within eighteen months of the finding of deficiency, EPA will apply the sanctions under section

179(b) of the act, in accordance with section 179(a) of the act. Upon EPA action, the sanctions will go into effect unless the state has corrected the deficiencies identified in this document within eighteen months after signature of this document. In addition, section 70.10 (b)(4) provides that, if the state has not corrected the deficiency within eighteen months after the date of notice of deficiency, EPA must promulgate, administer, and enforce a whole or partial program within two years of the date of the finding.

PART TWO:

HOURS AND COSTS REQUIRED TO COMPLETE THIS TASK: A report was done by the EPA on FTE hours needed to complete the task of compliance from start to finish under the EPA's federal regulation section § 71.5. The findings are as follows: The annual average burden on sources for the collection of information is approximately 269,000 hours per year, or 85 hours per source. The annual cost for the collection of information to respondents is \$2.7 million, assuming the part 71 program is in effect in thirty-eight state and local jurisdictions. The annual average burden on state and local agencies as delegated agencies is \$3.9 million. The annual cost to the federal government is \$4.2 million (assuming part 71 programs are delegated), which is recovered from sources through permit fees. Thus the total annual cost to sources would be \$10.8 million.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. Examples include records used to determine fee payment or compliance with applicable requirements.

40 C.F.R. 71.5 provides that information needed to determine the applicability of, or to impose any applicable requirement, must not be omitted from the permit application.

In addition, note that the definition of major source in neither § 71.2 nor § 71.5 exempts units eligible for insignificant treatment from major source applicability determinations.

These provisions mean that there are limited situations when more information than generally required by this form for insignificant emissions units or emissions may need to be provided. For example, if you are already a major source before you consider the emissions of insignificant activities, then these emissions have **no** bearing on the determination of major source status, and therefore, may be left off the application. Currently, the state of Washington's portion of this requirement is to have a copy made of the application and send it to the EPA for review. The loss of delegation of

authority reverses this process and may add as much as two month's additional process time.

The cost of compliance to small (or large) businesses can be calculated as: Total hours to complete the initial application process multiplied by average cost per hour equals total cost per source.

For Washington, this computes to: Eighty-five hours *(\$17.10₁+\$6.84₂) = \$2,035/source. This is the company cost of the source emitter; it does not include any permit fees. (1=ave. wage, 2=ave. overhead cost)

From the standpoint of the small business, this requirement is proportional to the size of the operation. The larger the company, the more sources there are, the more the expense.

DISCUSSION OF RESULTS:

MITIGATION: The results presented here support a conclusion that the identifiable impacts of the proposed rule change upon small vs. large businesses are not disproportionate. Therefore, mitigation is not required.

CONCLUSION: As discussed in the previous section, a small business economic impact statement is not required because of RCW 19.85.061. The cost of initial full compliance has been included at approximately \$2,035 per new source directly to the emitter and as best as can be determined; no significant additional costs will be required by this rule change.

A copy of the statement may be obtained by writing to Tom Todd, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7528, fax (360) 407-7534.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(c)(i)(B) says: A "procedural rule" is a rule that adopts, amends, or repeals (A) any procedure, practice, or requirement relating to any agency hearings; (B) any filing or related process requirement for making application to an agency for a license or permit; or (C) any policy statement pertaining to the consistent internal operations of an agency. This rule is a procedural rule and therefore is not subject to the requirements of RCW 34.05.328.

Hearing Location: Department of Ecology Auditorium, 300 Desmond Drive, Lacey, WA 98516, on June 14, 2002, at 2 p.m.

Assistance for Persons with Disabilities: Contact Judy Bietel by May 30, 2002, TDD (360) 407-6006 or (360) 404-6878.

Submit Written Comments to: Tom Todd, Department of Ecology, P.O. Box 47600, Olympia, WA 98516, e-mail ttod461@ecy.wa.gov, fax (360) 407-7534, postmarked by June 21, 2002.

Date of Intended Adoption: September 1, 2002.

April 23, 2002

Linda Hoffman
Deputy Director

AMENDATORY SECTION (Amending Order 93-30, filed 5/17/94, effective 6/17/94)

WAC 173-401-200 Definitions. The definitions of terms contained in chapter 173-400 WAC are incorporated

by reference, unless otherwise defined here. Unless a different meaning is clearly required by context, the following words and phrases, as used in this chapter, shall have the following meanings:

(1) "Affected source" means a source that includes one or more affected units.

(2) "Affected states" are the states or federally-recognized Tribal Nations:

(a) Whose air quality may be affected when a chapter 401 permit, permit modification, or permit renewal is being proposed; or

(b) That are within fifty miles of the permitted source.

(3) "Affected unit" means a fossil-fuel fired combustion device or a source that opts-in under 40 CFR part 74, that is subject to any emission reduction requirement or limitation under the Acid Rain Program.

(4) "Applicable requirement" means all of the following as they apply to emissions units in a chapter 401 source (including requirements that have been promulgated or approved by EPA, ecology or a local authority through rule making at the time of permit issuance but have future-effective compliance dates):

(a) The following provisions of the Federal Clean Air Act (FCAA):

(i) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rule making under Title I of the FCAA (Air Pollution Prevention and Control) that implements the relevant requirements of the FCAA, including any revisions to that plan promulgated in 40 CFR 52;

(ii) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rule making under Title I, including parts C (Prevention of Significant Deterioration) or D (Plan Requirements for Nonattainment Areas), of the FCAA;

(iii) Any standard or other requirement under section 111 (New Source Performance Standards) of the FCAA, including section 111(d);

(iv) Any standard or other requirement under section 112 (Hazardous Air Pollutants) of the FCAA, including any requirement concerning accident prevention under section 112 (r)(7) of the FCAA;

(v) Any standard or other requirement of the acid rain program under Title IV of the FCAA (Acid Deposition Control) or the regulations promulgated thereunder;

(vi) Any requirements established pursuant to section 504(b) or section 114 (a)(3) of the FCAA;

(vii) Any standard or other requirement governing solid waste incineration, under section 129 of the FCAA;

(viii) Any standard or other requirement for consumer and commercial products, under section 183(e) of the FCAA;

(ix) Any standard or other requirement for tank vessels, under section 183(f) of the FCAA;

(x) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the FCAA;

(xi) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the FCAA, unless the administrator has determined that such requirements need not be contained in a Title V permit; and

(xii) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the FCAA, but only as it would apply to temporary sources permitted pursuant to WAC 173-401-635.

(b) Chapter 70.94 RCW and rules adopted thereunder. This includes requirements in regulatory orders issued by the permitting authority.

(c) In permits issued by local air pollution control authorities, the requirements of any order or regulation adopted by the authority.

(d) Chapter 70.98 RCW and rules adopted thereunder.

(e) Chapter 80.50 RCW and rules adopted thereunder.

(5) "Chapter 401 permit" or "permit" means any permit or group of permits covering a chapter 401 source that is issued, renewed, amended, or revised pursuant to this chapter.

(6) "Chapter 401 source" means any source subject to the permitting requirements of this chapter.

(7) "Continuous compliance" means collection of all monitoring data required by the permit under the data collection frequency required by the permit, with no deviations, and no other information that indicates deviations, except for upsets or malfunctions during which compliance is not required. Monitoring data includes information from instrumental (e.g., CEMS, COMS, or parameter monitors) and noninstrumental (e.g., visual observation, inspection, record-keeping) forms of monitoring.

(8) "Delegated authority" means an air pollution control authority that has been delegated the permit program pursuant to RCW 70.94.161 (2)(b).

~~((8))~~ (9) "Designated representative" shall have the meaning given to it in section 402(26) of the FCAA and the regulations promulgated thereunder and in effect on April 7, 1993.

~~((9))~~ (10) "Draft permit" means the version of a permit for which the permitting authority offers public participation or affected state review.

~~((10))~~ (11) "Emissions allowable under the permit" means an enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or an enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

~~((11))~~ (12) "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the FCAA. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the FCAA.

~~((12))~~ (13) The "EPA" or the "administrator" means the administrator of the U.S. Environmental Protection Agency or her/his designee.

~~((13))~~ (14) "Federal Clean Air Act" or "FCAA" means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

~~((14))~~ (15) "Final permit" means the version of a chapter 401 permit issued by the permitting authority that has

completed all review procedures required by this chapter and 40 CFR §§ 70.7 and 70.8.

~~((15))~~ (16) "General permit" means a permit which covers multiple similar sources or emissions units in lieu of individual permits being issued to each source.

~~((16))~~ (17) "Insignificant activity" or "insignificant emissions unit" means any activity or emissions unit located at a chapter 401 source which qualifies as insignificant under the criteria listed in WAC 173-401-530. These units and activities are exempt from permit program requirements except as provided in WAC 173-401-530.

~~((17))~~ (18) "Intermittent compliance" means any form of compliance other than continuous compliance.

(19) "Major source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping and that are described in (a), (b), or (c) of this subsection. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the *Standard Industrial Classification Manual*, 1987.

(a) A major source under section 112 of the FCAA, which is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the FCAA, or twenty-five tpy or more of any combination of such hazardous air pollutants. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(b) A major stationary source of air pollutants, as defined in section 302 of the FCAA, that directly emits or has the potential to emit, one hundred tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of this section, unless the source belongs to one of the following categories of stationary source:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cement plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;

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

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

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

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

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

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

(xxvii) All other stationary source categories regulated by a standard promulgated under section 111 or 112 of the FCAA(~~(, but only with respect to those air pollutants that have been regulated for that category)~~);

(c) A major stationary source as defined in part D of Title I of the FCAA, including:

(i) For ozone nonattainment areas, sources with the potential to emit one hundred tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," fifty tpy or more in areas classified as "serious," twenty-five tpy or more in areas classified as "severe," and ten tpy or more in areas classified as "extreme"; except that the references in this paragraph to one hundred, fifty, twenty-five, and ten tpy of nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding, under section 182 (f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;

(ii) For ozone transport regions established pursuant to section 184 of the FCAA, sources with the potential to emit fifty tpy or more of volatile organic compounds;

(iii) For carbon monoxide nonattainment areas (A) that are classified as "serious," and (B) in which stationary sources contribute significantly to carbon monoxide levels, sources with the potential to emit fifty tpy or more of carbon monoxide; and

(iv) For particulate matter (PM-10) nonattainment areas classified as "serious," sources with the potential to emit seventy tpy or more of PM-10.

~~((18))~~ (20) "Permit modification" means a revision to a chapter 401 permit that meets the requirements of WAC 173-401-725.

~~((19))~~ (21) "Permit program costs" means all reasonable (direct and indirect) costs required to develop and administer a permit program (whether such costs are incurred by the permitting authority or other state or local agencies

that do not issue permits directly, but that support permit issuance or administration).

~~((20))~~ (22) "Permit revision" means any permit modification or administrative permit amendment.

~~((21))~~ (23) "Permitting authority" means the department of ecology, local air authority, or other agency authorized under RCW 70.94.161 (3)(b) and approved by EPA to carry out a permit program under this chapter.

~~((22))~~ (24) "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the administrator. This term does not alter or affect the use of this term for any other purposes under the FCAA, or the term "capacity factor" as used in Title IV of the FCAA or the regulations promulgated thereunder.

~~((23))~~ (25) "Proposed permit" means the version of a permit that the permitting authority proposes to issue and forwards to the administrator for review in compliance with 40 CFR 70.8.

~~((24))~~ (26) "Regulated air pollutant" means the following:

- (a) Nitrogen oxides or any volatile organic compounds;
- (b) Any pollutant for which a national ambient air quality standard has been promulgated;
- (c) Any pollutant that is subject to any standard promulgated under section 111 of the FCAA;
- (d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA; or
- (e) Any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the FCAA, including sections 112 (g), (j), and (r), including the following:

(i) Any pollutant subject to requirements under section 112(j) of the FCAA. If the administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the FCAA, any pollutant for which a subject source would be major shall be considered to be regulated on the date eighteen months after the applicable date established pursuant to section 112(e) of the FCAA; and

(ii) Any pollutant for which the requirements of section 112 (g)(2) of the FCAA have been met, but only with respect to the individual source subject to section 112 (g)(2) requirement; and

(f) Any air pollutant for which numerical emission standards, operational requirements, work practices, or monitoring requirements applicable to the source have been adopted under RCW 70.94.331, 70.94.380, and 70.94.395.

~~((25))~~ (27) "Regulated pollutant (for fee calculation)," which is used only for purposes of WAC 173-401-900, means any "regulated air pollutant" except the following:

- (a) Carbon monoxide;
- (b) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA; or

(c) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under section 112(r) of the FCAA.

(d) Any regulated air pollutant emitted from an insignificant activity or emissions unit as determined under WAC 173-401-530.

~~((26))~~ (28) "Renewal" means the process by which a permit is reissued at the end of its term.

~~((27))~~ (29) "Responsible official" means one of the following:

(a) For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than two hundred fifty persons or have gross annual sales or expenditures exceeding forty-three million in 1992 dollars; or

(ii) The delegation of authority to such representative is approved in advance by the permitting authority;

(b) For a partnership or sole proprietorship: A general partner or the proprietor, respectively;

(c) For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of EPA); or

(d) For affected sources:

(i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated thereunder and in effect on April 7, 1993 are concerned; and

(ii) The designated representative for any other purposes under 40 CFR part 70.

~~((28))~~ (30) "Section 502 (b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

~~((29))~~ (31) "Small business stationary source" means a stationary source that:

(a) Is owned or operated by a person that employs one hundred or fewer individuals;

(b) Is a small business concern as defined in the Federal Small Business Act;

(c) Is not a major source;

(d) Does not emit fifty tons or more per year of any regulated pollutant; and

(e) Emits less than seventy-five tons per year of all regulated pollutants.

~~((30))~~ (32) "Solid waste incineration unit" (for purposes of this chapter) means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public

(including single and multiple residences, hotels, and motels). Such term does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act (42 U.S.C. 6925). The term "solid waste incineration unit" does not include:

(a) Materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals;

(b) Qualifying small power production facilities, as defined in section (3)(17)(C) of the Federal Power Act (16 U.S.C. 796 (17)(C)) or qualifying cogeneration facilities as defined in section (3)(18)(B) of the Federal Power Act (16 U.S.C. 796 (18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes; or

(c) Air curtain incinerators provided that such incinerators only burn wood wastes, yard wastes, and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the administrator by rule.

~~((31))~~ (33) "State" means any nonfederal permitting authority, including any local agency, interstate association, or statewide program.

~~((32))~~ (34) "Stationary source" means any building, structure, facility, or installation that emits or may emit any air contaminant. For purposes of this chapter, air contaminants include any regulated air pollutant or any pollutant listed under section 112(b) of the FCAA.

~~((33))~~ (35) "Title I modification" or "modification under any provision of Title I of the FCAA" means any modification under Sections 111 (Standards of Performance for New Stationary Sources) or 112 (Hazardous Air Pollutants) of the FCAA and any physical change or change in the method of operations that is subject to the preconstruction review regulations promulgated under Parts C (Prevention of Significant Deterioration) and D (Plan Requirements for Nonattainment Areas) of Title I of the FCAA.

AMENDATORY SECTION (Amending Order 99-06, filed 8/15/01, effective 9/15/01)

WAC 173-401-300 Applicability. (1) Chapter 401 sources. The provisions of this chapter apply in all areas of the state of Washington to the following sources:

(a) Any source required by the FCAA to have an operating permit. These include the following sources:

(i) Any major source as defined in WAC 173-401-200(~~((18))~~).

(ii) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 (Standards of Performance for New Stationary Sources) of the FCAA. A small municipal waste combustion unit constructed on or before August 30, 1999, and regulated under WAC 173-400-050(5) becomes subject to this chapter on July 1, 2002.

(iii) Any source, including an area source, subject to a standard or other requirement under section 112 of the

FCAA, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) (Prevention of Accidental Releases) of the FCAA.

(iv) Any solid waste incineration units required to obtain permits under section 129 of the FCAA.

A commercial and industrial solid waste incineration unit constructed on or before November 30, 1999, and regulated under WAC 173-400-050(4) becomes subject to this chapter on July 1, 2002.

(v) Any "affected source" regulated under Title IV (Acid Deposition Control) of the FCAA.

(vi) Any source in a source category designated by the EPA pursuant to 40 CFR Part 70, as amended through April 7, 1993.

(b) Any source that the permitting authority determines may cause or contribute to air pollution in such quantity as to create a threat to the public health or welfare under RCW 70.94.161(4) using the procedures in subsection (5) of this section.

(c) Any other source which chooses to apply for a permit.

(d) Deferral. A source subject to the secondary aluminum production requirements in 40 CFR Part 63, Subpart RRR (in effect on July 1, 2000) that is not a major source and is not located at a major source as defined under 40 CFR 63.2 and is not otherwise required to obtain a chapter 401 permit is deferred from chapter 173-401 WAC until December 4, 2004. This category includes sweat furnaces, aluminum scrap shredders, thermal chip dryers, scrap dryers/delacquering kilns/decoating kilns, group 2 furnaces (processing clean charge only and no reactive fluxing), dross-only furnaces, and rotary dross coolers.

(e) A municipal solid waste landfill constructed, reconstructed or modified before May 30, 1991, and regulated under WAC 173-400-070(9) becomes subject to this chapter on September 20, 2001.

Note: Under 40 CFR 62.14352(e) (in effect on July 1, 2000), an affected landfill must have submitted its chapter 401 application so that by April 6, 2001, the permitting agency was able to determine that it was timely and complete. Under 40 CFR 70.7(b), an affected source may not operate if it has not submitted a timely and complete application.

(2) Source category exemptions.

(a) All sources listed in subsection (1)(a) of this section that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the FCAA, are exempted from the obligation to obtain a chapter 401 permit until such time that:

(i) Ecology completes a rulemaking to determine whether nonmajor sources should be required to obtain permits. During this rulemaking, ecology will consider the compliance information contained in individual permit applications when evaluating the regulatory effectiveness and administrative feasibility of issuing operating permits to nonmajor sources relative to other regulatory options. This rulemaking must be completed no later than three years after the effective date of the permit program; or

(ii) The administrator completes a rulemaking to determine how the program should be structured for nonmajor

sources and determines that such sources must obtain operating permits and ecology completes a rule making to adopt ((EPS's)) EPA's revised applicability criteria.

(b) Subsection (2)(a) of this section shall not apply to nonmajor sources subject to a standard or other requirement established under either section 111 or section 112 of the FCAA after July 21, 1992, if, during those rulemakings, the administrator determines that such sources must obtain a permit at an earlier date and, subsequently, ecology completes a rule making to adopt EPS's applicability criteria.

(c) Any source listed in (a) of this subsection exempt from the requirement to obtain a permit under this section may opt to apply for a permit under this chapter.

(d) The following source categories are exempt from the obligation to obtain permit:

(i) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters; and

(ii) All sources and source categories that would be required to obtain a permit solely because they are subject to part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation.

(3) Emissions units and chapter 401 sources.

The permitting authority shall include in the permit all applicable requirements for all relevant emissions units in the source.

(4) Fugitive emissions. Fugitive emissions from a chapter 401 source shall be included in the permit application and the permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(5) Process for determining threat to public health or welfare. The following criteria shall be used to identify sources that are covered pursuant to subsection (1)(b) of this section:

(a) The source may cause or to contribute air pollution in such quantity as to create a violation of any ambient air quality standard as demonstrated by a dispersion modeling analysis performed in accordance with EPA's dispersion modeling guidelines, monitoring, or other appropriate methods; or

(b) The source may cause or contribute to air pollution in such quantity as to create a significant ambient level of any class A or class B toxic air pollutant contained in chapter 173-460 WAC as demonstrated by a dispersion modeling analysis done in accordance with EPA's dispersion modeling guidelines, monitoring, or other appropriate methods.

(c) Small business stationary sources otherwise covered under (a) and (b) of this subsection are exempt except when all of the following requirements are satisfied:

(i) The source is in an area that currently exceeds or has been projected by ecology to exceed within five years any federal or state air quality standard. Prior to determining that any area threatens to exceed a standard, ecology shall hold a public hearing or hearings within the threatened area.

(ii) Ecology provides justification that requiring a source to have a permit is necessary to meet or to prevent exceeding a federal or state air quality standard.

(6) Permitting authorities shall develop and maintain a list of names of chapter 401 sources within their jurisdictions. This list shall be made available to the public. A chapter 401 source inadvertently omitted from this list is not exempted from the requirement to obtain a permit under this chapter.

(7) Federally enforceable limits. Any source which is defined as a chapter 401 source solely because its potential to emit exceeds the annual tonnage thresholds defined in WAC 173-401-200((+8)) shall be exempt from the requirement to obtain an operating permit when federally enforceable conditions which limit that source's potential to emit to levels below the relevant tonnage thresholds have been established for that source.

(a) In applying for an exemption under this subsection, the owner or operator of the source shall demonstrate to the permitting authority that the source's potential to emit, taking into account any federally enforceable restrictions assumed by the source, does not exceed the tonnage thresholds defined in WAC 173-401-200((+8)). Such demonstrations shall be in accordance with WAC 173-401-520 and shall contain emissions measurement and monitoring data, location of monitoring records, and other information necessary to support the source's emission calculations.

(b) Permitting authorities may use the following approaches to establish federally enforceable limitations:

(i) Regulatory orders. The permitting authority may establish source-specific conditions in a regulatory order issued pursuant to WAC 173-400-090.

(ii) Notice of construction approvals. The permitting authority may establish source-specific conditions in a notice of construction approval issued pursuant to state or local regulations contained in an EPA-approved state implementation plan; or

(iii) General permits. The permitting authority may establish source-category requirements which limit a source's potential to emit through a general permit issued pursuant to RCW 70.94.161(11). Following EPA approval of the general permit, limitations on potential to emit become federally enforceable against a particular source after that source applies for, and receives coverage under the general permit.

(c) A source receiving a federally enforceable limit on its potential to emit shall annually certify that its potential to emit is less than that which would require the source to obtain an operating permit. Such certifications shall contain the information specified in (a) of this subsection.

(d) Notice of issuance of any order or permit which limits a source's potential to emit shall be published in the permit register pursuant to WAC 173-401-805 (2)(e).

AMENDATORY SECTION (Amending Order 91-68, filed 10/4/93, effective 11/4/93)

WAC 173-401-500 Permit applications. (1) Source identification. Within ninety days after the date that a permitting authority submits for EPA approval a permit program or partial permit program, the permitting authority shall notify each potential chapter 401 source within its jurisdiction that the source may be required to obtain a permit. Failure of the permitting authority to notify a source shall not relieve that

source from the obligation to file a timely and complete application.

(2) Application distribution. No later than thirty days after EPA grants final or interim, full or partial, approval to the state program, the responsible permitting authority shall send an application to each potential chapter 401 source within its jurisdiction, and a notice stating a deadline by which an application must be filed. ~~((Unless otherwise specified in the permit, the permitting authority will send a permit renewal application to each source no less than twenty months from the date of expiration of the source's permit.))~~ Failure of the permitting authority to distribute permit or renewal applications to an individual source shall not relieve that source from the obligation to file a timely and complete application. Renewal applications shall be sent to the source as specified in WAC 173-401-710.

(3) Duty to apply. For each chapter 401 source, the owner or operator shall submit a timely and complete permit application in accordance with this section. Whenever practicable, the applicant shall utilize methods provided by the permitting authority for electronic transmission of the completed application.

(a) Existing chapter 401 sources. Chapter 401 sources in existence on the date of EPA approval of the state permit program shall submit permit applications no later than one hundred eighty days after EPA approval of the state permitting program.

(b) Existing sources becoming chapter 401 sources due to future regulations. An existing source may become subject to the operating permit program as a result of regulations promulgated after EPA approval of the state permit program. For those sources, a complete application must be submitted within twelve months from the time that the source becomes subject to the permit program.

(c) New or modified sources. New or modified chapter 401 sources which commence operation after EPA approval of the state operating program shall file a complete application to obtain the chapter 401 permit or permit revision within twelve months after commencing operation. Where an existing chapter 401 permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation. The applicant may elect to integrate procedures for new source review and operating permit issuance as described in subsection (10) of this section.

(d) Permit renewal. For purposes of permit renewal, a timely application is one that is submitted at the time specified in WAC 173-401-710.

(e) Applications for initial phase II acid rain permits shall be submitted to the permitting authority by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.

(4) Complete application. To be deemed complete, an application must provide all information required pursuant to WAC 173-401-510, except that applications for permit revision need supply such information only if it is related to the proposed change. Information submitted under WAC 173-401-510 must be sufficient to evaluate the subject source and its application and to determine all applicable requirements. A responsible official shall certify the submitted information

consistent with WAC 173-401-520. Unless the permitting authority determines in writing that an application is not complete within sixty days of receipt of the application, such application shall be deemed to be complete, except as otherwise provided in WAC 173-401-700(6). Any notification of incompleteness shall specify the information needed to make the application complete and prescribe a reasonable time frame for response from the applicant. Unless the permitting authority requests additional information or otherwise notifies the applicant of incompleteness within sixty days of receipt of the supplemental information, the application shall be deemed complete. If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or take final action on that application, it may request such information in writing and set a reasonable deadline for a response. The source's ability to operate without a permit, as set forth in WAC 173-401-705(2), shall be in effect from the date the application is determined or deemed to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the permitting authority.

(5) Confidential information. In the case where a source has submitted information to the permitting authority under a claim of confidentiality, the permitting authority may also require the source to submit a copy of such information directly to the administrator.

(6) Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

(7) Completeness criteria. An application is complete when it contains the following information:

(a) ~~((A completed version of the standard application form or forms))~~ An application is complete when it contains all of the data described in WAC 173-401-510(2), including the required information for each emission unit (other than insignificant emission units) at the facility, along with any necessary supporting data and calculations. The use of a standard application is not required if all of the data elements required in WAC 173-401-510(2) are provided;

(b) A compliance plan that meets the criteria of WAC 173-401-630; and

(c) Certification by a responsible official of the chapter 401 source of the truth, accuracy, and completeness of the application, as provided in WAC 173-401-520.

(8) EPA notification. The permitting authority shall provide EPA with a copy of all complete permit applications and compliance plans for chapter 401 sources unless EPA waives or modifies this requirement.

(9) Public notice. Ecology shall publish a notice of all applications received under this section in the permit register as required under WAC 173-401-805.

(10) Operating permits for new sources. At the time of filing a notice of construction application under RCW

70.94.152 for the construction of a new source or modification of an existing source, the owner or operator may elect in writing to integrate new source review and operating permit issuance. Procedures for integration of these two processes are as follows:

(a) Modification of existing source. The owner or operator of an existing permitted source applying to modify the source within the meaning of RCW 70.94.030(14) may select integrated review by so indicating on its notice of construction application. The permitting authority shall process the notice of construction application in accordance with the procedures set forth in WAC 173-401-700. The permitting authority shall process the two applications in parallel, and consolidate all required public hearings, comment periods and EPA review periods. A proposed order of approval for the modification shall be provided to EPA for review as provided in WAC 173-401-810, along with a proposed administrative permit amendment to the source's operating permit. The administrative permit amendment shall incorporate into the operating permit the requirements contained in the order of approval. The order of approval shall include compliance requirements for the new or modified emissions units that meet the requirements of WAC 173-401-600 through 173-401-650. The permitting authority shall issue the final permit amendment and order of approval promptly upon conclusion of the EPA review period, unless EPA files a timely objection as provided in 40 CFR 70.8.

(b) Construction of new source. Any person who proposes to construct a new source, within the meaning of RCW 70.94.030(16), may select integrated review by concurrently filing with the permitting authority a notice of construction application and an operating permit application. The permitting authority shall process both applications in accordance with the procedures set forth in WAC 173-401-700. The permitting authority shall process the two applications in parallel, and consolidate all required public hearings, comment periods, and EPA review periods. A proposed order of approval for the new source shall be provided to EPA for review as provided in WAC 173-401-810, along with the proposed operating permit. The permitting authority shall issue the final operating permit and order of approval promptly upon conclusion of the EPA review period, unless EPA files a timely objection as provided in 40 CFR 70.8.

AMENDATORY SECTION (Amending Order 93-30, filed 5/17/94, effective 6/17/94)

WAC 173-401-530 Insignificant emission units. (1) General. This section contains criteria for identifying insignificant emission units or activities for purposes of the operating permit program. Designation of an emission unit or activity as insignificant for purposes of this chapter does not exempt the unit or activity from any applicable requirement. An emission unit or activity is insignificant based on one or more of the following approaches:

(a) Actual emissions of all regulated air pollutants from a unit or activity are less than the emission thresholds established in subsection (4) of this section. Such emission units and activities must be listed in the permit application;

(b) The emission unit or activity is listed in WAC 173-401-532 as categorically exempt. Such emission units or activities do not have to be listed in the permit application;

(c) The emission unit or activity is listed in WAC 173-401-533 and is considered insignificant if its size or production rate based on maximum rated capacity is below the specified level. These emission units or activities must be listed in the permit application.

(d) The emission unit or activity generates only fugitive emissions (as defined in WAC 173-400-030(31)), which are subject to no applicable requirement other than generally applicable requirements of the state implementation plan as defined in subsection (2) of this section. These units or activities must be listed on the permit application.

(2) Applicable requirements.

(a) Notwithstanding any other provision of this chapter, no emissions unit or activity subject to a federally enforceable applicable requirement (other than generally applicable requirements of the state implementation plan) shall qualify as an insignificant emissions unit or activity. For purposes of this section, generally applicable requirements of the state implementation plan are those federally enforceable requirements that apply universally to all emission units or activities without reference to specific types of emission units or activities.

(b) The application shall list and the permit shall contain all generally applicable requirements that apply to insignificant emission units or activities in the source.

(c) ~~((The permit shall not require testing, monitoring, reporting or recordkeeping for insignificant emission units or activities except where generally applicable requirements of the state implementation plan specifically impose these requirements. These requirements identified in the state implementation plan shall be deemed to satisfy the requirements of WAC 173-401-615 and 173-401-630(1).~~

(d) For insignificant emission units or activities, the source will not need to certify compliance under WAC 173-401-630(5).) Testing, monitoring, recordkeeping and reporting are not required for insignificant emissions units and activities unless determined by the permitting authority to be necessary to assure compliance or unless it is otherwise required by a generally applicable requirement of the state implementation plan. This section does not affect the authority of ecology and local air authorities to establish case-by-case monitoring requirements as set forth in WAC 173-400-105 or other provisions of law.

(d) Where a permit does not require testing, monitoring, recordkeeping and reporting for insignificant emissions units or activities, the permittee may certify continuous compliance if there were no observed, documented, or known instances of noncompliance during the reporting period. Where a permit requires testing, monitoring, recordkeeping and reporting for insignificant emission units or activities, the permittee may certify continuous compliance when the testing, monitoring, recordkeeping required by the permit revealed no violations during the period, and there were no observed, documented, or known instances of noncompliance during the reporting period.

(3) Permit shield. The permit shield described in WAC 173-401-640 shall not apply to any insignificant emissions unit or activity designated under this section.

(4) Insignificant emission thresholds. An emission unit or activity shall be considered insignificant if it qualifies under subsection (1)(b), (c) or (d) of this section, or if its actual emissions, based on methods approved by the permitting authority, are below the practical quantification limit (PQL), or are less than or equal to all of the following threshold levels:

- (a) 5 tons per year of carbon monoxide;
- (b) 2 tons per year of nitrogen oxides;
- (c) 2 tons per year of sulfur oxides;
- (d) 2 tons per year of volatile organic compounds (VOC);
- (e) 0.75 tons per year of PM₁₀ (as defined in chapter 173-400-030(~~(53)~~));
- (f) 0.005 tons per year of lead;
- (g) 0.15 tons per year of fluorides;
- (h) 0.35 tons per year of sulfuric acid mist;
- (i) 0.5 tons per year of hydrogen sulfide;
- (j) 0.5 tons per year of total reduced sulfur (including hydrogen sulfide);
- (k) 0.000000175 tons per year of municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans);
- (m) 0.75 tons per year of municipal waste combustor metals (measured as PM);
- (n) 2.0 tons per year of municipal waste combustor acid gases (measured as SO₂ and hydrogen chloride);
- (o) 2.0 tons per year of ozone depleting substances in aggregate (the sum of Class I and/or Class II substances as defined in Title VI and 40 CFR Part 82);
- (p) Thresholds levels for hazardous air pollutants as defined in WAC 173-401-531;
- (q) 0.5 tons per year for any regulated air pollutant not listed above or in WAC 173-401-531.

(5) Documentation.

(a) Upon request from the permitting authority the applicant must provide sufficient documentation to enable the permitting authority to determine that the emission unit or activity has been appropriately listed as insignificant.

(b) Upon request from the permitting authority, at any time during the term of the permit, an applicant who lists an activity or emissions unit as insignificant under subsection (1)(a) of this section shall demonstrate to the permitting authority that the actual emissions of the unit or activity are below the emission thresholds listed in subsection (4) of this section.

(6) Permit revision.

If an emission unit or activity that qualifies as insignificant solely on the basis of subsection (1)(a) of this section exceeds one of the emissions thresholds specified in subsection (4) of this section prior to issuance of a permit, the applicant shall promptly amend its permit application to include the relevant activity or emissions unit in the permit, as provided in WAC 173-401-500(6). Once the permit is issued, an activity or emissions unit that qualifies as insignificant solely on the basis of subsection (1)(a) of this section shall not

exceed the emissions thresholds specified in subsection (4) of this section, until the permit is modified pursuant to WAC 173-401-725 (Permit modifications).

(7) Local air authority discretion. Local air authorities may establish by rule other criteria for defining insignificant emissions units or activities. At a minimum, such criteria must be at least as stringent as the requirements in subsections (2) and (3) of this section. Insignificant emission units or activities defined by local air authority rule may not exceed threshold levels established under subsection (4) of this section.

AMENDATORY SECTION (Amending Order 99-06, filed 8/15/01, effective 9/15/01)

WAC 173-401-615 Monitoring and related record-keeping and reporting requirements. (1) Monitoring. Each permit shall contain the following requirements with respect to monitoring:

(a) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to sections 504(b) or 114 (a)(3) of the FCAA;

(b) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to subsection (3) of this section. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and

(c) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(2) Recordkeeping. With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:

(a) Records of required monitoring information that include the following:

- (i) The date, place as defined in the permit, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used;
- (v) The results of such analyses; and
- (vi) The operating conditions existing at the time of sampling or measurement;

(b) A record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

(c) Retention of records of all required monitoring data and support information for a period of five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings

for continuous monitoring instrumentation, and copies of all reports required by the permit.

(3) Reporting. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

(a) Submittal of reports of any required monitoring at least once every six months. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with WAC 173-401-520.

(b) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The permitting authority shall define "prompt" in each individual permit in relation to the degree and type of deviation likely to occur and the applicable requirement. For deviations which represent a potential threat to human health or safety, "prompt" means as soon as possible, but in no case later than twelve hours after the deviation is discovered. The source shall maintain a contemporaneous record of all deviations. Other deviations shall be reported no later than thirty days after the end of the month during which the deviation is discovered or as part of routine emission monitoring reports, whichever is first.

(4) Compliance assurance monitoring. 40 CFR Part 64, in effect on July 1, 2000, is adopted by reference.

AMENDATORY SECTION (Amending Order 91-68, filed 10/4/93, effective 11/4/93)

WAC 173-401-710 Permit renewal, revocation and expiration. (1) Renewal application. The source shall submit a complete permit renewal application to the permitting authority no later than the date established in the permit. This date shall be no less than six months prior to the expiration of the permit. The permitting authority may ~~((specify a longer time period in writing to the permitted source at least one year before the new application due date))~~ require that a permit renewal application must be submitted earlier. The permitting agency must mail this written notice to the source at least one year before the new application deadline to ensure that the terms of the permit will not lapse before the permit is renewed. In no event shall the application due date be earlier than eighteen months prior to the expiration of the permit. The permitting authority shall send a permit application to each source at least six months before a complete application is due.

(2) Permit issuance. Permits being renewed are subject to the same procedural requirements, including those for public participation, affected state and EPA review, that apply to initial permit issuance.

(3) Expired permits. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with subsection (1) of this section and WAC 173-401-500. All terms and conditions of the permit shall remain in effect after the permit itself expires if a timely and complete permit application has been submitted.

(4) Revocation of permits. The permitting authority may revoke a permit only upon the request of the permittee or for cause. The permitting authority shall provide at least thirty days written notice to the holder of a current operating permit prior to revocation of the permit or denial of a permit renewal application. Such notice shall include an explanation of the basis for the proposed action and afford the permittee/applicant an opportunity to meet with the permitting authority prior to the authority's final decision. A revocation issued under this section may be issued conditionally with a future effective date and may specify that the revocation will not take effect if the permittee satisfies the specified conditions before the effective date. Nothing in this subsection shall limit the permitting authority's authority to issue emergency orders.

AMENDATORY SECTION (Amending Order 91-68, filed 10/4/93, effective 11/4/93)

WAC 173-401-722 Changes not requiring permit revisions. (1) General.

(a) A chapter 401 source is authorized to make the changes described in this section without a permit revision, providing the following conditions are met:

- (i) The proposed changes are not Title I modifications;
- (ii) The proposed changes do not result in emissions which exceed those allowable under the permit, whether expressed as a rate of emissions, or in total emissions;
- (iii) The proposed changes do not alter permit terms that are necessary to enforce limitations on emissions from units covered by the permit; and

(iv) The facility provides the administrator and the permitting authority with written notification at least seven days prior to making the proposed changes except that written notification of a change made in response to an emergency shall be provided as soon as possible after the event.

(b) Permit attachments. The source and permitting authority shall attach each notice to their copy of the relevant permit.

(2) Section 502 (b)(10) changes. Pursuant to the conditions in subsection (1) of this section, a chapter 401 source is authorized to make section 502 (b)(10) changes (as defined in WAC 173-401-200(~~((28)))~~)) without a permit revision.

(a) For each such change, the written notification required under subsection (1)(a)(iv) of this section shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(b) The permit shield authorized under WAC 173-401-640 shall not apply to any change made pursuant to this paragraph.

(3) SIP authorized emissions trading. Pursuant to the conditions in subsection (1) of this section, a chapter 401 source is authorized to trade increases and decreases in emissions in the permitted facility, where the Washington state implementation plan provides for such emissions trades without requiring a permit revision. This provision is available in those cases where the permit does not already provide for such emissions trading.

(a) Under this subsection (3), the written notification required under subsection (1)(a)(iv) of this section shall include such information as may be required by the provision in the Washington state implementation plan authorizing the emissions trade, including at a minimum, when the proposed change will occur, a description of each such change, any change in emissions, the permit requirements with which the source will comply using the emissions trading provisions of the Washington state implementation plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions with which the source will comply in the applicable implementation plan and that provide for the emissions trade.

(b) The permit shield described in WAC 173-401-640 shall not extend to any change made under this paragraph. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the applicable implementation plan authorizing the emissions trade.

(4) Emission caps. Upon the request of the permit applicant, the permitting authority shall issue permits that contain terms and conditions, including all terms required under WAC 173-401-600 through 173-401-630 to determine compliance, allowing for the trading of emissions increases and decreases in the chapter 401 source solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The emissions trading provisions shall not be applied to any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements.

(a) Under this paragraph, the written notification required under subsection (1)(a)(iv) of this section shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(b) The permit shield described in WAC 173-401-640 shall extend to terms and conditions that allow such increases and decreases in emissions.

(5) A source making a change under this section shall comply with applicable preconstruction review requirements established pursuant to RCW 70.94.152.

WSR 02-10-032
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed April 24, 2002, 1:44 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-108.

Title of Rule: Amend sections WAC 458-53-030 Stratification of assessment rolls—Real property, 458-53-050

Land use stratification, sales summary and abstract report, and 458-53-140 Personal property ratio study.

Repeal section WAC 458-53-090 Department generated sales studies.

Purpose: To provide information about the ratio study and ratio calculation to county assessors, their staff, and the public.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, and 84.48.075.

Statute Being Implemented: RCW 84.48.075 and 84.48.080.

Summary: These rules set forth the processes to be used by the Department of Revenue and the counties in establishing the indicated real and personal property ratios for purposes of the state property tax levy and equalizing state assessed property.

Reasons Supporting Proposal: These rules are being revised to incorporate a recent legislative change (chapter 185, Laws of 2001) and to clarify and simplify the ratio process.

Name of Agency Personnel Responsible for Drafting: Mark Mullin, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6112; Implementation and Enforcement: Sandy Guilfoil, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5860.

Name of Proponent: Department of Revenue, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules provide important information for county assessors, their staff, and the general public regarding the processes to be used by the Department of Revenue and the counties in establishing the indicated real and personal property ratios for purposes of the state property tax levy and equalizing state assessed property.

WAC 458-53-030 explains the stratification process for real property for use in the ratio study and for ratio calculation. The rule provides a listing of land-use codes used in the stratification process. This rule needs to be updated to provide separate land-use codes for residential condominiums and other types of condominiums (e.g., commercial condominiums).

WAC 458-53-050 groups land-use codes into abstract categories. The rule needs to be updated to reflect the revisions that will be made to WAC 458-53-030.

WAC 458-53-090 provides information concerning sales studies generated by the Department of Revenue for those counties that are unable to provide the department with a computer generated sales study in accordance with WAC 458-53-100. This rule is being repealed, as the department no longer generates sales studies.

WAC 458-53-140 provides information about the personal property ratio study, including, among other things, the basis for a county's personal property ratio. This rule needs to be updated to reflect a change in the basis for a county's

personal property ratio as a result of chapter 185, Laws of 2001.

Proposal Changes the Following Existing Rules: This is a change to WAC 458-53-030, 458-53-050, 458-53-090 and 458-53-140, as explained above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not impose a responsibility or require a small business to perform something that is not already required by law.

RCW 34.05.328 does not apply to this rule adoption. These rules are interpretive rules as defined in RCW 34.05.328.

Hearing Location: Capital Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on June 6, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 570-6175.

Submit Written Comments to: Mark Mullin, Department of Revenue, P.O. Box 47467, Olympia, Washington 98504-7467, fax (360) 664-0693, e-mail MarkM@dor.wa.gov, by June 6, 2002.

Date of Intended Adoption: June 13, 2002.

April 24, 2002

Alan R. Lynn, Rules Coordinator
Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 96-05-002, filed 2/8/96, effective 3/10/96)

WAC 458-53-030 Stratification of assessment rolls—Real property. (1) ~~((Stratification—Uses for ratio study.))~~ **Introduction.** This rule explains the stratification process for real property. The stratification process is the grouping of real property within each county into homogeneous classifications based upon certain criteria in order to obtain representative samples. Stratification is used in determining the number of appraisals to be included in the ratio study and also for ratio calculation. The county's most current certified assessment rolls are used for stratification. Counties ~~((shall))~~ **must** stratify rolls using a land use code stratification system as prescribed by the department. (See RCW 36.21.100.)

(2) **Stratification—Parcel count and total value—Exclusions.** The stratification of the real property assessment rolls ~~((shall))~~ **must** include a parcel count and a total value of the taxable real property parcels in each stratum, excluding the following:

(a) ~~((Classified and))~~ Designated forest lands ~~((and timberland classified under chapter 84.34 RCW (see RCW 84.34.060))).~~ (See chapter 84.33 RCW);

(b) ~~((State owned game lands as defined in RCW 77.12.203(2);))~~ Timberland classified under chapter 84.34 RCW. (See RCW 84.34.060);

(c) Current use properties in those counties where a separate study is conducted pursuant to WAC 458-53-095(3); ~~((and))~~

(d) State assessed properties; and

(e) State-owned game lands as defined in RCW 77.12.203(2).

(3) **Stratification—By county.** For the real property ratio study, the assessment roll ~~((shall))~~ **must** be stratified for individual counties according to land use categories and sub-stratified by value classes as determined by the department. Stratification ~~((shall))~~ **will** be reviewed at least every other year by the department to determine if changes need to be made to improve sampling criteria. After the strata have been determined, the department ~~((shall))~~ **will** notify the counties of the strata limits, and each county ~~((shall))~~ **must** provide the department with the following, taken from the county's assessment rolls:

(a) A representative number of samples, as determined by the department, in each stratum, together with:

(i) The name and address of the taxpayer for each sample;

(ii) The land use code for each sample;

(iii) The assessed value for each sample; and

(iv) The actual number of samples;

(b) The total number of real property parcels in each stratum; and

(c) The total assessed value in each stratum.

(4) **Counties to provide information timely.** The stratification information described in subsection (3) of this ~~((section shall))~~ **rule must** be provided by the counties to the department in a timely manner to enable the department to certify the preliminary ratios in accordance with WAC 458-53-200(1). Failure to provide the information in a timely manner will result in the department using its best estimate of stratum values to calculate the real property ratio.

(5) **Standard two-digit land use code.** The following two-digit land use code ~~((shall))~~ **will** be used as the standard to identify the actual use of the land. Counties may elect to use a more detailed land use code system using additional digits, however, no county land use code system may use fewer than the standard two digits.

RESIDENTIAL

- 11 Household, single family units
- 12 Household, 2-4 units
- 13 Household, multi-units (5 or more)
- 14 Residential ~~((hotels—))~~condominiums
- 15 Mobile home parks or courts
- 16 Hotels/motels
- 17 Institutional lodging
- 18 All other residential not elsewhere coded
- 19 Vacation and cabin

MANUFACTURING

- 21 Food and kindred products
- 22 Textile mill products
- 23 Apparel and other finished products made from fabrics, leather, and similar materials
- 24 Lumber and wood products (except furniture)
- 25 Furniture and fixtures

- 26 Paper and allied products
- 27 Printing and publishing
- 28 Chemicals
- 29 Petroleum refining and related industries
- 30 Rubber and miscellaneous plastic products
- 31 Leather and leather products
- 32 Stone, clay and glass products
- 33 Primary metal industries
- 34 Fabricated metal products
- 35 Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks-manufacturing
- 36 Not presently assigned
- 37 Not presently assigned
- 38 Not presently assigned
- 39 Miscellaneous manufacturing

TRANSPORTATION, COMMUNICATION, AND UTILITIES

- 41 Railroad/transit transportation
- 42 Motor vehicle transportation
- 43 Aircraft transportation
- 44 Marine craft transportation
- 45 Highway and street right of way
- 46 Automobile parking
- 47 Communication
- 48 Utilities
- 49 Other transportation, communication, and utilities not classified elsewhere

TRADE

- 50 Condominiums - other than residential condominiums
- 51 Wholesale trade
- 52 Retail trade - building materials, hardware, and farm equipment
- 53 Retail trade - general merchandise
- 54 Retail trade - food
- 55 Retail trade - automotive, marine craft, aircraft, and accessories
- 56 Retail trade - apparel and accessories
- 57 Retail trade - furniture, home furnishings and equipment
- 58 Retail trade - eating and drinking
- 59 Other retail trade

SERVICES

- 61 Finance, insurance, and real estate services
- 62 Personal services
- 63 Business services

- 64 Repair services
- 65 Professional services
- 66 Contract construction services
- 67 Governmental services
- 68 Educational services
- 69 Miscellaneous services

CULTURAL, ENTERTAINMENT AND RECREATIONAL

- 71 Cultural activities and nature exhibitions
- 72 Public assembly
- 73 Amusements
- 74 Recreational activities
- 75 Resorts and group camps
- 76 Parks
- 77 Not presently assigned
- 78 Not presently assigned
- 79 Other cultural, entertainment, and recreational

RESOURCE PRODUCTION AND EXTRACTION

- 81 Agriculture (not classified under current use law)
- 82 Agriculture related activities
- 83 Agriculture classified under current use chapter 84.34 RCW
- 84 Fishing activities and related services
- 85 Mining activities and related services
- 86 Not presently assigned
- 87 ~~((Classified forest land chapter 84.33 RCW))~~ Not presently assigned
- 88 Designated forest land under chapter 84.33 RCW
- 89 Other resource production

UNDEVELOPED LAND AND WATER AREAS

- 91 Undeveloped land
- 92 Noncommercial forest
- 93 Water areas
- 94 Open space land classified under chapter 84.34 RCW
- 95 Timberland classified under chapter 84.34 RCW
- 96 Not presently assigned
- 97 Not presently assigned
- 98 Not presently assigned
- 99 Other undeveloped land

AMENDATORY SECTION (Amending WSR 96-05-002, filed 2/8/96, effective 3/10/96)

WAC 458-53-050 Land use stratification, sales summary and abstract report. Stratification of the assessment rolls, the annual sales summary, and the abstract report to the department for real property will be based on the following abstract categories:

PROPOSED

Abstract Category	Land Use Code
1. Single family residence	11, 14 , 18, 19
2. Multiple family residence	12, 13((-+4))
3. Manufacturing	21 through 39
4. Commercial	15, 16, 17, 41-49, ((54)) 50-59, 61-69, 71-79
5. Agricultural	81
6. Agricultural (current use law)	83
7. Forest lands (chapter 84.33 RCW)	((87,)) 88
8. Open space (current use law)	94
9. Timberland (current use law)	95
10. Other	82, 84, 85, 89, 91,92, 93, 96-99

WSR 02-10-036

WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
[Filed April 24, 2002, 4:21 p.m.]

The Aging and Adult Services Administration (AASA) would like to withdraw one WAC section from proposed rule making filed as WSR 01-23-072. The section to be withdrawn is new WAC 388-71-05953.

Brian Lindgren, Manager
Rules and Policies and Assistance Unit

WSR 02-10-052

PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed April 25, 2002, 1:27 p.m.]

AMENDATORY SECTION (Amending WSR 96-05-002, filed 2/8/96, effective 3/10/96)

WAC 458-53-140 Personal property ratio study. (1) ~~((Random selection of accounts. The basis for a county's personal property ratio shall be accounts selected at random from the preceding year's assessment rolls at the January 1 value for the preceding year.))~~ Introduction. This rule provides information about the personal property ratio study, including the basis for a county's personal property ratio, the determination of strata for each county, and the effect of the discovery of omitted property on the ratio study.

(2) Basis for personal property ratio. The basis for a county's personal property ratio will be valuation data with respect to personal property from the three years preceding the current assessment year.

(3) Stratification of rolls. Determination of strata for each county (~~shall~~) will be made by the department to ensure the selection of a representative audit sample and will be reviewed periodically. After the strata have been determined, the department (~~shall~~) will notify the counties of the strata limits and each county (~~shall~~) must provide the department with the following, taken from the county's assessment rolls:

(a) A representative number of samples, as determined by the department, in each stratum, together with:

(i) The name and address of the taxpayer for each sample;

(ii) The assessed value for each sample; and

(iii) The actual number of samples;

(b) The total number of personal property accounts in each stratum; and

(c) The total assessed value in each stratum.

~~((3))~~ (4) Omitted property. If the department discovers omitted property in a county, the results of the department's audit (~~shall~~) will be included in the ratio study.

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-076.

Title of Rule: Chapter 180-86 WAC, Professional certification—Policies and procedures for administration of certification proceedings.

Purpose: Update references to chapter 180-75 WAC which have been changed to chapter 180-86 WAC; adds process for agreed orders of reprimand; adds process for voluntary surrender without proposed order of revocation; removes proposed order requirement; and allows reporting of suspensions to NASDTEC. This also repeals WAC 180-86-020 and 180-86-055.

Statutory Authority for Adoption: RCW 28A.150.290(1).

Summary: To amend and repeal WAC references and to establish uniform rules.

Reasons Supporting Proposal: Clarification of procedures and correction of recodified.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Update references to chapter 180-75 WAC which have been changed to chapter 180-86 WAC; adds process for agreed orders of reprimand; adds process for voluntary surrender without proposed order of revocation; removes proposed order requirement; and allows reporting of suspensions to NASDTEC. This also repeals WAC 180-86-020 and 180-86-055.

Proposal Changes the Following Existing Rules: Updates references to chapter 180-75 WAC which have been changed to chapter 180-86 WAC; adds process for agreed orders of reprimand; adds process for voluntary surrender without proposed order of revocation; removes proposed order requirement; and allows reporting of suspensions to

NASDTEC. This also repeals WAC 180-86-020 and 180-86-055.

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: Burien Conference Center, 457 S.W. 148th Street, Suite 206-207, Burien, WA 98166, on June 20, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 13, 2002, TDD (360) 664-3631 or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 13, 2002.

Date of Intended Adoption: June 21, 2002.

April 22, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 97-04-082, filed 2/5/97, effective 3/8/97)

WAC 180-86-011 Valid certificate required. Persons serving as teachers in the public or private schools or as principals or educational staff associates in public schools and in vocational positions as established by chapter 180-77 WAC shall hold certificates authorized by the state board of education for service in the respective roles as required by statute or rules of the state board of education.

Any certificate issued pursuant to chapter 180-77 or 180-79A WAC or previous standards of the state board of education shall entitle the holder thereof to be employed by a public or nonpublic school for the performance of duties encompassed by the type of certificate as specified in WAC 180-79A-140 if such certification is required by statute or rules of the state board of education, unless such certificate is under suspension or until such certificate expires, lapses, or is revoked or surrendered.

AMENDATORY SECTION (Amending WSR 97-04-082, filed 2/5/97, effective 3/8/97)

WAC 180-86-013 Good moral character and personal fitness—Definition. As used in this chapter, the terms "good moral character and personal fitness" means character and personal fitness necessary to serve as a certificated employee in schools in the state of Washington, including character and personal fitness to have contact with, to teach, and to perform supervision of children. Good moral character and personal fitness includes, but is not limited to, the following:

- (1) No conviction of any felony crime involving:
 - (a) The physical neglect of a child under chapter 9A.42 RCW;
 - (b) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, excepting motor vehicle violations under chapter 46.61 RCW;
 - (c) The sexual exploitation of a child under chapter 9.68A RCW;

(d) Sexual offenses where a child is the victim under chapter 9A.44 RCW;

(e) The promotion of prostitution of a child under chapter 9A.88 RCW;

(f) The sale or purchase of a child under RCW 9A.64.030;

(g) Provided, That the general classes of felony crimes referenced within this subsection shall include equivalent federal and crimes in other states committed against a child;

(h) Provided further, That for the purpose of this subsection "child" means a minor as defined by the applicable state or federal law;

(i) Provided further, That for the purpose of this subsection "conviction" shall include a guilty plea.

(2) No conviction of any crime within the last ten years, including motor vehicle violations, which would materially and substantially impair the individual's worthiness and ability to serve as a professional within the public and private schools of the state. In determining whether a particular conviction would materially and substantially impair the individual's worthiness and ability to practice, the following and any other relevant considerations shall be weighed:

(a) Age and maturity at the time the criminal act was committed;

(b) The degree of culpability required for conviction of the crime and any mitigating factors, including motive for commission of the crime;

(c) The classification of the criminal act and the seriousness of the actual and potential harm to persons or property;

(d) Criminal history and the likelihood that criminal conduct will be repeated;

(e) The permissibility of service as a professional educator within the terms of any parole or probation;

(f) Proximity or remoteness in time of the criminal conviction;

(g) Any evidence offered which would support good moral character and personal fitness;

(h) If this subsection is applied to a person certified under the laws of the state of Washington in a suspension or revocation action, the effect on the education profession, including any chilling effect, shall be weighed; and

(i) In order to establish good moral character and personal fitness despite the criminal conviction, the applicant or certificate holder has the duty to provide available evidence relative to the above considerations. The superintendent of public instruction has the right to gather and present additional evidence which may corroborate or negate that provided by the applicant or certificate holder.

(3) No behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

(4) No practice within the state of Washington within the previous five school years with an expired, lapsed, suspended, surrendered, or revoked certificate in a professional position for which certification is required under the rules of the state board of education.

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AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-030 Reprimand order—Definition. As used in this chapter, the term "reprimand order" means an official document issued by the superintendent of public instruction which contains:

- (1) Findings of fact.
- (2) One or more conclusions of law stating the commission of an act of unprofessional conduct.
- (3) An order to not continue or repeat the conduct or lack of good moral character or personal fitness.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-065 Grounds for issuance of a reprimand order. The superintendent of public instruction may issue a reprimand order whenever the superintendent of public instruction determines one or ~~((both))~~ more of the following:

(1) That the certificate holder has admitted the commission of an act of unprofessional conduct or lack of good moral character or personal fitness and has presented to the superintendent of public instruction an agreed order to not continue or repeat the conduct described in the findings of fact.

(2) That the certificate holder has committed an act of unprofessional conduct but the evidence is probably insufficient to meet the clear and convincing proof standard for suspension or revocation.

~~((2))~~ (3) That the certificate holder has committed an act of unprofessional conduct but the violation and the consequence were not serious and the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a reprimand.

~~((3))~~ (4) Provided, That the superintendent of public instruction, in the administration of this chapter, shall place a high priority on processing complaints that allege circumstances which appear to warrant a suspension or revocation and, in order to do so, may elect not to pursue, when necessary, any and all complaints which appear to only warrant a reprimand.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-070 Grounds for issuance of suspension order. The superintendent of public instruction may issue a suspension order under one of the following conditions:

(1) The certificate holder has admitted the commission of an act of unprofessional conduct or lack of good moral character or personal fitness and has presented to the superintendent of public instruction an agreed order to not serve as an education practitioner for a stated period of time and the superintendent of public instruction has agreed that the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is

adequately served by a suspension. Such order may contain a requirement that the certificate holder fulfill certain conditions precedent to resuming professional practice and certain conditions subsequent to resuming practice.

(2) The certificate holder has committed an act of unprofessional conduct or lacks good moral character but the superintendent of public instruction has determined that a suspension as applied to the particular certificate holder will probably deter subsequent unprofessional or other conduct which evidences lack of good moral character or personal fitness by such certificate holder, and believes the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a suspension. Such order may contain a requirement that the certificate holder fulfill certain conditions precedent to resuming professional practice and certain conditions subsequent to resuming practice.

(3) The certificate holder lacks personal fitness but the superintendent of public instruction has determined the deficiency is correctable through remedial action and believes the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a suspension which states condition precedent to resuming professional practice and which also may state certain conditions subsequent to resuming practice.

(4) Provided, That suspension shall never be appropriate if the certificate holder has committed a felony crime under WAC ~~((180-75-081))~~ 180-86-013(1).

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-075 Grounds for issuance of a revocation order. The superintendent of public instruction may issue a revocation order under one of the following conditions:

(1) The superintendent of public instruction has determined that the certificate holder has committed a felony crime under WAC ~~((180-75-081))~~ 180-86-013(1), which bars the certificate holder from any future practice as an education practitioner.

(2) The certificate holder has not committed a felony crime under WAC ~~((180-75-081))~~ 180-86-013(1) but the superintendent of public instruction has determined the certificate holder has committed an act of unprofessional conduct or lacks good moral character or personal fitness and revocation is appropriate.

AMENDATORY SECTION (Amending WSR 91-08-056, filed 4/2/91, effective 5/3/91)

WAC 180-86-100 Reprimand or certificate suspension or revocation—Initiation of proceedings. The initiation of reprimand, suspension, or revocation proceedings by the superintendent of public instruction shall commence as a result of the following:

(1) Whenever the superintendent of public instruction or the designated administrative officer of the superintendent of public instruction having responsibility for certification

becomes aware from whatever source that a certificate holder has had a professional license revoked or suspended by a licensing agency, has voluntarily surrendered a license or has been arrested, charged, or convicted for any felony offense included within WAC ((180-75-081)) 180-86-013(1), the superintendent of public instruction or the designated administrative officer shall cause an investigation.

(2) In all other cases, the initiation of investigative proceedings shall commence only upon receipt of a written complaint from a school district or educational service district superintendent or the chief administrative officer of an approved private school. Such written complaint shall state the grounds and summarize the factual basis upon which a determination has been made that an investigation by the superintendent of public instruction is warranted. The superintendent of public instruction shall provide the affected certificate holder with a copy of such written complaint and a copy of WAC 180-86-180.

AMENDATORY SECTION (Amending WSR 97-05-008, filed 2/7/97, effective 3/10/97)

WAC 180-86-116 Investigative priorities—Levels of acts or omissions of misconduct. (1) The superintendent of public instruction or designee shall prioritize the investigation of alleged certificated individual misconduct, lack of fitness or unprofessional conduct in the following descending order:

(a) Level I. Level I actions shall have the highest investigative priority and are those allegations, if proven true, for which permanent mandatory revocation shall be the appropriate disciplinary action. They include the following convictions for which permanent revocation of a certificate is mandatory under RCW 28A.410.090:

- (i) Physical neglect of a child under chapter 9A.42 RCW;
- (ii) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW);
- (iii) Sexual exploitation of a child under chapter 9.68A RCW;
- (iv) Sexual offenses under chapter 9A.44 RCW where a minor is the victim;
- (v) Promoting prostitution of a minor under chapter 9A.88 RCW;
- (vi) The sale or purchase of a minor child under RCW 9A.64.030; or
- (vii) Violation of similar laws of another jurisdiction.

(b) Level II. Level II actions shall have the next investigative priority and are those allegations, if proven true, for which revocation may be the appropriate disciplinary action. They include, but are not limited to the following:

- (i) Sexual activity with children and/or students;
- (ii) Engaging in acts of violence leading to bodily injury;
- (iii) Selling and/or manufacturing illegal drugs; or
- (iv) Other activity that if convicted would result in a felony conviction.

(c) Level III. Level III actions shall have the next investigative priority and are those allegations, if proven true, for which suspension may be the appropriate disciplinary action. They include, but are not limited to the following:

- (i) Illegal drug possession and/or use;
- (ii) Threats related to persons or property;
- (iii) Alcohol abuse;
- (iv) Reckless conduct where no bodily injury results;
- (v) Engaging in unauthorized corporal punishment;
- (vi) Verbal or physical sexual harassment of students;
- (vii) Engaging in activity that demonstrates poor professional judgment; or
- (viii) Other activity that if convicted would result in a misdemeanor conviction.

(d) Level IV. Level IV actions shall have the next investigative priority and are those allegations, if proven true, for which a reprimand may be the appropriate disciplinary action. They include, but are not limited to the following:

- (i) Practicing with a lapsed or expired certificate, or a certificate not valid for the position;
- (ii) Isolated failure to timely evaluate certificated personnel; or
- (iii) Intentionally hiring a person for a certificated role who does not possess a valid certificate.

(2) All cases shall be monitored periodically to determine if their priority level should change as a result of information uncovered during the investigation.

(3) Notwithstanding any provision of this section to the contrary, the office of professional practices reserves the right to reprioritize the investigation of complaints based upon the efficient use of available resources and/or the relative urgency or lack of urgency in resolving various complaints in the public interest, and the right to recommend forms of discipline appropriate to the offenses committed.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-130 Issuance of ((proposed)) order for ((lapsing,)) reprimand, suspension, or revocation by superintendent of public instruction. Whenever the superintendent of public instruction ((has decided to)) takes action to ((lapse,)) suspend((;)) or revoke a certificate or reprimand a certificate holder, the superintendent of public instruction, in accordance with the provisions of this chapter, shall issue ((a proposed)) an order ((for lapsing,)) of reprimand, suspension, or revocation to the affected certificate holder and shall provide such person a copy of applicable administrative appeal procedures provided in this chapter. If the ((proposed)) order is to ((lapse,)) suspend((;)) or revoke a certificate and the superintendent of public instruction has knowledge that such certificate holder is employed within the common school system or by an approved private school, the superintendent of public instruction shall advise such employer that ((a proposed)) an order has been sent to the employee but shall not provide such employer with a copy of the ((proposed)) order.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-140 Appeal—General. Any person who applies directly to the superintendent of public instruction for a certificate, particular endorsement, certificate renewal, or

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certificate reinstatement whose application is denied or any person who is notified that his or her certificate (~~has lapsed or that his or her certificate will be~~) is suspended or revoked or that a reprimand order (~~will be~~) has been issued (~~in thirty calendar days unless the decision is appealed~~) shall be advised that he or she is entitled to appeal that decision to the superintendent of public instruction if he or she follows the procedures established in this chapter: Provided, That the appeal procedure may not be used to seek reinstatement of a certificate if that certificate has been revoked in the preceding twelve months by the superintendent of public instruction.

The appeal procedure to the superintendent of public instruction consists of two levels, one informal and one formal. The use of the informal level is a condition precedent to use of the formal level. In addition, the provisions of WAC 180-86-155 provide an additional appeal to the state board of education and RCW 34.05.570 provides for judicial review of such decisions.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-145 Appeal procedure—Informal SPI review. Any person who appeals the decision or (~~proposed~~) order to deny his or her application, (~~the lapsing of his or her certificate,~~) the issuance of a reprimand, or the (~~proposed~~) order to suspend or revoke his or her certificate must file a written notice with the superintendent of public instruction within thirty calendar days following the date of (~~mailing~~) receipt from the section of the superintendent of public instruction's office responsible for certification of the decision or (~~proposed~~) order.

The written notice must set forth the reasons why the appellant believes his or her application should have been granted or why his or her certificate should not be (~~lapsed,~~) suspended(~~;~~) or revoked, or why the (~~proposed~~) reprimand should not be issued whichever is applicable.

Following timely notice of appeal, the superintendent of public instruction shall appoint a review officer who shall proceed as follows:

(1) If the appeal does not involve good moral character, personal fitness, or unprofessional conduct, the review officer shall review the application (~~or notice of lapsing, whichever is applicable,~~) and appeal notice and may request further written information including, but not limited to, an explanation from the person or persons who initially reviewed the application (~~or decided to lapse the certificate, whichever is applicable,~~) of the reason(s) why the application was denied (~~or lapsed~~). If the review officer deems it advisable, he or she shall schedule an informal meeting with the appellant, the person or persons who denied the application (~~or lapsed the certificate~~), and any other interested party designated by the review officer to receive oral information concerning the application (~~or lapsing~~). Any such meeting must be held within thirty calendar days of the date of receipt by the superintendent of public instruction of the timely-filed appeal notice.

(2) If the appeal involves good moral character, personal fitness, or acts of unprofessional conduct, the review officer shall schedule an informal meeting of the applicant or certifi-

cate holder and/or counsel for the applicant or certificate holder with the admissions and professional conduct advisory committee. Such meeting shall be scheduled in accordance with the calendar of meetings of the advisory committee: Provided, That notice of appeal must be received at least fifteen calendar days in advance of a scheduled meeting.

(3) Send by certified mail a written decision—i.e., findings of fact and conclusions of law—on the appeal within thirty calendar days from the date of receipt of the timely-filed appeal notice or informal meeting, whichever is later. The review officer may uphold, reverse, or modify the decision to deny the application, (~~the lapsing of the certificate,~~) the (~~proposed~~) order to reprimand, or the (~~proposed~~) order to suspend or revoke the certificate.

(4) The timelines stated herein may be extended by the review officer for cause.

(5) Provided, That in the case of an action for suspension or revocation of a certificate, the review officer, if so requested by an appellant, shall delay any review under this section until all quasi-judicial administrative or judicial proceedings (i.e., criminal and civil actions), which the review officer and the appellant agree are factually related to the suspension or revocation proceeding, are completed, including appeals, if the appellant signs the agreement stated in WAC 180-86-160. In requesting such delay, the appellant shall disclose fully all pending quasi-judicial administrative proceedings in which the appellant is involved.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-160 Agreement not to continue or accept educational employment. The agreement required for deferring suspension or revocation proceedings shall read as follows:

"I,, have received notice in the form of (~~a proposed~~) an order to suspend or revoke that the superintendent of public instruction believes sufficient cause exists for the suspension or revocation of the following certificate(s):

- (1) Cert. No.
- (2) Cert. No.

As a condition to a delay in the hearing date, I agree not to commence or continue employment in any Washington public or private school or agency in a position requiring such certificate until the superintendent of public instruction dismisses the case without a hearing or until a hearing has been held and the final decision is rendered by the superintendent of public instruction. I further agree to advise the review officer assigned to my suspension or revocation proceedings of all decisions rendered in any administrative or judicial tribunal and all appeals therefrom which the review officer and I have agreed are factually related to the action to suspend or revoke my certificate(s). I understand my failure to abide by this agreement is an act of unprofessional conduct and, therefore, may be sufficient cause for revocation of my certificate(s)."

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-170 Burden and standard of proof. The following burden and standard of proof shall be applicable:

(1) If an application for certification or reinstatement has been denied for lack of good moral character or personal fitness, the evidence submitted by the applicant must prove by clear and convincing evidence that he or she is of good moral character and personal fitness or the application will be denied.

(2) In a suspension or revocation proceeding, the superintendent of public instruction must prove by clear and convincing evidence that the certificate holder is not of good moral character or personal fitness or has committed an act of unprofessional conduct.

(3) In all other proceedings, including reprimand (~~and lapsing proceedings~~), the standard of proof shall be a preponderance of evidence.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-180 Voluntary surrender of certificates. A holder of a certificate who has not received a final order for revocation of his or her certificate may voluntarily surrender his or her certificate to the superintendent of public instruction if the certificate holder believes that he or she is or might be ineligible to hold a certificate for any reason which is or might constitute grounds for revocation of the certificate other than conviction of a felony crime stated within WAC (~~180-75-084~~) 180-86-013(1).

A certificate holder voluntarily surrendering a certificate shall provide the superintendent of public instruction the following affidavit:

"I,, have reason to believe that I am or might be ineligible to hold a certificate(s) for reasons which do or might constitute grounds for revocation of the certificate(s). Accordingly, I hereby voluntarily surrender the following certificate(s):

- (1) Cert. No.
- (2) Cert. No.

I have not been to the best of my knowledge convicted of any felony crime listed within WAC (~~180-75-084~~) 180-86-013(1).

I agree, if I request reinstatement of the certificate(s) I have voluntarily surrendered, to provide the superintendent of public instruction with an affidavit describing in full the reasons for my voluntary surrender of the certificate(s) listed above. I further understand that the superintendent of public instruction will notify other states and public and private school officials within the state of Washington that I have voluntarily surrendered my certificate(s)."

Upon request for reinstatement of such certificate, the applicant must comply with chapter 180-77 or 180-79A WAC (~~180-75-087~~) and, in addition, must disclose in full the reasons for the voluntary surrender of the certificate. In the event the surrendered certificate would have expired or

lapsed but for the surrendering of the certificate, the applicant must meet all requirements for reinstating an expired or lapsed certificate.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-185 Notification of denial, surrender, (~~lapsing~~) suspension, or revocation of certificates. The superintendent of public instruction shall notify all other states whenever an applicant has been denied a certificate for failure to possess good moral character or personal fitness or whenever a certificate has been suspended, surrendered, or revoked and shall provide the full name and certificate number, if applicable, to the agency responsible for certification in each state. The superintendent of public instruction shall notify appropriate public or private school officials within the state the name and certification number of all certificate holders whose certificates have been (~~lapsed~~) suspended, surrendered, or revoked: Provided, That such notification shall not be made prior to forty-five days after the final administrative order and shall not be made if a court order staying the denial, (~~lapsing~~) suspension, or revocation is in effect.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-86-020 Lapse of certificate order—Definition.
- WAC 180-86-055 Grounds for issuance of lapse of certificate order.

**WSR 02-10-053
PROPOSED RULES
STATE BOARD OF EDUCATION**

[Filed April 25, 2002, 1:34 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-052.

Title of Rule: WAC 180-24-400 Remote and necessary small school plants—Authority, 180-24-405 Remote and necessary small school plants—Purposes, 180-24-410 Remote and necessary small school plants—Criteria, 180-24-415 Remote and necessary small school plants—Review committee.

Purpose: Adopt amended language originally adopted on an emergency basis.

Other Identifying Information: Amend language to further identify criteria for granting remote and necessary status for small school plants.

Statutory Authority for Adoption: Section 502 (i)(e), chapter 6, Laws of 1994.

Summary: This language change will identify criteria for granting remote and necessary status for small school plants.

PROPOSED

Reasons Supporting Proposal: The state operating budget allocates funds to small school plants evaluated as remote and necessary by the State Board of Education.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The state operating budget allocates funds to small school plants evaluated as remote and necessary by the State Board of Education. Currently there are nine remote and necessary small school plants in eight school districts. The language change will address classification of small school plants as remote and necessary.

Proposal Changes the Following Existing Rules: Changes language and repeals sections.

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: Senate Hearing Room 4, John A. Cherberg Building, 304 15th Avenue S.W., Olympia, WA 98504-0482, on June 20, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 13, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, Patty Martin, Associate Director, fax (360) 586-2357, by June 13, 2002.

Date of Intended Adoption: June 21, 2002.

April 22, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 95-20-055, filed 10/2/95, effective 11/2/95)

WAC 180-24-400 Remote and necessary small school plants—Purpose and authority. (1) The purpose of WAC 180-24-400 through 180-24-420 is to establish policies and procedures to govern the classification of small school plants as remote and necessary.

(2) The authority for WAC 180-24-400 through 180-24-420 is the state Operating Appropriations Act which allocates funds to school districts for small school plants which have been judged by the state board of education to be remote and necessary.

AMENDATORY SECTION (Amending WSR 97-21-069, filed 10/15/97, effective 11/15/97)

WAC 180-24-410 Remote and necessary small school plants—Criteria. (1) Decisions of the state board of education on granting remote and necessary status to small school plants within school districts shall be based on a finding that granting remote and necessary status is necessary to assure

reasonable provision of a basic education program to students, including related services, equipment, materials and supplies.

(2) In making the finding under subsection (1) of this section, the state board of education shall consider, including but not limited to, the factors under (a) through (g) of this subsection. No single factor or combination of factors necessarily warrants granting or denying remote and necessary status. However, it shall be the policy of the state board of education to favor those requests which, in the board's judgment, meet the provisions of this section. "Favor" does not mean that the listed factors are necessarily exclusive. Additional factors and considerations may be included in a particular request. If there is a factual situation that falls outside the scope of all or a portion of the listed factors, the state board may consider the facts and reasons the additional factors or considerations support the request.

(a) The student population to be served at the small school site, must meet the small school funding formula for remote and necessary school plants as provided in the Operating Appropriations Act. The grade span served at the small school site shall include the same levels for eligible students established by the district for other elementary, middle, or high schools of the district, and meet the educational needs of the population served by that small school plant.

(b) Existence of an intact, permanent community which is defined as a geographically site-specific, nontransient group of people. This factor must be met.

(c) Transportation: Travel time to another school in the district, or school in another district, is not less than sixty minutes one way, or international boundary crossing processing time is unpredictable or lengthy or both.

(d) Transportation: Student safety from a small school site in the school district to another school in the district, or school in another district, may be at risk due to the condition of roads or waterways, seasonal weather conditions, or topography.

(e) Operational efficiency: Nonavailability of age appropriate grade level or cooperative programs in other school facilities in the district, or in the next nearest district or districts, or other educational organizations approved or recognized by the state board of education or the superintendent of public instruction.

(3) At its discretion, the state board of education may use as guidance the applicable provisions of WAC 180-24-013, 180-24-016, and 180-24-017.

AMENDATORY SECTION (Amending WSR 97-21-069, filed 10/15/97, effective 11/15/97)

WAC 180-24-415 Remote and necessary small school plants—Review committee. (1) There is hereby established by the state board of education a remote and necessary review committee comprised of at least the following five members:

(a) One member of the state board of education selected by the president of the board;

(b) Two staff members from the office of the superintendent of public instruction, one who is knowledgeable about finance issues and one who is knowledgeable about curriculum issues, both selected by the state superintendent;

(c) One school director selected by the Washington State School Directors' Association;

(d) One school district administrator selected by the Washington Association of School Administrators;

(2) Vacancies on the review committee shall be filled by the person or organization responsible for appointments.

(3) At the state board of education's discretion, other members may be added to the review committee.

(4) It is the responsibility of the review committee to receive and review all applications from school districts requesting the state board of education to grant remote and necessary status to a small school plant located in the district. Following the review of applications, the review committee shall recommend to the state board whether such designation should be granted. Recommendations of the review committee shall be advisory only. The final determination rests solely with the state board of education.

(5) Every small school plant with remote and necessary status beginning 1996, shall be reviewed every four years by the review committee and the state board. The review committee shall submit its findings and recommendations to the state board. The review committee may conduct the review on-site, with the number of members participating determined by the committee, or may conduct the review by other means as determined by the committee (~~and with state board approval~~). The state board shall provide to the fiscal committees of the legislature in January of odd-numbered years a list of remote and necessary small school plants.

(6) A small school plant shall lose its remote and necessary status if the number of students exceeds the enrollment requirements set forth in the state Operating Appropriations Act for three consecutive years. The loss of remote and necessary status shall take effect the immediate ensuing school year. ~~((If a small school site should lose its remote and necessary status, the local serving school district may continue to maintain and operate the school site. When the enrollment of such small school plant again meets the requirements of the state Operating Appropriations Act, the school district may apply to the state board of education for redesignation as a remote and necessary plant. The small school site's annual average full-time equivalent enrollment, pursuant to the Operating Appropriations Act requirements, shall be met for one full year prior to reapplication.))~~ If a small school site should lose its remote and necessary status, the local serving school district may continue to maintain and operate the school site. When the enrollment of such small school plant again meets the requirements of the state Operating Appropriations Act, the school district may apply to the state board of education for redesignation as a remote and necessary plant.

(7) A small school plant shall lose its remote and necessary status if a local school district closes the small school plant. If the small school plant is reopened by the district, or a new small school plant is opened, the school district may apply to the state board of education for remote and necessary designation for the small school plant. If such designation is granted, the remote and necessary status shall take effect as determined by the state board of education.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-24-405

Remote and necessary small school plants—Purpose.

WSR 02-10-060

PROPOSED RULES

ATTORNEY GENERAL'S OFFICE

[Filed April 26, 2002, 9:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-046.

Title of Rule: Chapter 44-10 WAC, Arbitration and the arbitration process.

Subject: Definitions, procedures, activities, of the Lemon Law Administration, the New Motor Vehicle Arbitration Board, consumers, manufacturers, arbitrators and expert motor vehicle technicians pursuant to chapter 19.118 RCW, the Motor Vehicle Warranties Act, generally known as the Lemon Law.

Purpose: (1) Amend definition of "Settlement" to include the category of vehicle reacquired by manufacturers through dispute resolution program other than that established by statute when the program uses standards equivalent to chapter 19.118 RCW; (2) and (3) make editorial and procedural revisions to reflect procedural changes regarding activities of the New Motor Vehicle Arbitration Board and the Lemon Law Administration.

Statutory Authority for Adoption: RCW 19.118.080(2), 19.118.061.

Statute Being Implemented: Chapter 19.118 RCW.

Summary: (1) Amend chapter 44-10 WAC to modify definition of "Settlement" to include vehicles reacquired by a manufacturer resulting from an award of a manufacturer sponsored dispute resolution program based on standards equivalent to or directly taken from chapter 19.118 RCW and to require title notations and written resale disclosure to a subsequent retail purchaser/lessee; (2) make procedural revisions to provide for the Attorney General's Office to prepare and distribute various correspondence and notices for the Motor Vehicle Arbitration Board; (3) make procedural revisions to special master arbitrator procedures.

Reasons Supporting Proposal: (1) Clarification of vehicle title notation and resale requirements for some manufacturer reacquired vehicles reacquired under manufacturer-sponsored dispute programs using equivalent standards as chapter 19.118 RCW; (2) and (3) the changes will clarify, establish greater efficiency and result in cost savings in activities of the Lemon Law Administration and the New Motor Vehicle Arbitration Board relating to consumer and manufacturer contacts, correspondence, notices and records maintenance.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul N. Corning, 900 4th

Avenue, Suite 2000, Seattle, WA 98164-1012, (206) 464-6372.

Name of Proponent: Washington Attorney General, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule making proposal's specific provisions include the following:

WAC 44-10-010 Definitions, add definition of agency unit, "Lemon Law Administration," add clarification of "settlement" to include, in some instances, a consumer's acceptance of a decision or award for repurchase or replacement of a vehicle from a manufacturer sponsored dispute resolution program which results in the manufacturer reacquiring the defective vehicle.

WAC 44-10-050 Assignment to board, procedural modification for efficiency and cost effectiveness.

WAC 44-10-060 Powers and duties of arbitration special master, procedural modification for efficiency and cost effectiveness.

WAC 44-10-070 Manufacturer's statement, procedural modification for efficiency and cost effectiveness.

WAC 44-10-080 Manufacturer's option to request a viewing of motor vehicle, procedural modification for efficiency and cost effectiveness.

WAC 44-10-100 Subpoenas, procedural modification for efficiency and cost effectiveness.

WAC 44-10-110 Scheduling of arbitration hearings, procedural modification for efficiency and cost effectiveness.

WAC 44-10-120 Withdrawal, procedural modification for efficiency and cost effectiveness.

WAC 44-10-130 Defaults, procedural modification for efficiency and cost effectiveness.

WAC 44-10-140 Representation of parties, procedural modification for efficiency and cost effectiveness.

WAC 44-10-150 Settlement of dispute, procedural modification for efficiency and cost effectiveness.

WAC 44-10-160 Use of technical expert, procedural modification for efficiency and cost effectiveness.

WAC 44-10-170 Powers and duties of arbitrators, procedural modification for efficiency and cost effectiveness.

WAC 44-10-180 The arbitration hearing, procedural modification for efficiency and cost effectiveness.

WAC 44-10-200 The arbitration decision, procedural modification for efficiency and cost effectiveness.

WAC 44-10-210 Technical corrections, procedural modification for efficiency and cost effectiveness.

WAC 44-10-221 Resale documents—Attorney general procedures, procedural modification for efficiency and cost effectiveness.

WAC 44-10-222 Manufacturer duties upon receipt of a returned vehicle, procedural modification for efficiency and cost effectiveness.

WAC 44-10-300 Imposition of fine for manufacturer noncompliance with an arbitration decision, procedural modification for efficiency and cost effectiveness.

WAC 44-10-310 Request for review of imposition of fine, procedural modification for efficiency and cost effectiveness.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business economic impact statement has been prepared under chapter 19.85 RCW. Because the changes are designed to increase clarity and procedural efficiencies, or do not apply to small businesses, the agency expects this rule to have no negative small business impact. For a copy of the complete economic compliance document or summary, please contact Paul N. Corning, Lemon Law Administrator, 900 4th Avenue, Suite 2000, Seattle, WA 98164-1012.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328, section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This agency is not required to comply with this subsection. RCW 34.05.328(5).

Hearing Location: Training Center, Attorney General's Office, 900 4th Avenue, Suite 2000, Seattle, WA 98164-1012, on June 4, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Paul Corning by June 3, 2002, TDD contact through relay at (206) 464-6372 or e-mail paulc@atg.wa.gov.

Submit Written Comments to: Paul N. Corning, Lemon Law Administration, Attorney General's Office, 900 4th Avenue, Suite 2000, Seattle, WA 98164-1012, e-mail paulc@atg.wa.gov, fax (206) 464-6451, by June 3, 2002.

Date of Intended Adoption: June 4, 2002.

April 26, 2002

Paul N. Corning, Administrator
Lemon Law Administration

AMENDATORY SECTION (Amending WSR 00-08-068, filed 4/3/00, effective 5/4/00)

WAC 44-10-010 Definitions. Terms, when used in this chapter, shall have the same meaning as terms used in chapter 19.118 RCW. The following definitions shall supplement or aid in the interpretation of the definitions set forth in chapter 19.118 RCW.

"Arbitration special master" means the individual or group of individuals selected by the board to hear and decide special issues timely brought before the board.

"Attorney general" or "attorney general's office" means the person duly elected to serve as attorney general of the state of Washington and delegates authorized to act on his or her behalf.

"Intervening transferor" means any person or entity which receives, buys or otherwise transfers the returned new motor vehicle prior to the first retail transfer, sale or lease subsequent to being repurchased or replaced by the manufacturer.

"Lemon Law administration" means the section within the attorney general's office, consumer protection division, designated by the attorney general to be responsible for the implementation of chapter 19.118 RCW and related rules.

"Lemon Law resale documents" refers to the following:

(1) "Lemon Law resale windshield display" means a document created and provided by the attorney general which identifies that: (a) The vehicle was reacquired by the manu-

factorer after a determination, settlement or adjudication of a dispute; (b) the vehicle has one or more nonconformities or serious safety defects, or was out-of-service thirty or more days due to diagnosis or repair of one or more nonconformities; and (c) the defects or conditions causing the vehicle to be reacquired by the manufacturer.

(2) "Lemon Law resale disclosure": Means a document created and provided by the attorney general which identifies that: (a) The vehicle was reacquired by the manufacturer after a settlement, determination or adjudication of a dispute; (b) the vehicle has one or more nonconformities or serious safety defects, or was out-of-service thirty or more days due to diagnosis or repair of one or more nonconformities; and (c) the defects or conditions causing the vehicle to be reacquired by the manufacturer. The document will provide space for the manufacturer to indicate if each nonconformity or serious safety defect has been corrected and is warranted by the manufacturer.

(3) "Notice of out-of-state disposition of a reacquired vehicle" refers to a document created and provided by the ~~(attorney general)~~ Lemon Law administration which requires the manufacturer, agent or dealer to identify the destination state and the dealer, auction, other person or entity to whom the manufacturer sells or otherwise transfers the reacquired vehicle when the vehicle is taken to another state for any disposition, including: resale, transfer or destruction.

"Person" includes every natural person, firm, partnership, corporation, association, or organization.

"Settlement" means the resolution of a dispute, under chapter 19.118 RCW, between the consumer and manufacturer after the new motor vehicle arbitration board has accepted the consumer's request for arbitration and which results in the manufacturer reacquiring the new motor vehicle directly or indirectly through an agent or a motor vehicle dealer. Settlement includes a consumer's acceptance of a decision or award for repurchase or replacement of a vehicle issued by a manufacturer sponsored dispute resolution program where the basis of the program's standards decision making are specifically related to, or identified as, some or all of the provisions of chapter 19.118 RCW and which results in the manufacturer reacquiring the new motor vehicle directly, through an agent or a motor vehicle dealer.

"Similar law of another state" refers to the law of another state which creates remedies for a manufacturer's failure to conform a vehicle to its warranty and under which the vehicle was reacquired by the manufacturer.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-050 Assignment to board. (1) After initial screening by the attorney general, all requests for arbitration which appear to be timely, complete and to have met the jurisdictional requirements of chapter 19.118 RCW shall be assigned to the board which will record the date it receives the assignment in the request for arbitration file.

(2) The board must determine if it will accept the request for arbitration or reject the request for arbitration, for the reasons set forth in RCW 19.118.090, within three business days

after the attorney general has forwarded the request for arbitration to the board.

(3) The board shall record the date of acceptance or rejection of the request for arbitration. The acceptance of the request shall commence the running of the forty-five calendar day period in which a hearing must be conducted.

(4) Upon acceptance of a request, the board shall immediately ~~((send))~~ notify the Lemon Law administration. A notice of acceptance for arbitration will be sent to the consumer and manufacturer by certified mail/return receipt requested and shall inform the parties that a hearing shall be held within forty-five calendar days. The parties shall be sent formal notice of the actual hearing date by certified mail/return receipt requested, at least ten calendar days before the hearing. The designated manufacturer contact shall be sent a copy of the consumer's request and a manufacturer's statement form with the notice of acceptance.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-060 Powers and duties of arbitration special master. (1) An arbitration special master may be appointed by the arbitration board to hear and decide preliminary and post-hearing issues which are within the arbitration board's authority. Requests for an arbitration special master may be made ~~((to the board by either party))~~ in writing by either party to the Lemon Law administration. The request will be reviewed to determine whether issues identified in the special master request will be forwarded to the board or denied. Post-hearing arbitration special masters shall not resolve matters previously presented in the arbitration hearing and addressed in the arbitration decision, or extend the time for compliance beyond the time necessary to hear and notify the parties of a decision about the issues in dispute or requiring clarification.

(2) Issues which may be decided by the arbitration special master include but are not limited to: Motions to quash subpoenas, disputes related to requests to view the vehicle, ~~((requests to set aside default determinations,))~~ disputes relating to an arbitration award including specification of the award amounts which could not have been or were not resolved at the arbitration hearing or matters necessary for compliance with the arbitration decision such as: time and place for compliance, condition of the vehicle to be returned, clarification or recalculation of refund amounts or a determination that an offered vehicle is reasonably equivalent to the vehicle being replaced. The arbitration special master may conduct telephonic conferences with a party or parties, as appropriate, and may request additional written information in order to rule on issues.

(3) An arbitration special master shall not extend the forty day period during which the manufacturer must comply with the arbitration decision except where the arbitration special master makes a finding that:

(a) The dispute could not have been brought to the board allowing sufficient time to conclude compliance within the forty day compliance period; and

(b) The manufacturer's position in the dispute is supported by the special master's decision.

(4) Arbitration special masters shall sign a written oath prior to their appointment as arbitration special master attesting to their impartiality. There shall be no ex parte communication initiated by a party with an arbitration special master.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-070 Manufacturer's statement. (1) The manufacturer shall provide information relevant to the resolution of the dispute to the consumer and board on a form created by the ~~((attorney general))~~ Lemon Law administration. The manufacturer's statement form shall be completely answered and shall include, but not be limited to, the following information:

(a) A statement of any affirmative defenses, and any legal or factual issues to be raised at the hearing. Any issues or affirmative defenses not raised in documents filed prior to the hearing may be excluded or limited by the arbitrator at the hearing; except as provided in WAC 44-10-080(6).

(b) The name, title, and business address of any person(s) the manufacturer plans to call as witnesses or from whom affidavits or written testimony will be presented;

(c) A statement identifying the year, make, model, options, color and any other significant information pertaining to the vehicle or vehicles it intends to offer as a reasonably equivalent replacement vehicle if the consumer prevails and requests replacement. If the manufacturer believes in good faith that replacement is impossible, or unreasonable, or cannot be provided timely pursuant to compliance requirements the manufacturer must raise such issue in its statement.

(2) The manufacturer must exercise its option to request a viewing of the consumer's motor vehicle by including a request to view the vehicle in the manufacturer's statement.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-080 Manufacturer's option to request a viewing of motor vehicle. (1) A manufacturer may request a viewing of the vehicle to aid in preparation of its defense. The request for a viewing of the vehicle must be indicated in the manufacturer's statement.

(2) The manufacturer and the consumer shall attempt to arrange a mutually agreeable time and location for such viewing. If after reasonable good faith attempts to arrange a viewing, a mutually agreeable time and location is not established, the manufacturer may request ~~((from))~~ the ~~((board that an arbitration special master))~~ Lemon Law administration program manager to set a time and location for viewing.

(3) ~~((The arbitration special master, upon such request,))~~ Upon receipt of a request to set a viewing, the Lemon Law administration program manager shall establish a time and location for viewing that is reasonably convenient for the parties. The location may be the consumer's residence if other locations are not reasonably convenient for the parties. The consumer must be present during the viewing, unless the consumer expressly waives in writing the right to be present.

(4) The viewing is not meant to be another attempt to repair the vehicle and no repair procedures shall be conducted.

(5) The manufacturer may perform limited nonrepair diagnostic examinations and inspection procedures, such as test driving the vehicle or attaching a testing device to the vehicle. The results of any diagnostic procedures or data gathered as a result of such procedures shall be supplied to the consumer as soon as it is available.

(6) If the viewing of the vehicle reveals any affirmative defenses or legal or factual issues not previously raised in the manufacturer's statement or consumer's request for arbitration, either party may file amendments with the Lemon Law administration within three business days of the viewing, or, no later than three business days prior to the hearing date, whichever is earlier.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-100 Subpoenas. (1) A party's request for a subpoena to be issued on behalf of the board must be received by the ~~((arbitration board no later than fourteen calendar days prior to the arbitration hearing date))~~ Lemon Law administration with the consumer's request for arbitration or the manufacturer's statement to be considered. A consumer may submit a request for a subpoena within three business days of receipt of a manufacturer's statement. The board shall make a determination of whether the documents and records sought by the party are reasonably related to the dispute and notify the ~~((attorney general))~~ Lemon Law administration of the ~~((request within two (2) business days of receiving the request))~~ determination.

(2) A subpoena issued by the attorney general shall identify the party causing the issuance of the subpoena, designate that the subpoena is issued by the attorney general pursuant to RCW 19.118.080, state the purpose of the proceeding, and command the person to whom it is directed to produce at the time and place set in the subpoena the designated documents or records under his or her control.

(3) Service of the subpoena may be made be certified mail, return receipt requested or by overnight express delivery.

(4) A person to whom a subpoena is directed may submit a written request to suspend or limit the terms of the subpoena to the ~~((board before the time specified in the subpoena for compliance))~~ Lemon Law administration within five business days of receipt of the subpoena and shall notify the party who requested the subpoena, of the request to suspend or limit it. The request must be accompanied by a short statement setting forth the basis for the request. ~~((Upon requests made to the board, the board shall notify the party who requested the subpoena.))~~ The ~~((board))~~ Lemon Law administration program manager may suspend or modify the subpoena or shall ~~((immediately))~~ assign the request to be heard at the arbitration hearing ~~((or before an arbitration special master who may suspend or modify the subpoena)).~~

(5) ~~((A party or nonparty subject to the subpoena must comply or submit a request to suspend or limit the subpoena within five business days of receipt of the subpoena. The~~

request shall be heard within five business days to hear and rule on the request.

(6)) Where the ((~~arbitration special master~~)) Lemon Law administration program manager upholds or modifies the subpoena, the responding person or party shall comply with the date set in the subpoena or within five business days, whichever is greater.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-110 Scheduling of arbitration hearings.

The board has the authority to schedule the arbitration hearing at its discretion ((~~and~~)). The Lemon Law administration shall notify the parties of the date, time and place by certified letter mailed at least ten calendar days prior to the hearing. Hearings may be scheduled during business hours, Monday through Thursday evenings, or Saturdays. If for any reason an arbitration hearing must be rescheduled, the board or the Lemon Law administration shall promptly notify the parties by mail or telephone.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-120 Withdrawal. A consumer may withdraw a request for arbitration at any time.

A withdrawal shall be granted without prejudice, although upon notice to the ((~~board~~)) Lemon Law administration of withdrawal, the thirty month period in which the consumer must submit a request for arbitration shall resume running. A consumer who has withdrawn may resubmit the claim for arbitration. However, if the consumer withdraws the second request, the withdrawal shall be considered a withdrawal with prejudice and the consumer shall not be allowed to resubmit the claim for arbitration.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-130 Defaults. (1) A party who fails to appear at the arbitration hearing will be considered in default.

(2) If a manufacturer defaults the arbitrator shall hold the hearing. The arbitrator shall make a decision based on the evidence presented by the consumer, and any files or documentation contained in the record including the manufacturer's statement and other evidence or documentation submitted by the manufacturer.

(3) If the consumer defaults it shall be considered a withdrawal with prejudice of the request for arbitration. The hearing shall be canceled if the consumer defaults.

(4) The default shall be final unless within twenty-four hours of the hearing time, the manufacturer or consumer contacts the ((~~board~~)) Lemon Law administration to request that the default be set aside. The request shall include evidence of an unforeseeable circumstance that resulted in the failure of the party to appear. Such request shall be considered by the ((~~arbitration special master~~)) Lemon Law administration program manager who will hear arguments from both parties on the request to set aside the default which may be conducted

via telephone conference call. If the ((~~arbitration special master sets aside the~~)) default is set aside, a new hearing shall be scheduled within ten calendar days of the original hearing date, and the parties shall be informed of the new date and time at least five business days prior to the hearing date when possible.

(5) If both parties default, the disposition of the case shall be handled as if only the consumer defaulted pursuant to WAC 44-10-130(3).

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-140 Representation of parties. (1) Any party to the arbitration hearing may be represented by counsel. If either party opts to be so represented, said party shall immediately notify the ((~~board~~)) Lemon Law administration and the other party of the name and address of the attorney.

(2) The consumer may be represented by himself or herself or by legal counsel, but may not be represented by a non-attorney. However, a person, acting as an interpreter, may assist a party in the presentation of the case if such assistance is necessary because of a mental or physical handicap or language barrier which would preclude the party from adequately representing himself or herself.

(3) A manufacturer may be represented by legal counsel, authorized employee or agent.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-150 Settlement of dispute. (1) Both parties shall notify the ((~~board~~)) Lemon Law administration of a resolution for settlement of the dispute after the request for arbitration has been accepted by the arbitration board. The ((~~attorney general~~)) Lemon Law administration shall verify the terms of the settlement or resolution. The disclosure of terms is for statutorily required record keeping only. The settlement or agreement to otherwise resolve the dispute is not subject to approval by the board or the attorney general.

(2) Notice of settlement or agreement to resolve the dispute shall be treated procedurally as if the consumer had withdrawn from the arbitration process, as set forth in WAC 44-10-120.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-160 Use of technical expert. (1) ((~~An adequate pool of automotive and motorcycle technical experts shall be maintained by the board.~~)) A technical expert is assigned by the board to advise and consult with an arbitrator. Technical experts shall not be directly involved in the manufacture, distribution, sale, or warranty service of any motor vehicle.

(2) Either party may request that a technical expert be assigned to a dispute. Such assignment, however, shall be at the discretion of the board. The board may upon their own volition assign a technical expert to a dispute.

(3) If a technical expert is assigned to a dispute, and is requested by the arbitrator to perform an inspection of the vehicle, other than as part of the arbitration hearing, a notice of the time, date and location of the technical expert's inspection of the vehicle will be provided to both parties. This section does not confer a right, for either party, to be present during the inspection of the vehicle, however, either party may be present. Any written report or results of the expert's inspection shall be supplied to the parties as soon as it is available. The technical expert shall be present at the hearing or shall be available by telephone at the time of hearing, and may be examined by either party or the arbitrator.

(4) The expert shall sign a written oath attesting to his or her impartiality prior to the commencement of each arbitration hearing to which he or she has been assigned.

AMENDATORY SECTION (Amending WSR 00-08-068, filed 4/3/00, effective 5/4/00)

WAC 44-10-170 Powers and duties of arbitrators. (1) Arbitrators shall have the duty to conduct fair and impartial hearings, to take all necessary actions to avoid delay in the disposition of proceedings, to maintain order, and to meet the sixty day time frame required by RCW 19.118.090 for the rendering of a decision. They shall have all powers necessary to meet these ends including, but not limited to, the power:

(a) To consider any and all evidence offered by the parties which the arbitrator deems necessary to an understanding and determination of the dispute;

(b) To regulate the course of the hearings and the conduct of the parties, their representatives and witnesses;

(c) To schedule vehicle inspection by the technical experts, if deemed necessary, at such time and place as the arbitrator determines;

(d) To continue the arbitration hearing to a subsequent date if, at the initial hearing, the arbitrator determines that additional information is necessary in order to render a fair and accurate decision. Such continuance shall be held within ten calendar days of the initial hearing;

(e) To impose sanctions for failure of a party to comply with a subpoena pursuant to RCW 19.118.080 (2)(b);

(f) To calculate and order the joint liability for compliance obligations of motor home manufacturers, when applicable, as part of an arbitration decision when ordering repurchase or replacement of a new motor vehicle.

(2) The board (~~shall maintain an adequate pool of trained arbitrators and~~) is responsible for the assignment of arbitrators to arbitration hearings. The selection and assignment of arbitrators is not subject to the approval of either party.

(3) Arbitrators must not have a personal interest in the outcome of any hearing, nor be acquainted with any of the participants except as such acquaintance may occur in the hearing process, nor hold any prejudice toward any party. Arbitrators shall not be directly involved in the manufacture, distribution, sale, or warranty service of any motor vehicle. Arbitrators shall maintain their impartiality throughout the course of the arbitration proceedings.

(a) An arbitrator shall sign a written oath prior to the commencement of each arbitration hearing to which he or she

has been assigned, attesting to his or her impartiality in that case.

(b) There shall be no direct communication between the parties and the arbitrators other than at the arbitration hearing. Any other oral or written communications between the parties and the arbitrators shall be channeled through the board. Any prohibited contact shall be reported by the arbitrators to the board and noted in the case record.

AMENDATORY SECTION (Amending WSR 00-08-068, filed 4/3/00, effective 5/4/00)

WAC 44-10-200 The arbitration decision. (1) The arbitration board shall (~~send~~) issue the decision (~~to the parties~~) in each case within sixty calendar days of acceptance of the request for arbitration:

(a) All decisions shall be written, in a form to be provided by the (~~attorney general~~) Lemon Law administration, dated and signed by the arbitrator, and sent by certified mail to the parties;

(b) The date (~~of mailing of~~) on which the board provides the arbitration decision to the Lemon Law administration shall determine compliance with the sixty day requirement to issue an arbitration decision;

(c) The written decision shall contain findings of fact and conclusions of law as to whether the motor vehicle meets the statutory standards for refund or replacement;

(i) If the consumer prevails and has elected repurchase of the vehicle, the decision shall include the statutory calculations used to determine the monetary award;

(ii) If the consumer prevails and has elected replacement of the vehicle, the decision shall identify or describe a reasonably equivalent replacement vehicle and any refundable incidental costs;

(iii) If the consumer prevails and the manufacturer is represented by counsel, the decision shall include a description of the awarded reasonable costs and attorneys' fees incurred by the consumer in connection with board proceedings.

Reasonable costs and attorneys' fees shall be determined by the arbitrator based on an affidavit of costs and fees prepared by the consumer's attorney and submitted no later than the conclusion of the arbitration hearing. The affidavit may be amended for post-hearing costs and fees. The amended affidavit of costs and fees must be delivered to the manufacturer's designated representative by certified mail or personal service and a copy submitted to the (~~arbitration board~~) Lemon Law administration by the consumer's attorney within thirty days of the consumer's acceptance of the decision but in no case after a manufacturer's compliance with a decision;

(d) Upon receipt of the board's decision, the Lemon Law administration will distribute it to the parties by certified mail.

(2) Upon request of a party, an arbitrator shall make factual findings and modify the offset total where the wear and tear on those portions of the motor home designated, used, or maintained primarily as a mobile dwelling, office, or commercial space is significantly greater or significantly less than that which could be reasonably expected based on the mileage attributable to the consumer's use of the motor home in an arbitration decision awarding repurchase or replacement of a

new motor vehicle originally purchased or leased at retail after June 30, 1998. An arbitrator will consider the actual amount of time that portions of the motor home were in use as dwelling, office or commercial space. The arbitrator shall not consider wear and tear resulting from:

(a) Defects in materials or workmanship in the manufacture of the motor home including the dwelling, office or commercial space;

(b) Damage due to removal of equipment pursuant to RCW 19.118.095 (1)(a); or

(c) Repairs.

The modification to the reasonable offset for use may not result in the addition or reduction of the offset for use calculation by more than one-third. The modification shall be specified as a percentage for reduction or addition to the offset calculation. The modification to the reasonable offset for use shall apply to the offset calculation at the time of repurchase or replacement of the motor home.

(3)(a) If a motor home manufacturer:

(i) Has met or exceeded the reasonable number of attempts to diagnose or repair the vehicle as set forth in RCW 19.118.041 (3)(a) or (b); or

(ii) Is responsible for sixty or more applicable days out of service by reason of diagnosis or repair as set forth in RCW 19.118.041 (3)(c), the motor home manufacturer is independently liable for compliance with a decision awarding repurchase or replacement of the motor home.

(b) If a motor home manufacturer has not met the criteria set forth in (a)(i) and (ii) of this subsection, but has contributed to the combined total of sixty or more days out of service by reason of diagnosis or repair as set forth in RCW 19.118.041 (3)(c), the manufacturer is jointly liable with the other liable motor home manufacturers for compliance with a decision awarding repurchase or replacement of the motor home.

(c) If a motor home manufacturer has met or exceeded the reasonable number of attempts to diagnose or repair the vehicle as set forth in RCW 19.118.041 (3)(a) or (b), and the manufacturer, together with one or more other motor home manufacturers, contributed to a combined total of sixty or more days out of service by reason of diagnosis or repair as set forth in RCW 19.118.041 (3)(c), the motor home manufacturer is jointly and severally liable for compliance with a decision awarding repurchase or replacement of the motor home.

(d) In a decision awarding repurchase or replacement of a motor home, and that allocates compliance liability, an arbitrator will identify the motor home manufacturer's minimum percentage of contribution to compliance with the award. In determining the allocation of liability among jointly liable motor home manufacturers, the arbitrator will consider a motor home manufacturer's contribution to the total number of applicable days out of service as a factor.

(e) When applicable as set forth in RCW 19.118.090(5), the arbitrator must allocate liability for the consumer's costs and attorneys' fees among the liable motor home manufacturers represented by counsel. The arbitrator will specify the liable motor home manufacturer's minimum percentage of contribution to compliance with the award. The motor home manufacturer's minimum percentage of contribution for the

consumer's costs and attorneys' fees may be different from the minimum percentage of contribution of the motor home manufacturer's compliance obligation due to other liable motor home manufacturers' lack of representation by counsel.

(f) An arbitrator must specify in the decision that the lack of compliance, late or delayed compliance, or the filing of an appeal by another liable motor home manufacturer will not affect a motor home manufacturer's independent liability for compliance with a decision awarding repurchase or replacement of the motor home.

(g) At the conclusion of the arbitration hearing regarding a motor home purchased or leased after June 30, 1998, a motor home manufacturer may present testimony and other evidence regarding the allocation of liability for compliance with arbitration decisions awarding repurchase or replacement of the motor home. If the motor home manufacturers agree amongst themselves to terms for the allocation of liability for compliance obligations, the arbitrator must include the terms in the arbitration decisions awarding repurchase or replacement of the motor home if the terms are consistent with the arbitration decisions, specific, complete and not otherwise contrary to chapter 19.118 RCW.

(4) Included with the copy of the arbitration decision sent to the consumer shall be a form to be completed by the consumer, indicating acceptance or rejection of the decision (~~(-The board shall forward)~~) and general information to the consumer explaining the consumer's right to appeal the decision to superior court. The consumer must return the form to the (~~(board)~~) Lemon Law administration within sixty calendar days from the date of the consumer's receipt of the decision or the decision will be deemed to have been rejected as of the sixty-first day.

(5) The consumer shall have one hundred twenty calendar days from the date of the rejection of the decision to file a petition of appeal in superior court. At the time of filing an appeal, the consumer shall deliver by certified mail or by personal service a conformed copy of the petition to the attorney general.

(6) If the consumer accepts a decision which awards repurchase or replacement, the (~~(board)~~) Lemon Law administration shall send a copy of the form completed by the consumer indicating acceptance by certified mail for the board to the manufacturer and shall include a manufacturer's intent form.

A verification of compliance form shall be sent to the consumer by the (~~(attorney general's office)~~) Lemon Law administration. The verification of compliance form shall be completed and returned to the (~~(attorney general)~~) Lemon Law administration by the consumer upon the manufacturer's compliance with the decision.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-210 Technical corrections. (1) The board or the Lemon Law administration program manager may make "technical corrections" to an arbitration decision. "Technical corrections" shall generally be defined as compu-

tational corrections, typographical corrections, or other minor corrections.

(2) A party may submit ~~((to the board))~~ a written request for technical corrections to the Lemon Law administration setting forth the requested correction(s) and reason(s). Such request must be received ~~((by the board))~~ within ten calendar days of the ~~((mailing))~~ party's receipt of the ~~((arbitrator's written))~~ decision.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-221 Resale documents—Attorney general procedures. (1) When a vehicle has been determined by the new motor vehicle arbitration board, or has been adjudicated in a superior or appellate court of this state, as having one or more nonconformities or serious safety defects that have been subject to a reasonable number of attempts by the manufacturer to conform the vehicle to the warranty:

(a) The ~~((attorney general))~~ Lemon Law administration will provide the manufacturer with the "Lemon Law resale documents" necessary to resell or otherwise transfer the vehicle together with instructions regarding compliance with RCW 19.118.061 and applicable rules;

(b) The ~~((attorney general))~~ Lemon Law administration will provide the manufacturer with the required documents by certified mail at the conclusion of the period pursuant to RCW 19.118.090(9) for a manufacturer to file an appeal or upon notice from the manufacturer of receipt of the vehicle, whichever occurs first.

(2) When a vehicle is the subject of a "settlement" under chapter 19.118 RCW:

(a) The ~~((attorney general))~~ Lemon Law administration will provide the manufacturer with the "Lemon Law resale documents" necessary to resell or otherwise transfer the vehicle together with instructions regarding compliance with the RCW 19.118.061 and applicable rules;

(b) The ~~((attorney general))~~ Lemon Law administration will provide the manufacturer with the required documents by certified mail upon notice of the settlement by the parties or upon receipt from a manufacturer sponsored dispute resolution program of a decision or award, and notice of the consumer's acceptance of the award for repurchase or replacement of a vehicle where the basis of the program's decision-making standards are specifically related to or identified as some or all of the provisions of chapter 19.118 RCW and which will result in the manufacturer reacquiring the new motor vehicle directly, through an agent or a motor vehicle dealer.

(3) When a vehicle is the subject of final determination, adjudication or settlement under a "similar law of another state":

(a) The ~~((attorney general))~~ Lemon Law administration will provide the manufacturer, agent, motor vehicle dealer or other transferor with the resale documents necessary to resell or otherwise transfer the vehicle together with instructions regarding compliance with this section;

(b) The ~~((attorney general))~~ Lemon Law administration will provide the manufacturer, agent, motor vehicle dealer or other transferor with the resale documents by certified mail

upon receiving a written request for Lemon Law resale documents, which includes a description of the defects or conditions causing the vehicle to be reacquired by the manufacturer.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-222 Manufacturer duties upon receipt of a returned vehicle. The manufacturer must:

(1) Notify the ~~((attorney general's office))~~ Lemon Law administration and the department of licensing upon receipt of the vehicle from the consumer due to a determination, adjudication or settlement pursuant to chapter 19.118 RCW and chapter 44-10 WAC.

(2) Attach the "Lemon law resale windshield display," as provided by the ~~((attorney general))~~ Lemon Law administration, to the lower center of the front windshield of the vehicle in a manner so as to be readily visible from the exterior of the vehicle.

(3) Correct and warrant a serious safety defect.

(4) Notify the ~~((attorney general's office))~~ Lemon Law administration and the department of licensing of correction of a nonconformity or serious safety defect and execute ~~((a "notice of correction and warranty" as provided by the attorney general))~~ the appropriate section of the Lemon Law resale documents.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-300 Imposition of fine for manufacturer noncompliance with an arbitration decision. (1) Pursuant to RCW 19.118.090, the ~~((attorney general))~~ Lemon Law administration program manager may impose a fine against a manufacturer if, after forty calendar days from the manufacturer's receipt of notice of consumer's acceptance of an arbitration decision, the manufacturer has not complied with the decision, notwithstanding any arbitration special master hearing or findings. Notice of the imposition of fine shall be to the manufacturer by certified mail or personal service.

(2) ~~((The attorney general may impose))~~ A fine against the manufacturer for noncompliance may be imposed according to the following schedule for each day after the forty day calendar period:

DAYS 1 THROUGH 10	.....	\$ 300.00 PER DAY
DAYS 11 THROUGH 20	.....	\$ 500.00 PER DAY
DAYS 21 THROUGH 30	.....	\$ 700.00 PER DAY
DAYS 31 AND ON	.....	\$1000.00 PER DAY

The foregoing fines shall accrue until the manufacturer complies or until one hundred thousand dollars has accrued, whichever occurs first.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-310 Request for review of imposition of fine. (1) The manufacturer shall have ten days from the date of receipt of notice of imposition of fine to request a review

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of imposition of fine (~~(by the attorney general)~~). The manufacturer's request for review of imposition of fine shall be sent to the Lemon Law administration in writing and shall state the reasons for the manufacturer's noncompliance with the arbitrator's decision within the forty calendar day period.

(2) Upon receipt of a request for review of imposition of fine, the (~~attorney general~~) Lemon Law administration shall have ten days to conduct a review or request additional information from the parties or other persons regarding manufacturer noncompliance.

(3) The review shall be limited to determining whether the manufacturer has shown by clear and convincing evidence that any delay or failure of the manufacturer to comply within forty calendar days following the manufacturer's receipt of notice of consumer's acceptance was beyond the manufacturer's control or was acceptable to the consumer as evidenced by a written statement signed by the consumer. No other issues shall be considered in the review.

(4) The (~~attorney general~~) Lemon Law administration shall issue a written review determination which shall be delivered to the manufacturer by certified mail or personal service.

(5) If (~~the attorney general determines~~) it is determined that the manufacturer's noncompliance was beyond the manufacturer's control or was acceptable to the consumer as evidenced by a written statement from the consumer, the imposition of fine shall be rescinded. The imposition of fine shall be affirmed (~~(by the attorney general)~~) where the manufacturer has failed to show clear and convincing evidence as required by WAC 44-10-310(3). If the imposition of fine is affirmed, the manufacturer shall be liable for a fine according to the schedule specified in WAC 44-10-300(2) including all days during the pendency of review under this section and until compliance with the arbitrator's decision or until one hundred thousand dollars has accrued, whichever comes first.

(6) If a fine is rescinded under WAC 44-10-310(5) the (~~attorney general~~) Lemon Law administration program manager may impose a fine against the manufacturer where the manufacturer fails to comply with the agreement between the manufacturer and the consumer, or when the manufacturer fails to comply immediately after the circumstances no longer exist which made compliance beyond the control of the manufacturer. Notice of such fine shall be by certified mail or personnel service to the manufacturer and shall be imposed according to the schedule in WAC 44-10-300(2), and imposition of such fine is subject to review by the (~~attorney general~~) Lemon Law administration upon request of the manufacturer under WAC 44-10-310.

WSR 02-10-064

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed April 26, 2002, 12:31 p.m.]

Original Notice.

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

Title of Rule: WAC 246-310-990 Certificate of need review fees.

Purpose: The proposal increases certificate of need fees sufficient to cover full operating costs.

Other Identifying Information: During the 2002 legislative session, the legislature granted the department authority to exceed I-601 limitations.

Statutory Authority for Adoption: RCW 70.38.105(5).

Statute Being Implemented: RCW 70.38.105.

Summary: The amendments increase certificate of need fees by 19%.

Reasons Supporting Proposal: RCW 70.38.105(5) authorizes the department to charge fees sufficient to cover the full cost of program operations. The increase will enable the program to conduct reviews in a timely manner, which will help increase access to quality care in facilities.

Name of Agency Personnel Responsible for Drafting: Yvette Lenz, 2725 Harrison Avenue, Olympia, WA 98502, (360) 705-6661; Implementation: Janis Sigman, 2725 Harrison Avenue, Olympia, WA 98502, (360) 705-6631; and Enforcement: Gary Bennett, 2725 Harrison Avenue, Olympia, WA 98502, (360) 705-6652.

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: Amends fees for certificate of need program. The increase is anticipated to fully maintain program activities as required by statute.

Proposal Changes the Following Existing Rules: The proposal increases certificate of need fees by 19%.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 34.05.310(4) and, therefore, does not require a small business economic impact statement. However, the department prepared a fee study which provides documentation of the need for the fee increase. To obtain a copy of the fee study, contact Yvette Lenz at the address below.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995 do not apply to rules that set or adjust fees or rates pursuant to legislative standards according to RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Health, Facilities and Services Licensing, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, on June 6, 2002, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Yvette Lenz by June 2, 2002, TDD (800) 833-6388, or (360) 705-6661.

Submit Written Comments to: Yvette Lenz, Rules Coordinator, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, e-mail yvette.lenz@doh.wa.gov, fax (360) 705-6661, by June 6, 2002.

Date of Intended Adoption: June 13, 2002.

April 26, 2002

Mary C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 01-15-094, filed 7/18/01, effective 8/18/01)

WAC 246-310-990 Certificate of need review fees. (1) An application for a certificate of need under chapter 246-310 WAC shall include payment of a fee consisting of the following:

- (a) A review fee based on the facility/project type;
- (b) When more than one facility/project type applies to an application, the review fee for each type of facility/project must be included.

Facility/Project Type	Review Fee
Ambulatory Surgical Centers/Facilities	\$(10,894) <u>12,964</u>
Amendments to Issued Certificates of Need	\$(6,866) <u>8,171</u>
Emergency Review	\$(4,419) <u>5,259</u>
Exemption Requests	
• Continuing Care Retirement Communities (CCRCs)/Health Maintenance Organization (HMOs)	\$(4,419) <u>5,259</u>
• Bed Banking/Conversions	\$(719) <u>856</u>
• Determinations of Nonreviewability	\$(1,027) <u>1,222</u>
• Hospice Care Center	\$(925) <u>1,101</u>
• Nursing Home Replacement/Renovation Authorizations	\$(925) <u>1,101</u>
• Nursing Home Capital Threshold under RCW 70.38.105 (4)(e) (Excluding Replacement/Renovation Authorizations)	\$(925) <u>1,101</u>
• Rural Hospital/Rural Health Care Facility	\$(925) <u>1,101</u>
Extensions	
• Bed Banking	\$(411) <u>489</u>
• Certificate of Need/Replacement Renovation Authorization Validity Period	\$(411) <u>489</u>
Home Health Agency	\$(13,155) <u>15,654</u>
Hospice Agency	\$(11,716) <u>13,942</u>
Hospital (Excluding Transitional Care Units-TCUs, Ambulatory Surgical Center/Facilities, Home Health, Hospice, and Kidney Disease Treatment Centers)	\$(21,583) <u>25,684</u>
Kidney Disease Treatment Centers	\$(13,361) <u>15,900</u>

Nursing Homes (Including CCRCs and TCU) ~~\$(24,667)~~
29,354

(2) The fee for amending a pending certificate of need application shall be as follows:

(a) When an amendment to a pending certificate of need application results in the addition of one or more facility/project types, the review fee for each additional facility/project type must accompany the amendment application;

(b) When an amendment to a pending certificate of need application results in the removal of one or more facility/project types, the department shall refund to the applicant the difference between the review fee previously paid and the review fee applicable to the new facility/project type; or

(c) When an amendment to a pending certificate of need application results in any other change as identified in WAC 246-310-100, a fee of one thousand (~~one~~) three hundred nine dollars must accompany the amendment application.

(3) When a certificate of need application is returned by the department in accordance with the provisions of WAC 246-310-090 (2)(b) or (e), the department shall refund seventy-five percent of the review fees paid.

(4) When an applicant submits a written request to withdraw a certificate of need application before the beginning of review, the department shall refund seventy-five percent of the review fees paid by the applicant.

(5) When an applicant submits a written request to withdraw a certificate of need application after the beginning of review, but before the beginning of the ex parte period, the department shall refund one-half of all review fees paid.

(6) When an applicant submits a written request to withdraw a certificate of need application after the beginning of the ex parte period the department shall not refund any of the review fees paid.

(7) Review fees for exemptions and extensions shall be nonrefundable.

WSR 02-10-072

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed April 26, 2002, 3:46 p.m.]

The Economic Services Administration (ESA) is requesting the withdrawal of two sections from WSR 02-07-115. The proposed rule making was filed on March 20, 2002, filed as WSR 02-07-115. The sections to be withdrawn are WAC 388-474-0012 and 388-478-0055.

Brian Lindgren, Manager
Rules and Policies Assistance Unit

PROPOSED

WSR 02-10-076
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 26, 2002, 3:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-008.

Title of Rule: WAC 388-310-1650 WorkFirst—Child safety net payments.

Purpose: This new rule will create the child safety net payment status for clients that are in sanction for not meeting WorkFirst program requirements and have surpassed the sixty-month time limit for TANF/SFA.

Statutory Authority for Adoption: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050.

Statute Being Implemented: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050.

Summary: When clients have been receiving assistance for more than sixty months and have not been meeting the requirements for the WorkFirst program they will be put into sanction status, their benefits will be reduced and they will get a child safety net payment instead of a grant. The child safety net payment assures that children will still have their basic needs met.

Reasons Supporting Proposal: This rule will make certain that children in sanctioned households are having their basic needs met.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sandy JAMES, 1009 College S.E., Lacey, WA, (360) 413-3239.

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: When clients have been receiving assistance for more than sixty months and have not been meeting the requirements for the WorkFirst program they will be put into sanction status, their benefits will be reduced and they will get a child safety net payment instead of a grant. The child safety net payment assures that children will still have their basic needs met. The purpose of this rule is to help insure the safety and well being of children in sanctioned households.

Proposal does not change existing rules. This is a new rule and does not change existing rules.

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

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt under RCW 34.05.328 (5)(b)(vii). Rules apply to client medical or financial eligibility.

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (parking on 12th off Jefferson), 1115 Washington, Olympia, WA 98504, on June 4, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 31, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@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, e-mail fernaax@dshs.wa.gov, by 5:00 p.m. June 4, 2002.

Date of Intended Adoption: Not earlier than June 5, 2002.

April 24, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

NEW SECTION

WAC 388-310-1650 WorkFirst—Child SafetyNet Payments. (1) What is a Child SafetyNet Payment?

A Child SafetyNet Payment (CSNP) is a TANF/SFA time limit extension to maintain housing and basic utilities and other verified needs of the children in your household. (See WAC 388-484-0006.) Your family will get a Child SafetyNet Payment extension instead of a regular TANF/SFA time limit extension if:

(a) You or another adult in your household has been getting TANF/SFA for more than sixty months; and

(b) Someone in your household is in sanction status because they are not exempt (see WAC 388-310-0300 and 388-310-0350) and have refused to do WorkFirst requirements without a good reason. We will not place you into CSNP status unless we first offered you the opportunity to talk about the proposed sanction as required by WAC 388-310-1600(2) and gave you notice that we did not think you had a good reason for failing to meet WorkFirst requirements as required by WAC 388-310-1600(4).

(2) How will I know if my family will be getting a Child SafetyNet Payment?

We will send you a letter that tells:

(a) What caused your household to go into sanction status;

(b) When your Child SafetyNet Payments will start;

(c) How to request a fair hearing if you disagree with the decision; and

(d) How to become qualified for regular TANF/SFA time limit extension benefits.

(3) Are there penalties when my household gets a Child SafetyNet Payment?

(a) When your household gets a Child SafetyNet Payment:

(i) We reduce your grant by forty percent or the noncompliant person's share, whichever is more; and

(ii) Send your family's CSNP to a protective payee.

(b) The protective payee can only pay your verified rent and utility costs with your CSNP and will spend anything left over to pay your children's expenses (like clothing, diapers, toiletries, school supplies or other school-related costs).

(c) The Child SafetyNet Payment is cash assistance and if you get more than you are eligible to get, then we can

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recover the amount we overpaid you under chapter 388-410 WAC.

(4) How do I end the penalties and get out of CSNP status?

To stop the penalties and get out of CSNP status, you must:

- (a) Prove that you have been doing your WorkFirst requirements for one full month; or
- (b) Prove that you had a good reason not to do your required activities (see WAC 388-310-1600(3)); or
- (c) Become exempt from WorkFirst requirements (see WAC 388-310-0350).

(5) What happens when I leave CSNP status?

Once you leave CSNP status:

- (a) All your penalties will end if you proved that you had a good reason not to do your WorkFirst requirements or you became exempt; or
- (b) You will go into level three of sanction status described in WAC 388-310-1600(6). Your grant will be sent to a protective payee and reduced by forty percent or the non-compliant person's share, whichever is more.
- (c) The level three sanction penalties will end after you do all your WorkFirst requirements for four weeks in a row.

(6) What if I reapply for TANF or SFA and my family was in CSNP status a when my case closed?

If your case closes while you are in CSNP status, you will go back into CSNP status when your grant is reopened.

WSR 02-10-080

PROPOSED RULES

UNIVERSITY OF WASHINGTON

[Filed April 29, 2002, 10:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-045.

Title of Rule: WAC 478-116-131 Parking for events and other university functions.

Purpose: To amend WAC 478-116-131 regarding parking fees for the University of Washington's commencement events at the Seattle campus.

Statutory Authority for Adoption: RCW 28B.10.560 and 28B.20.130.

Statute Being Implemented: RCW 28B.10.560 and 28B.20.130.

Summary: The proposed parking amendment to WAC 478-116-131 is necessary to reflect a change from not charging parking fees for the University of Washington's commencement events to charging attendees for parking as a prepaid special event.

Reasons Supporting Proposal: Increasing costs and constrained resources have necessitated generating revenue from parking to cover costs associated with parking and traffic management, including staffing, printing, a shuttle bus system, and costs associated with traffic police.

Name of Agency Personnel Responsible for Drafting: Sara Griggs, Director, Commencement Exercises, 15 Visitors

Information Center, University of Washington, Seattle, Washington, (206) 543-2592; Implementation: Norman G. Arkans, Associate Vice President and Executive Director of University Relations, 400 Gerberding Hall, University of Washington, Seattle, WA, (206) 543-2560; and Enforcement: Carl Root, Parking Services Manager, 3901 University Way N.E., University of Washington, Seattle, WA, (206) 543-5571.

Name of Proponent: University of Washington, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed parking regulation amendment is necessary to reflect a change from not charging parking fees for the University of Washington's commencement events to charging attendees for parking as a prepaid special event. Previously, the university's commencement budget covered the costs associated with managing the parking and transportation system for commencement. However, increasing costs and constrained resources have necessitated generating revenue from parking to cover costs associated with parking and traffic management, including staffing, printing, a shuttle bus system, and costs associated with traffic police. Amending WAC 478-116-131 is required to make this change.

Proposal Changes the Following Existing Rules: WAC 478-116-131 (1)(a) would be amended.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC 478-116-131 does not impose a disproportionate impact on small businesses.

RCW 34.05.328 does not apply to this rule adoption. WAC 478-116-131 is not considered a significant legislative rule by the University of Washington.

Hearing Location: Room 309 of the Husky Union Building (HUB) University of Washington, Seattle, Washington, on June 6, 2002, at 12:00 noon.

Assistance for Persons with Disabilities: Contact UW Disability Services Office by May 22, 2002, TDD (206) 543-6452 or (206) 543-6450.

Submit Written Comments to: Rebecca Goodwin Deardorff, Director, Administrative Procedures Office via one of the following routes: U.S. Mail University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203; Campus Mail Box 355509; e-mail adminpro@u.washington.edu; or fax (206) 616-6294, by June 6, 2002.

Date of Intended Adoption: July 19, 2002.

April 25, 2002

Rebecca Goodwin Deardorff, Director
Administrative Procedures Office

AMENDATORY SECTION (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

WAC 478-116-131 Parking for events and other university functions. (1) Parking for attendees to events that may displace regular parking customers or that may require added parking services staffing shall be accommodated only

if parking services can find suitable alternatives for regular parking customers. Parking fees will be charged as follows:

(a) (~~Freshman convocation and university commencement and related graduation functions~~;) Parking for attendees at freshman convocation will be complimentary. Parking services will charge the cost of staff and services used expressly for the event to the sponsoring department;

(b) An event rate will be charged to attendees of events that require staffing to collect fees; and

(c) Parking services shall negotiate the cost of pre-purchased parking and alternative transportation for Husky football with the department of intercollegiate athletics.

(2) Parking services may lease available parking facilities to sponsors of events, who shall pay in advance and be charged at a per stall fee for the particular leased facility.

(3) Parking services may extend its hours of operations to encompass the hours of an event. The following conditions shall trigger charging for events scheduled outside the normal hours of operation:

(a) Any activity which in the judgment of parking services is expected to attract over five hundred vehicles to campus; or

(b) Any event requiring a city of Seattle special event permit.

(4) University departments which sponsor functions such as athletic events, conferences, seminars and dinners may arrange for parking of their guests and this parking will be provided on a space available basis. Departments have the option of paying for guests' parking. Otherwise, their guests will be responsible for the parking fee. To facilitate prepaid parking and with parking services' prior approval, departments may act as its agent in the collection of parking fees.

(5) Parking services may displace permit holders from their regularly assigned areas during special events. Permit holders shall be provided an alternate area assignment during special events at no extra charge.

WSR 02-10-081
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed April 29, 2002, 10:15 a.m.]

Original Notice.

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

Title of Rule: Tariffs, and pilotage rates for the Grays Harbor pilotage district.

Purpose: To establish a Grays Harbor pilotage district annual tariff.

Other Identifying Information: WAC 363-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The proposed rule includes language regarding the pilot's use of a helicopter. The proposed rule reflects a tariff increase in the pension charge category.

Reasons Supporting Proposal: RCW 88.16.035 requires that a tariff be set annually.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, 2911 2nd Avenue, Suite 100, Seattle, WA, (206) 515-3904.

Name of Proponent: Port of Grays Harbor, public.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: All requirements necessary to amend the existing Grays Harbor pilotage district tariff as set forth in chapter 53.08 RCW have been met.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed would set a new tariff that would provide an increase in the pension charge category. This revenue would support retirement plans for Washington state-licensed pilots.

The proposed rule also amends the boarding fee category as well as the harbor shift category by no longer limiting those tariff charges to the use of a boat. The new tariff will provide the ability to charge the related fees when using a helicopter.

The above-described amendment referring to the use of a helicopter is currently in effect under an emergency rule that will expire on June 20, 2002. At certain times, the use of a helicopter for boarding and debarking has been determined to be more appropriate in order to insure safety. The proponents of the proposed rule wish to retain the provisions relating to helicopter charges.

Proposal Changes the Following Existing Rules: The proposed rule changes the existing rule in only three categories: (1) Boarding fee; (2) harbor shifts; and (3) pension charge, as described above. All other tariff charges remain the same.

The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from other interested parties and the public.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule is being considered in the context of the required annual setting of rates charged for pilotage services. The application of the modifications is clear in the attached proposed tariff.

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

Hearing Location: 2911 2nd Avenue, Level B Conference Room, Seattle, WA 98121, on June 13, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by June 10, 2002.

Submit Written Comments to: Harry Dudley, Chairman, 2911 2nd Avenue, Suite 100, Seattle, WA 98121, fax (206) 515-3969, by June 6, 2002.

Date of Intended Adoption: June 13, 2002.

April 22, 2002

Peggy Larson

Administrator

AMENDATORY SECTION (Amending WSR 01-18-049, filed 8/30/01, effective 9/30/01)

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective through 2400 hours July 31, ((2002)) 2003.

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 \$80.99 per meter (or \$24.64 per foot) and the tonnage charge shall be \$0.2583 per net registered ton. The minimum net registered tonnage charge is \$903.79. The charge for an extra vessel (in case of tow) is \$516.48.

Boarding fee:

Per each boarding/deboarding from a boat or helicopter \$389.67

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage \$647.88
Delays per hour \$154.49
Cancellation charge (pilot only) \$258.22
Cancellation charge ((pilot)) boat or helicopter only) \$774.69

Pension charge:

Charge per pilotage assignment, including cancellations ((101.00)) \$140.00

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 \$903.82 for each day or fraction thereof, and the travel expense incurred \$903.82

Bridge transit:

Charge for each bridge transited \$283.61
Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam \$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 02-10-085

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 29, 2002, 2:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-051 and 02-05-061.

Title of Rule: WAC 180-78A-505 Overview—Professional certificate program and 180-79A-206 Academic and experience requirements for certification—Teachers.

Purpose: This proposed amendment clarifies that the completion of provisional status under RCW 28A.405.220 is a requirement for admission to a professional certificate program, rather than a certification requirement.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: This will clarify that candidates who qualify for certification by holding NBPTS certification do not need to complete provisional status in order to obtain the professional certificate.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Senate Hearing Room 4, John A. Cherberg Building, 304 15th Avenue S.W., Olympia, WA 98504-0482, on June 20, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 6, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 6, 2002.

Date of Intended Adoption: June 21, 2002.

April 26, 2002

Larry Davis

Executive Director

PROPOSED

AMENDATORY SECTION (Amending WSR 00-03-049, filed 1/14/00, effective 2/14/00)

WAC 180-78A-505 Overview—Professional certificate program. By September 1, 2001, all colleges and universities offering a professional certificate program must be in compliance with the new program standards. To obtain a professional certificate, the residency teacher will need to complete ~~((provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school and will need to complete))~~ a state board of education approved professional certificate program collaboratively developed by a college/university and the professional educational advisory board (PEAB). The candidate shall complete provisional status, with a school district under RCW 28A.405.220 or the equivalent with an approved private school, prior to admission to a professional certificate program, excluding the preassessment seminar.

The professional certificate requires successful demonstration of three standards (effective teaching, professional development, and leadership) and ~~((18))~~ 17 criteria, pursuant to WAC 180-78A-540, related to these standards. Wherever appropriate, the residency teacher will need to provide evidence that his/her teaching has had a positive impact on student learning as defined in WAC 180-78A-010(8).

The candidate and college or university shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation and collaboration (WAC 180-78A-010(9)) with his/her professional growth team.

The individual professional growth plan will be based on an analysis of the student/learning context in that teacher's assignment and a preassessment of that teacher's ability to demonstrate the standards and criteria set forth in WAC 180-78A-540.

The individual professional growth plan shall include instruction and assistance components for each residency teacher. The instruction and assistance components will be designed to give the residency teacher the necessary knowledge and skills needed to demonstrate successfully the standards and criteria set forth in WAC 180-78A-540.

The final component of the program will be a culminating assessment seminar in which the residency teacher's ability to demonstrate the standards and criteria cited above will be evaluated. These assessments shall include multiple forms of data collected over time, including evidence of positive impact on student learning, where appropriate.

As part of the program development, the college/university and the PEAB shall establish criteria and procedures for determining when the residency teacher has successfully completed the program. When the program administrator has verified to the superintendent of public instruction that the candidate has completed the approved program, the state will issue the residency teacher a professional certificate.

Between 1997 and 2000, the state board of education shall approve a number of field tests of the professional certificate programs pursuant to WAC 180-78A-545 through 180-78A-565.

AMENDATORY SECTION (Amending WSR 01-03-153, filed 1/24/01, effective 2/24/01)

WAC 180-79A-206 Academic and experience requirements for certification—Teachers. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-79A-150.

(1) Initial/residency.

Candidates for the initial or residency certificate shall hold an approved baccalaureate degree from a regionally accredited college or university pursuant to WAC 180-79A-030(5).

(2) Continuing.

(a) Candidates who apply for a continuing certificate shall have at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work completed from a regionally accredited institution of higher education subsequent to the conferral of the baccalaureate degree: Provided, That if the individual is pursuing study in a new subject matter area or specialization, lower division (freshmen or sophomore level) credit hours in that subject area or specialization shall be accepted toward continuing certification upon completion of the requirements for an endorsement in that subject area or specialization.

(b) Candidates applying for a continuing certificate prior to September 1, 2000, shall have been granted at least two subject area endorsements.

(c) Candidates who apply for a continuing certificate who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete the child abuse course work requirement as defined in WAC 180-79A-030(6).

(d) Candidates for continuing teachers' certificates shall provide documentation of one hundred eighty days or full-time equivalent or more satisfactory teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(3) Professional.

(a) Candidates for the professional certificate shall have successfully completed a state board of education approved, professional certificate program, pursuant to WAC 180-78A-500 through 180-78A-540: Provided, That an individual who holds a teaching certificate issued by the National Board for Professional Teaching Standards (NBPTS) shall be deemed to have met the requirement for completion of a professional certificate program, in recognition that NBPTS certification is issued only to individuals who have demonstrated highly advanced skills as a teacher.

(b) Candidates who apply for a professional certificate who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete the child abuse course work requirement as defined in WAC 180-79A-030(6).

~~((c) Candidates for professional teachers' certificates shall provide, as a condition for the issuance of a professional certificate, documentation that they have completed provi-~~

PROPOSED

sional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school.)

WSR 02-10-086
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed April 29, 2002, 2:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-081.

Title of Rule: WAC 180-85-075 Continuing education requirement.

Purpose: This editorial amendment clarifies that holders of a valid certificate issued by the National Board for Professional Teaching Standards may reinstate a continuing certificate on that basis, as well as maintain the continuing certificate.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Senate Hearing Room 4, John A. Cherberg Building, 304 15th Avenue S.E. [S.W.], Olympia, WA 98504-0482, on June 20, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 6, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 6, 2002.

Date of Intended Adoption: June 21, 2002.

April 26, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 02-04-017, filed 1/24/02, effective 2/24/02)

WAC 180-85-075 Continuing education requirement. Continuing education requirements are as follows:

(1) Each holder of a continuing or a standard certificate affected by this chapter shall be required to complete during a five-year period one hundred fifty continuing education credit hours, as defined in WAC 180-85-030, prior to his or

her first lapse date and during each five-year period between subsequent lapse dates as calculated in WAC 180-85-100.

(2) Provided, That each holder of a continuing or a standard certificate affected by this chapter may present a copy of a valid certificate issued by the National Board for Professional Teaching Standards in lieu of the completion of the continuing education credit hours required by ((subsection (+) of)) this ((section)) chapter.

WSR 02-10-087
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed April 29, 2002, 2:51 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-05-060.

Title of Rule: WAC 180-79A-250 Initial/residency and continuing/professional certificates—renewal, reinstatement, and continuing education requirements.

Purpose: This proposed amendment clarifies the time period for renewal credits for the professional certificate, distinguishing between an expired and unexpired certificate at the time of renewal.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Senate Hearing Room 4, John A. Cherberg Building, 304 15th Avenue S.E. [S.W.], Olympia, WA 98504-0482, on June 20, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 6, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 6, 2002.

Date of Intended Adoption: June 21, 2002.

April 26, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 01-13-111, filed 6/20/01, effective 7/21/01)

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 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 valid 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. An expired professional certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application. 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.

WSR 02-10-088

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 29, 2002, 2:51 p.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 02-01-014.

Title of Rule: Chapter 180-90 WAC, Private schools.

Purpose: These recommendations are made to clarify the employment of non-Washington state certificated teachers in approved private schools and the procedures for loss of private school approval. In addition, the revisions reflect minor changes consistent with recent State Board of Education (SBE) rule changes and sequence of similar or related concepts.

Statutory Authority for Adoption: RCW 28A.195.040.

Summary: Office of Superintendent of Public Instruction (OSPI) piloted a SBE approved reporting process for non-Washington state certificated teachers that was designed to clarify the training and experience of these teachers, and the extent to which such instructors were essential to the mission and quality of the private school. The revisions are consistent with private education's commitment to quality.

Reasons Supporting Proposal: This proposal has been made as a result of over a year of exploring options for teacher preparation, teacher certification and student teacher ratio that support education quality while maintaining the unique mission of the private school by members of the Private School Advisory Committee (PSAC) and OSPI staff.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: For over a year, members of the PSAC have explored options for teacher preparation, teacher certification, and student teacher ratio that support education quality while maintaining the unique mission of the private school.

During the 2001-02 school year, OSPI piloted a SBE approved reporting process for non-Washington state certificated teachers. The report was designed to clarify the training and experience of non-Washington state certificated teachers and the extent to which such instructors were essential to the mission and quality of the private school.

In particular, many private schools have employed highly qualified (baccalaureate, masters, and doctoral degree) instructors with teaching credentials from other states or who have completed preparation in a nationally accredited college with a sectarian (Lutheran, Catholic, Adventist) or specialized focus (Montessori).

The revisions are consistent with private education's commitment to quality in their unique context while affirming their commitment to Washington's partnership between public and private education.

Proposal Changes the Following Existing Rules: This proposal merges, repeals, and amends existing rules in chapter 180-90 WAC, Private schools.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Senate Hearing Room 4, John A. Cherberg Building, 304 15th Avenue S.W., Olympia, WA 98504-0482, on June 20, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 13, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 13, 2002.

Date of Intended Adoption: June 21, 2002.

April 22, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-90-105 Purpose and authority. (1) The purpose of this chapter is to establish the procedures and conditions governing the approval of private schools by the state board of education and rescission of such approval.

(2) The authority for this chapter is RCW 28A.195.040 which authorizes the state board of education to promulgate rules and regulations for the approval of private schools for the purpose of implementing RCW 28A.225.010.

AMENDATORY SECTION (Amending Order 23-85, filed 12/2/85)

WAC 180-90-112 Definitions~~((Approved private school))~~. ~~((As used in this chapter the term "approved private school" shall mean a private school))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Approved private school" means a nonpublic school or nonpublic school district conducting a program consisting of kindergarten and at least grade one, or a program consisting of any or all of grades one through twelve which has been approved by the state board of education in accordance with the minimum standards for approval as prescribed in this chapter.

(2)(a) "Reasonable health requirements" means those standards contained in chapter 248-64 WAC as adopted by the state board of health.

(b) "Reasonable fire safety requirements" means those standards adopted by the state fire marshal pursuant to chapter 48.48 RCW.

(3)(a) "Minor deviation" means a variance from the standards established by these regulations which represents little or no threat to the health or safety of students and school personnel, and which does not raise a question as to the ability of the school to provide an educational program which is in substantial compliance with the minimum standards set forth in WAC 180-90-160, and which, therefore, does not preclude the granting of full approval.

(b) "Major deviation" means a variance from the standards established by these regulations which represents little or no threat to the health or safety of students and school personnel but raises a question as to the ability of the school to provide an educational program which substantially complies with the minimum standards set forth in WAC 180-90-160.

but is not so serious as to constitute an unacceptable deviation.

(c) "Unacceptable deviation" means a variance from the standards established by these regulations which either:

(i) Constitutes a serious, imminent threat to the health or safety of students or school personnel; or

(ii) Demonstrates that the school is not capable of providing an educational program which substantially complies with the minimum standards set forth in WAC 180-90-160.

(4) "Total instructional hour offering" means those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school staff, as directed by the administration and board of directors, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences which are planned and scheduled by the approved private school for the purpose of discussing students' educational needs for progress, and exclusive of time actually spent for meals.

(5)(a) "Non-Washington state certificated teacher" means a person who has:

(i) A K-12 teaching certificate from a nationally accredited preparation program, other than Washington state, recognized by the U.S. Department of Education; or

(ii) Baccalaureate, masters, or doctoral degree in a specific academic subject; or

(iii) Three years of experience in a specialized field of study.

(b) "Exceptional case" means that a circumstance exists within a private school in which:

(i) The educational program offered by the private school will be significantly improved with the employment of the non-Washington state certificated teacher. Each teacher not holding a valid Washington state certificate shall have experience or academic preparation appropriate to K-12 instruction and consistent with the school's mission. Such experience or academic preparation shall be consistent with the provisions of (c) of this subsection; and

(ii) The school which employs a non-Washington state certificated teacher or teachers pursuant to this subsection employs at least one person certified pursuant to rules of the state board of education. The school will report the academic preparations and experience of each teacher providing K-12 instruction; and

(iii) The non-Washington state certificated teacher of the private school, employed pursuant to this section and as verified by the private school, meets the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2), has not had his or her teacher's certificate revoked by any state or foreign country, and has passed a background and fingerprint check. WAC 180-79A-150(2).

(c) "Unusual competence": As applied to an exceptional case wherein the educational program as specified in RCW 28A.195.010 and WAC 180-90-160(7) will be significantly improved with the employment of a:

(i) Non-Washington state certificated teacher that possesses a K-12 teacher certificate from a nationally accredited preparation program, other than Washington state, recognized by the U.S. Department of Education; or

(ii) Non-Washington state certificated teacher that possesses at least a baccalaureate, masters, or doctoral degree in

the subject matter to be taught or closely related to the subject matter to be taught; or

(iii) Non-Washington state certificated teacher that possesses a minimum of three calendar years of experience in a specialized field. For purposes of this subsection, the term "specialized field" means a specialized area of the curriculum where skill or talent is applied and where entry into an occupation in such field generally does not require a baccalaureate degree, including, but not limited to, the fields of art, drama, dance, music, physical education, and vocational or occupational education.

(d) "General supervision" means that a Washington state certificated teacher or administrator shall be generally available at the school site to observe and advise the non-Washington state certificated teacher and shall evaluate the non-Washington state certificated teacher pursuant to policies of the private school. Provided, That the non-Washington state certificated teacher of the private school, employed pursuant to this section, and as verified by the private school:

(i) Meets the age, good moral character, and personal fitness requirements of WAC 180-75-085 (1) and (2); and

(ii) Has not had his or her teacher's certificate revoked by any state or foreign country; and

(iii) Is not eligible for an initial or continuing teacher's certificate in the state of Washington.

AMENDATORY SECTION (Amending Order 23-85, filed 12/2/85)

WAC 180-90-130 Approval—Annual certification—Adverse findings. (1) At least ninety days prior to the commencement of the annual school term or period, the chief administrator of each private school shall file with the superintendent of public instruction, in accordance with procedures established by the superintendent of public instruction, a certificate of compliance in the form and substance set forth in WAC 180-90-160.

(2) The superintendent of public instruction shall review each certificate. The review shall be completed within thirty days after receipt of a completed application.

(3) If the superintendent of public instruction finds no minor, major, or unacceptable deviations, the superintendent of public instruction shall so notify the private school and shall recommend full approval of the private school to the state board of education.

(4) If the superintendent of public instruction finds deviation, the private school shall be notified in writing of any minor, major, or unacceptable deviations.

(5) If the superintendent of public instruction finds minor, major, or unacceptable deviations, the superintendent of public instruction shall not transmit the recommendation regarding approval status to the state board of education until the private school submits a narrative report indicating agreement or not with the findings of the superintendent of public instruction and any proposed remedial action to address the reported deviations. Upon receipt of the narrative report, the superintendent of public instruction shall transmit the recommendation and the narrative report to the state board of education.

AMENDATORY SECTION (Amending Order 7-87, filed 4/14/87)

WAC 180-90-141 Loss of private school approval (~~(of a nonoperating private school)~~). (~~An approved private school which does not have students enrolled for any six consecutive calendar months and which fails to provide evidence of student enrollment upon request of the superintendent of public instruction for the said period of time shall lose its approval status for the remainder of the school year.~~) (1) The superintendent of public instruction is authorized to rescind approval of a private school for one or more of the following reasons:

(a) Failure to have students enrolled for any six consecutive calendar months or failure to provide evidence of student enrollment upon request of the superintendent of public instruction for the said period of time.

(b) Failure to provide verification that the approved private school employs at least one Washington state certified teacher.

(c) Failure to provide verification that the physical facilities of the school meet the health and fire safety standards.

(2) The superintendent of public instruction shall notify the state board of education of decisions to rescind approval.

AMENDATORY SECTION (Amending WSR 96-15-099, filed 7/22/96, effective 8/22/96)

WAC 180-90-160 Minimum standards and certificate form. The annual certificate required by WAC 180-90-130 shall be in substantial compliance with the form and substance of the following:

CERTIFICATE OF COMPLIANCE
WITH STATE STANDARDS

ESD/County/Public
School District
Private School/
District Address

District Address

I,, do hereby certify that I am the principal or chief administrator of the above named school; that said school is located at the address listed above, and conducts grades through with a projected enrollment of; and that said school is scheduled to meet throughout the school year, the following standards with the exception only of such deviations, if any, as are set forth in an attachment to this certificate of compliance

or

I,, do hereby certify that I am the superintendent of the above named private school district; and that the private schools under my jurisdiction are scheduled to meet throughout the school year, the following standards with the exception only of such deviations as are set forth in an attachment to this certificate of compliance; and that a list of such schools, including the grades conducted and the projected enrollment for each school, accompanies this certificate:

Following initial approval as a private school by the state board of education, evidence of current accreditation by a state board of education approved accrediting body may be submitted annually in lieu of approval documents described in 1-12.

(1) The minimum school year for instructional purposes consists of no less than 180 school days or the equivalent in annual minimum ((~~program~~) instructional hour offerings as prescribed in RCW 28A.150.220.

(2) On each school day, pupils enrolled in the school are provided the opportunity to be engaged in educational activity planned by and under the direction of the staff, as directed by the administration and/or governing board; and that pupils are provided a total ((~~program~~) instructional hour offering as prescribed in RCW 28A.150.220 except that the percentages for basic skills, work skills, and optional subjects and activities prescribed in RCW 28A.150.220 do not apply to private schools and that the total ((~~program~~) instructional hour offering, except as otherwise specifically provided in RCW 28A.150.220, made available is at least:

- (a) 450 hours for students in kindergarten.
- (b) ((~~2700 hours for students in grades one through three.~~)
- (c) 2970 hours for students in grades four through six.
- (d) 1980 hours for students in grades seven and eight.
- (e) 4320)) 1000 hours for students in grades ((~~nine~~) one through twelve.

(3) All classroom teachers hold appropriate Washington State certification except for:

(a) Teachers for religious courses or courses for which no counterpart exists in the public schools: Provided, That a religious course is a course of study separate from the courses of study defined in RCW 28A.195.010 including occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of the appreciation of art and music all in sufficient units for meeting state board of education graduation requirements; and/or

(b) A person of unusual competence who is not certified but who will teach students in an exceptional case under the general supervision of a ((~~certified~~) Washington state certificated teacher or administrator pursuant to WAC ((~~180-90-125~~) 180-90-112). The ((~~noncertified employee~~) non-Washington state certificated teacher, the ((~~certified~~) Washington state certificated person who will supervise, and the exceptional circumstances are listed on the addendum to this certificate: Provided, That if a ((~~noncertified person~~) non-Washington state certificated teacher is employed subsequent to the filing of this certificate, this same information shall be forwarded to the superintendent of public instruction within thirty days from the date of employment.

(4) If the school operates an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody, the extension program meets the following requirements:

(a) The parent, guardian, or custodian is supervised by a person certified under chapter 28A.410 RCW and who is employed by the school;

(b) The planning by the certified person and the parent, guardian, or person having legal custody includes objectives

PROPOSED

consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spends a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the extension program;

(d) Each student's progress is evaluated by the certified person; and

(e) The certified person does not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Measures have been taken to safeguard all permanent records against loss or damage through either the storage of such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area;

(6) The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in substantial compliance with reasonable health and fire safety standards, as substantiated by current inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office;

(7) The school's curriculum includes instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music in sufficient units for meeting state board of education graduation requirements, as set forth in chapter 180-51 WAC;

(8) The school or its organized district maintains up-to-date policy statements related to the administration and operation of the school or district;

(9) The school does not engage in a policy of racial segregation or discrimination;

(10) The governing authority of this private school or private school district has been apprised of the requirements of chapter 180-90 WAC relating to the minimum requirements for approval of private schools and such governing authority has further been apprised of all deviations from the rules and regulations of the state board of education and the standards contained in chapter 180-90 WAC. I have reported all such deviations herewith.

(11) Approval by the state board of education is contingent upon on-going compliance with the standards certified herein. The superintendent of public instruction shall be notified of any deviation from these standards which occurs after the action taken by the state board of education. Such notification shall be filed within thirty days of occurrence of the deviation.

(12) Failure to comply with the requirements of this chapter may result in the revocation of the approval of the private school and shall be considered in subsequent application for approval as a private school.

Dated this day of, 19. . .

.....
(signed)

.....
(title)

.....
(phone number)

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-90-110	Purpose.
WAC 180-90-115	Definition—Private school.
WAC 180-90-119	Definition—Reasonable health and fire safety requirements.
WAC 180-90-120	Definitions—Deviations.
WAC 180-90-123	Definition—Total program hour offering.
WAC 180-90-125	Definitions—Exceptional case, unusual competence, and general supervision.
WAC 180-90-133	SPI report to SBE—No adverse findings.
WAC 180-90-135	SPI adverse findings—Report to private school.
WAC 180-90-137	SPI report to SBE—Adverse findings.

**WSR 02-10-089
PROPOSED RULES
STATE BOARD OF EDUCATION**

[Filed April 29, 2002, 2:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-123.

Title of Rule: WAC 180-52-070 Approved standardized tests for use by students receiving home-based instruction—Criteria—Examples—Assistance.

Purpose: Add new section to chapter 180-52 WAC.

Other Identifying Information: Add new section indicating the State Board of Education (SBE) will provide a list of examples of normed standardized achievement tests that a parent may use to assess and determine whether their child is making reasonable academic progress.

Statutory Authority for Adoption: RCW 28A.200.010(3).

Summary: The new section indicates that SBE will provide a list of examples of normed standardized achievement tests.

Reasons Supporting Proposal: Provide information regarding normed standardized achievement tests.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

PROPOSED

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provide choice for those testing home-based instructed students.

Proposal Changes the Following Existing Rules: Adds new section.

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: Senate Hearing Room 4, John A. Cherberg Building, 304 15th Avenue S.W., Olympia, WA 98504-0482, on June 20, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 13, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, Patty Martin, Associate Director, fax (360) 586-2357, by June 13, 2002.

Date of Intended Adoption: June 21, 2002.

April 29, 2002

Larry Davis

Executive Director

WSR 02-10-092
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed April 29, 2002, 3:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-087.

Title of Rule: Amending WAC 388-150-0090 When can my license application be denied and when can my license be suspended or revoked?, 388-151-0090 When can my license application be denied and when can my license be suspended or revoked?, and 388-155-0090 When can my license application be denied and when can my license be suspended or revoked?

Purpose: These WACs are being amended to correct their citation of the criminal history background check WAC. These rules were also rewritten for clarity.

Statutory Authority for Adoption: RCW 74.15.020, 74.12.340, and 74.15.030.

Statute Being Implemented: RCW 74.15.020, 74.12.340, and 74.15.030.

Summary: Formerly the department had more than one WAC describing the process and criteria for conducting background checks. Chapter 388-330 WAC has been repealed in order to unify the department's policy on background checks. The proposed amendments will refer to the new criminal history background check, chapter 388-06 WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Leslie Edwards-Hill, 1009 College Street S.E., Lacey, WA, (360) 413-3289.

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: These WACs are being amended to correct their citation of the criminal history background check WAC. Formerly the department had more than one WAC describing the process and criteria for conducting background checks. Chapter 388-330 WAC has been repealed in order to unify the department's policy on background checks. The proposed amendments will refer to the new criminal history background check, chapter 388-06 WAC. These rules were also rewritten for clarity.

Proposal Changes the Following Existing Rules: The amended WACs will have the correct reference for criminal history background checks.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect small child care businesses, but the proposed amendments only clarify existing requirements and correct obsolete WAC cross-references. The proposed rules will not impose any new requirements on small businesses.

RCW 34.05.328 does not apply to this rule adoption. Rules of the department establishing or altering licensing requirements meet the definition of significant legislative

NEW SECTION

WAC 180-52-070 Approved standardized tests for use by students receiving home-based instruction—

Examples—Assistance. (1)(a) Pursuant to RCW 28A.200.010(3), the state board of education will provide a list of examples of normed standardized achievement tests that a parent may use to assess and determine whether their child is making reasonable academic progress.

(b) Tests on the list are approved by the state board of education on the basis that they are normed standardized achievement tests.

(c) Parents may contact the state board of education office for assistance in determining if a test of their choosing that is not on the list of examples is normed and standardized.

(d) Parents may use a test that does not appear on the list of examples if it has been determined to be normed and standardized based on an evaluation by an organization recognized by the state board of education.

(2) The list of examples of normed standardized achievement tests shall be:

- (a) Made available on the web page of the state board;
- (b) Included in the following publication of the office of the superintendent of public instruction, "*Washington's State Laws Regulating Home-Based Instruction*;" and
- (c) Provided on request.

rules. However, the proposed amendments only clarify existing requirements and correct obsolete WAC cross-references without changing the effect of the rules. Therefore, the proposed amendments are exempt per RCW 34.05.328 (5)(b)(iv).

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (parking entrance at 12th and Washington), 1115 Washington, Olympia, WA, on June 4, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 31, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernax@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, e-mail fernax@dshs.wa.gov, by 5:00 p.m., June 4, 2002.

Date of Intended Adoption: Not earlier than June 5, 2002.

April 26, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3974, filed 4/26/96, effective 5/27/96)

WAC 388-150-090 When can my license ((denial, suspension, or revocation)) application be denied and when can my license be suspended or revoked? (1) ((Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

(a) Shall consider the persons' qualifications separately and jointly; and

(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.

(2) The department shall deny, suspend, revoke, or not renew the license of a person who:

(a) Has abused, neglected, or sexually exploited a child as those acts or omissions are defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;

(b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;

(c) Engages in illegal use of a drug or excessive use of alcohol;

(d) Commits, permits, aids, or abets the commission of an illegal act on the premises;

(e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;

(f) Refuses to permit an authorized representative of the department, state fire marshal, state auditor's office, or department of health to inspect the premises; or

(g) Refuses to permit an authorized representative of the department, the department of health, or state auditor's office access to records related to operation of the center or to interview staff or a child in care.

(3) The department may deny, suspend, revoke, or not renew a license of a person who:

(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:

(i) Making a materially false statement on the application; or

(ii) Omitting material information on the application.

(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;

(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;

(d) Violates any condition or limitation on licensure including, but not limited to:

(i) Permitting more children on the premises than the number for which the center is licensed; or

(ii) Permitting on the premises a child of an age different from the ages for which the center is licensed.

(e) Fails to provide adequate supervision to a child in care;

(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center;

(g) Misappropriates property of a child in care;

(h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;

(i) Refuses or fails to supply necessary, additional department requested information; or

(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.

(4) The department shall not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this chapter.

(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing is governed under RCW 43.20A.205)) We must deny your license application, or suspend or revoke your license if you do not meet the requirements outlined this chapter.

(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility, we will consider qualifications separately and together. We may deny your license application, or suspend or revoke your license if one person fails to meet the minimum licensing requirements.

(3) We must deny, suspend, or revoke your license if you:

(a) Have been found to have abused, neglected, or sexually exploited a child as defined in chapter 26.44 RCW and WAC 388-15-130;

(b) Have a disqualifying criminal history as listed in chapter 388-06 WAC;

(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state;

(d) Commit or allow an illegal act on the licensed premises;

(e) Allow a child in your care to be abused, neglected, exploited, or treated with cruelty or indifference;

(f) Use illegal drugs, or use alcohol excessively;

(g) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office to inspect the premises; or

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office access to records related to the center's operation or to interview staff or a child in care.

(4) We may deny, suspend, or revoke your license if you:

(a) Try to get a license by deceitful means, such as making false statements or leaving out important information on your application;

(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;

(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with a child in care;

(d) Fail to provide adequate supervision to a child in care;

(e) Are not able to exercise fiscal responsibility and accountability while operating the center;

(f) Knowingly allow an employee or volunteer on the premises who has made false statements on an application for employment or volunteer service;

(g) Refuse to supply additional information reasonably requested by the department; or

(h) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW.

AMENDATORY SECTION (Amending WSR 01-02-031, filed 12/22/00, effective 1/22/01)

WAC 388-151-090 ((How may the department deny, suspend, or revoke)) When can my license(?) application be denied and when can my license be suspended or revoked? (1) ~~((Before granting a license and as a condition for continuance of a license, the department must consider your ability to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:~~

~~(a) Must consider the applicants' or the licensees' qualifications separately and jointly; and~~

~~(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements of chapter 74.15 RCW and this chapter.~~

~~(2) The department must deny, suspend, revoke, or not renew the license of a person who:~~

~~(a) Has abused, neglected, or sexually exploited a child as those acts or omissions are defined in RCW 26.44.020 and chapter 388-15 WAC;~~

~~(b) Is ineligible to provide care because the person has a criminal history as described in chapter 388-330 WAC;~~

~~(c) Allows a person meeting the conditions of (a) or (b) of this subsection on the premises;~~

~~(d) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;~~

~~(e) Engages in illegal use of a drug or excessive use of alcohol;~~

~~(f) Commits, permits, aids, or abets the commission of an illegal act on the premises;~~

~~(g) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care of a child in care;~~

~~(h) Refuses to permit an authorized representative of the department, state fire marshal's office, or department of health to inspect the premises; or~~

~~(i) Refuses to permit an authorized representative of the department or the department of health access to records related to operation of the center or to interview staff or a child in care.~~

~~(3) The department may deny, suspend, revoke, or not renew a license of a person who:~~

~~(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation including, but not limited to:~~

~~(i) Making a materially false statement on the application; or~~

~~(ii) Omitting material information on the application.~~

~~(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;~~

~~(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;~~

~~(d) Violates any condition or limitation on licensure including, but not limited to:~~

~~(i) Permitting more children on the premises than the number for which the department licensed the center; or~~

~~(ii) Permitting a child of a different age from the ages for which the department licensed the center to be on the premises.~~

~~(e) Fails to provide adequate supervision to a child in care;~~

~~(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center;~~

~~(g) Misappropriates property of a child in care;~~

~~(h) Knowingly permits an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service to be on the premises;~~

~~(i) Refuses or fails to supply necessary, additional department requested information; or~~

~~(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.~~

~~(4) The department must not issue a license to a person who has been denied a license, or has had a license to operate a facility for the care of children or adults suspended, revoked, or not renewed, either in this state or another state. Exception: If the person demonstrates by clear, cogent, and convincing evidence that the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and~~

to operate the center in accordance with the rules of this chapter, the department may issue a license to that person:

~~(5) RCW 43.20.205 governs the department's notice of a denial, revocation, suspension, or modification of a license and your right to a hearing. We must deny your license application, or suspend or revoke your license if you do not meet the requirements outlined this chapter.~~

~~(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility, we will consider qualifications separately and together. We may deny your license application, or suspend or revoke your license if one person fails to meet the minimum licensing requirements.~~

~~(3) We must deny, suspend, or revoke your license if you:~~

~~(a) Have been found to have abused, neglected, or sexually exploited a child as defined in chapter 26.44 RCW and WAC 388-15-130;~~

~~(b) Have a disqualifying criminal history as listed in chapter 388-06 WAC;~~

~~(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state;~~

~~(d) Commit or allow an illegal act on the licensed premises;~~

~~(e) Allow a child in your care to be abused, neglected, exploited, or treated with cruelty or indifference;~~

~~(f) Use illegal drugs, or use alcohol excessively;~~

~~(g) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office to inspect the premises; or~~

~~(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office access to records related to the center's operation or to interview staff or a child in care.~~

~~(4) We may deny, suspend, or revoke your license if you:~~

~~(a) Try to get a license by deceitful means, such as making false statements or leaving out important information on your application;~~

~~(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;~~

~~(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with a child in care;~~

~~(d) Fail to provide adequate supervision to a child in care;~~

~~(e) Are not able to exercise fiscal responsibility and accountability while operating the center;~~

~~(f) Knowingly allow an employee or volunteer on the premises who has made false statements on an application for employment or volunteer service;~~

~~(g) Refuse to supply additional information reasonably requested by the department; or~~

~~(h) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW.~~

AMENDATORY SECTION (Amending WSR 01-17-084, filed 8/16/01, effective 9/16/01)

WAC 388-155-090 When can my license ((denial, suspension, or revocation)) application be denied and when can my license be suspended or revoked? (1)

((Before granting a license and as a condition for continuance of a license, the department must consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

(a) ~~Must consider the persons' qualifications separately and jointly; and~~

(b) ~~May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.~~

(2) ~~The department must deny, suspend, revoke, or not renew the license of a person who:~~

(a) ~~Has abused, neglected, or sexually exploited a child as those acts or omissions are defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;~~

(b) ~~Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;~~

(c) ~~Engages in illegal use of a drug or excessive use of alcohol;~~

(d) ~~Commits, permits, aids, or abets the commission of an illegal act on the premises;~~

(e) ~~Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;~~

(f) ~~Refuses to permit an authorized representative of the department, state fire marshal, department of health, or state auditor's office to inspect the premises; or~~

(g) ~~Refuses to permit an authorized representative of the department, the department of health, or the state auditor's office access to records related to operation of the home or to interview an assistant or a child in care.~~

(3) ~~The department may deny, suspend, revoke, or not renew a license of a person who:~~

(a) ~~Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:~~

(i) ~~Making a materially false statement on the application; or~~

(ii) ~~Omitting material information on the application.~~

(b) ~~Provides insufficient staff in relation to the number, ages, or characteristics of children in care;~~

(c) ~~Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;~~

(d) ~~Violates any condition or limitation on licensure including, but not limited to:~~

(i) ~~Permitting more children on the premises than the number for which the home is licensed; or~~

(ii) ~~Permitting on the premises a child of an age different from the ages for which the home is licensed.~~

(e) ~~Fails to provide adequate supervision to a child in care;~~

~~(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the home;~~

~~(g) Misappropriates property of a child in care;~~

~~(h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;~~

~~(i) Refuses or fails to supply necessary, additional department requested information; or~~

~~(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.~~

~~(4) The department must not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the home in accordance with the rules of this chapter.~~

~~(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing must be governed under RCW 43.20A.205)) We must deny your license application, or suspend or revoke your license if you do not meet the requirements outlined in this chapter.~~

(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility, we will consider qualifications separately and together. We may deny your license application, or suspend or revoke your license if one person fails to meet the minimum licensing requirements.

(3) We must deny, suspend, or revoke your license if you:

(a) Have been found to have abused, neglected, or sexually exploited a child as defined in chapter 26.44 RCW and WAC 388-15-130;

(b) Have a disqualifying criminal history as listed in chapter 388-06 WAC;

(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state;

(d) Commit or allow an illegal act on the licensed premises;

(e) Allow a child in your care to be abused, neglected, exploited, or treated with cruelty or indifference;

(f) Use illegal drugs, or use alcohol excessively;

(g) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office to inspect the premises; or

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office access to records related to the center's operation or to interview staff or a child in care.

(4) We may deny, suspend, or revoke your license if you:

(a) Try to get a license by deceitful means, such as making false statements or leaving out important information on your application;

(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;

(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with a child in care;

(d) Fail to provide adequate supervision to a child in care;

(e) Are not able to exercise fiscal responsibility and accountability while operating the center;

(f) Knowingly allow an employee or volunteer on the premises who has made false statements on an application for employment or volunteer service;

(g) Refuse to supply additional information reasonably requested by the department; or

(h) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW.

WSR 02-10-093

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 29, 2002, 3:35 p.m.]

Original Notice.

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

Title of Rule: Amending WAC 388-418-0020 How does the department determine the date a change affects my benefits? and 388-458-0030 We send you a termination letter when your benefits stop.

Purpose: WAC 388-418-0020, describes when changes affect benefits. The affect the change has determines when the benefits will be changed. WAC 388-458-0030, describes what is included in the termination letter and how much warning the department must give before terminating benefits.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: Federal regulations now require the department to send a letter requesting information from the client when we learn about a change and are not sure what impact that change will have on benefits. An example of this would be receiving returned mail. The request letter must give the client ten days to respond. If we do not hear from the client or the mail is returned again, then we can terminate benefits. If the second letter is returned with a notation from the post office that the client has moved and has not provided a forwarding address, we can terminate benefits without giving advance notice.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Veronica Barnes, DEAP, 1009 College Street S.E., Lacey, WA 98509, (360) 413-3071.

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

Rule is necessary because of federal law, 7 C.F.R. 237.12.

Explanation of Rule, its Purpose, and Anticipated Effects: These WACs are being modified to reflect new federal regulations. The department cannot immediately terminate benefits if we are not sure how a change affects the benefits. We must first send a letter to the client to request additional information. Return mail is an example of a change that has an unclear impact on benefits.

Proposal Changes the Following Existing Rules: WAC 388-418-0020, now requires the department to send a letter to the client if we find out about a change and are not sure what impact the change will have on benefits. WAC 388-458-0030, now allows the department to terminate benefits without ten day advance notice if we get returned mail from the post office that states the client has moved and has not provided a forwarding address.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses. It only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. This rule does not fit the definition of a significant legislative rule per RCW 34.05.328 (5)(b)(vii).

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (parking entrance at 12th and Washington), 1115 Washington, Olympia, WA, on June 4, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 31, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@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, e-mail fernaax@dshs.wa.gov, by 5:00 p.m. June 4, 2002.

Date of Intended Adoption: No earlier than June 5, 2002.

April 25, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-23-034, filed 11/10/99, effective 1/1/00)

WAC 388-418-0020 How does the department ~~((determines))~~ determine the date a change affects ~~((the benefit amount.))~~ my benefits? (1) Unless otherwise specified, the rules in this chapter refer to cash, food and medical assistance benefits.

(2) When a change causes an increase in benefits, the client must provide proof of the change before we adjust the benefit amount.

(a) ~~((The change affects the next month after the change is reported if the client provides verification))~~ If you give us the proof within ten days from the date we ~~((request verification))~~ requested it, we increase your benefits starting the month after the month you reported the change.

(b) ~~((The change affects the next month after the verification is received if the client provides verification after))~~ If

you give us the proof more than ten days ((from)) after the date we ((request verification)) requested it, we increase your benefits starting the month after the month we got the proof.

(c) ~~((When the client is))~~ If you are entitled to ((receive additional)) get more benefits((-the department)) and we have already sent you benefits for that month, we must send ((the additional amount)) them to you within ten days of the day ~~((the client provides requested verification))~~ we got the proof.

(3) When a change causes a decrease in benefits, we change your benefit amount before we ask for proof:

(a) If ~~((the client reports))~~ you report the change within the time limits in WAC ~~((388-418-0005, the change affects))~~ 388-418-0007, we decrease your benefits starting the first month following the advance notice period. The advance notice period:

(i) Begins on the day we send ~~((the client a notice-))~~ you a letter about the change, and

(ii) Is determined according to the rules in WAC 388-458-0010.

(b) If ~~((the client fails to))~~ you do not report the change within the time limits in WAC ~~((388-418-0005))~~ 388-418-0007:

(i) ~~((The change affects the first month following the day the advance notice period would end if the client))~~ We figure out the effective date as if you had reported ((the change)) it on time((-allowing)). This includes:

(A) Ten days for ~~((the client))~~ you to report the change, and

(B) Ten days for the advance notice period to begin, if required under chapter 388-458 WAC.

(ii) ~~((We continue assistance unchanged through the advance notice period when the advance notice period ends later than))~~ If the effective date((-
(iii)) should have been a past month:

(A) We establish an overpayment claim according to the rules in chapter 388-410 WAC ~~((when benefits continue beyond the effective date.~~

~~((4)))~~ for all the appropriate months; and

(B) Decrease your benefits starting the following month.

(iii) We establish an overpayment claim and decrease your benefits starting the month after next when:

(A) The effective date should have been next month; and

(B) It is less than ten days away; and

(C) We were supposed to give you ten days notice.

(iv) If the effective date should have been next month or the following month and we have time to give you ten-days notice, we decrease your benefits starting that month.

(c) We have until your next recertification/eligibility review to ask for proof.

(4) If we are not sure how the change will affect your benefits, we send you a letter as described in WAC 388-458-0020 requesting information from you.

(a) We give you ten days to provide the information. If you need more time, you can ask for it.

(b) If you do not give us the information in time, we will stop your benefits after giving you advance notice, if required, as described in WAC 388-458-0030.

(5) Within ten days of the day we learn about a change, ~~((the department))~~ we:

(a) ~~((Sends))~~ Send advance notice according to the rules in chapter 388-458 WAC; and

(b) ~~((Takes))~~ Take necessary action to correct the benefit. We wait to take action on a change ~~((is delayed when the client requests))~~ if you request a hearing about a proposed decrease in benefits before the effective date or within the advance notice period as described in WAC 388-458-0040.

~~((5))~~ (6) When ~~((the client requests))~~ you request a hearing and get continued benefits:

(a) ~~((The department continues))~~ We keep giving you the same benefits ~~((received prior to))~~ you got before the advance notice of reduction until the earliest of the following events occur:

(i) For food assistance only, ~~((the client's))~~ your certification period expires;

(ii) The end of the month the fair hearing decision is mailed;

(iii) ~~((The client states))~~ You state in writing that ~~((the assistance unit does))~~ you do not want continued benefits;

(iv) ~~((The client withdraws the))~~ You withdraw your fair hearing request in writing; or

(v) ~~((The client abandons the))~~ You abandon your fair hearing request; or

(vi) An administrative law judge issues a written order that ends continued benefits prior to the fair hearing.

(b) ~~((The department establishes))~~ We establish an over-payment claim according to the rules in chapter 388-410 WAC when the hearing decision agrees with the ~~((department's))~~ action we took.

~~((6))~~ (7) Some changes have a specific effective date as follows:

(a) When cash assistance benefits increase because a person is added to ~~((the))~~ your assistance unit, we use the effective date rules for applications in WAC 388-406-0055.

(b) When cash assistance benefits increase because ~~((the household becomes eligible for a higher payment standard))~~ you start paying shelter costs, we use the date the change occurred.

(c) When a change in law or regulation changes the benefit amount, we use the date specified by the law or regulation.

(d) When institutional medical assistance participation changes, we calculate the new participation amount beginning with the month ~~((the))~~ your income or allowable expense changes.

AMENDATORY SECTION (Amending WSR 01-16-087, filed 7/25/01, effective 9/1/01)

WAC 388-458-0030 We send you a termination letter when your benefits stop. (1) We send you a termination letter when your benefits stop.

(2) On the letter, we tell you:

(a) When your benefits are going to end;

(b) The reason they are ending;

(c) The rules that support our decision; and

(d) Your right to have your case reviewed or ask for a fair hearing.

(3) We tell you at least ten days before your benefits end unless;

(a) You asked us to stop your benefits;

(b) We have proof that everyone in your assistance unit has moved to another state or will move to another state before the next benefits are issued;

(c) We have proof that everyone in your assistance unit has died;

(d) We have to change benefits for a lot of people at once because of a law change; ~~((or))~~

(e) We got returned mail from the post office that says you have moved and we do not have a forwarding address; or

(f) For food assistance, your certification period is ending.

(4) The ten-day count starts on the day we mail or give you the letter and ends on the tenth day.

(5) If we don't have to give you ten days notice, we send the letter to you:

(a) For cash and medical, by the date of the action.

(b) For food assistance, by the date you normally get your benefits.

WSR 02-10-098
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed April 30, 2002, 8:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-23-077.

Title of Rule: Technical additions to PERS, SERS, and TRS Plans 2 and 3.

Purpose: The Internal Revenue Service (IRS) has requested that the Department of Retirement Systems (DRS) make technical additions to its Public Employees' Retirement System, School Employees' Retirement System, and Teachers' Retirement System Plans 2 and 3.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: Chapters 41.32, 41.35, and 41.40 RCW; IRS Regulations.

Summary: Technical additions to PERS, SERS, and TRS Plans 2 and 3.

Reasons Supporting Proposal: The IRS has requested that DRS make the technical additions reflected in the new WACs shown below.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291.

Name of Proponent: Department of Retirement Systems, governmental.

Rule is necessary because of federal law, the IRS has requires that DRS adopt these new rules.

Explanation of Rule, its Purpose, and Anticipated Effects: Technical additions to PERS, SERS, and TRS Plans 2 and 3.

PERS, add WAC 415-108-181, 415-108-182, and 415-107-183.

SERS, add WAC 415-110-050, 415-110-060, and 415-110-070.

TRS, add WAC 415-112-050, 415-112-060, and 415-112-070.

IRS Note: The IRS has requested that DRS adopt these new rules.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no affect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on June 4, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on June 4, 2002.

Date of Intended Adoption: No sooner than June 5, 2002.

April 30, 2002
Merry A. Kogut
Rules Coordinator

NEW SECTION

WAC 415-108-181 How does the department comply with Internal Revenue Code distribution rules? (1) This section applies only to the public employees' retirement system (PERS) Plans 2 and 3.

(2) All benefits paid from the PERS Plans 2 and 3 retirement plans shall be distributed in accordance with the requirements of section 401 (a)(9) of the Federal Internal Revenue Code and the regulations under that section. In order to meet these requirements, these retirement plans shall be administered in accordance with the following provisions:

(a) Distribution of a member's benefit must begin by the later of the April 1 following the calendar year in which a participant attains age 70 1/2 or the April 1 of the year following the calendar year in which the member retires;

(b) The life expectancy of a member or the member's spouse may not be recalculated after the benefits commence;

(c) If a member dies before the distribution of the member's benefits has begun, distributions to beneficiaries must begin no later than December 31 of the calendar year immediately following the calendar year in which the member died;

(d) The amount of benefits payable to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of the Federal Internal Revenue Code; and

(e) If a member dies after the distribution of the member's benefits has begun, the remaining portion of the member's interest will be distributed at least as rapidly as under the

method of distribution being used for the member as of the date of the member's death.

(3) A distributee may elect to have eligible rollover distributions paid in a direct rollover to an eligible retirement plan the distributee specifies, pursuant to section 401 (a)(31) of the Federal Internal Revenue Code.

NEW SECTION

WAC 415-108-182 What are the IRS limitations on maximum benefits and maximum contributions? (1) This section applies only to the public employees' retirement system (PERS) Plans 2 and 3. Subject to the provisions of this section, benefits paid from, and employee contributions made to, these plans shall not exceed the maximum benefits and the maximum annual addition, respectively, as applicable under section 415 of the Federal Internal Revenue Code.

(2) A participant may not receive an annual benefit that exceeds the dollar amount specified in section 415 (b)(1)(A) of the Federal Internal Revenue Code, subject to the applicable adjustments in section 415 of the Federal Internal Revenue Code. For purposes of applying IRC 415(b) when a participant retires before age 62 or after age 65, the determination as to whether the benefit satisfies the IRC 415(b) limitations is made by comparing the equivalent annual benefit determined in Step 1 below with the age-adjusted dollar limit determined in Step 2 below.

Step 1: Under IRC 415 (b)(2)(B), determine the annual benefit in the form of a straight life annuity commencing at the same age that is actuarially equivalent to the plan benefit. In general, IRC 415 (b)(2)(E)(i) and (v) require that the equivalent annual benefit be the greater of (a) or (b) below.

(a) The equivalent annual benefit computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial equivalence for the particular form of benefit payable (plan rate and plan mortality table, or plan tabular factor, respectively).

(b) The equivalent annual benefit computed using a 5 percent interest rate assumption and the applicable mortality table.

This step does not apply to a benefit that is not required to be converted to a straight life annuity under IRC 415 (b)(2)(B), for example, a qualified joint and survivor annuity.

Step 2: Under IRC 415 (b)(2)(C) or (D), determine the IRC 415(b) dollar limitation that applies at the age the benefit is payable (age-adjusted dollar limit).

If the age at which the benefit is payable is less than 62, the age-adjusted dollar limit is determined by reducing the dollar limit on an actuarially equivalent basis. In general, IRC 415 (b)(2)(E)(i) and (v) require that the age-adjusted dollar amount be the lesser of (a) or (b) below.

(a) The equivalent amount computed using the plan rate and plan mortality table (or plan tabular factor) used for actuarial equivalence for early retirement benefits under the plan.

(b) The amount computed using 5 percent interest and the applicable mortality table described in Revenue Ruling 95-6. (This is used only to the extent described in Q & A 6 of Revenue Ruling 98-1, which provides that, for purposes of adjusting any limitation under IRC 415 (b)(2)(C) or (D), to the extent a forfeiture does not occur upon death, the mortal-

ity decrement may be ignored prior to age 62 and must be ignored after SSRA.)

If the age at which the benefit is payable is greater than age 65, the age-adjusted dollar limit is determined by increasing the IRC 415(b) dollar limitation on an actuarially equivalent basis. In general, IRC 415 (b)(2)(E)(i) and (v) require that the increased age-adjusted dollar limit be the lesser of (a) or (b) below.

(a) The equivalent amount computed using the plan rate and plan mortality table (or plan tabular factor) used for actuarial equivalence for early retirement benefits under the plan.

(b) The equivalent amount computed using 5 percent interest and the applicable mortality table (used to the extent described in Q&A 6, as described in the prior paragraph).

The dollar limit will be reduced proportionally for less than ten years of participation.

The plan will satisfy the IRC 415(b) limitations only if the equivalent annual benefit determined in Step 1 is less than the age-adjusted dollar limit determined in Step 2.

(3) Effective for limitation years beginning after December 31, 2001, the maximum annual addition that may be contributed or allocated to a participant's account for any limitation year may not exceed the lesser of (a) \$40,000, as adjusted for increases in the cost-of-living under section 415(d) of the Federal Internal Revenue Code, or (b) one hundred percent of the member's compensation, within the meaning of section 415 (c)(3) of the Federal Internal Revenue Code, for the limitation year.

(4) Notwithstanding any other provision of law to the contrary, the department may modify a request by a participant to make a contribution to the retirement plans if the amount of the contributions would exceed the limits under section 415(c) or 415(n) of the Federal Internal Revenue Code. An eligible participant in a retirement plan, as defined by section 1526 of the Federal Taxpayer Relief Act of 1997, may purchase service credit as provided by state law in effect on August 5, 1997, without regard to the limitations of section 415 (c)(1) of the Federal Internal Revenue Code.

(5) Prior to January 1, 1998, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code does not include the amount of any elective deferral, as defined in section 402 (g)(3) of the Federal Internal Revenue Code, or any contribution which is contributed or deferred by the employer at the election of the employee and which is not includible in the gross income of the employee by reason of section 125 or 457 of the Federal Internal Revenue Code.

(6) For limitation years beginning on and after January 1, 1998, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code does include the amount of any elective deferral, as defined in section 402 (g)(3) of the Federal Internal Revenue Code, or any contribution which is contributed or deferred by the employer at the election of the employee and which is not includible in the gross income of the employee by reason of section 125 or 457 of the Federal Internal Revenue Code.

(7) For limitation years beginning on and after January 1, 2001, the definition of compensation, earnable compensation

or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code shall also include elective amounts that are not includible in the gross income of the employee by reason of section 132 (f)(4).

NEW SECTION

WAC 415-108-183 Assets for exclusive benefit of members and beneficiaries. No assets of the public employees' retirement system Plans 2 and 3 may be used for or diverted to a purpose other than the exclusive benefit of the members and their beneficiaries at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries.

NEW SECTION

WAC 415-110-050 How does the department comply with Internal Revenue Code distribution rules? (1) This section applies only to the school employees' retirement system (SERS) Plans 2 and 3.

(2) All benefits paid from the SERS Plans 2 and 3 retirement plans shall be distributed in accordance with the requirements of section 401 (a)(9) of the Federal Internal Revenue Code and the regulations under that section. In order to meet these requirements, these retirement plans shall be administered in accordance with the following provisions:

(a) Distribution of a member's benefit must begin by the later of the April 1 following the calendar year in which a participant attains age 70 1/2 or the April 1 of the year following the calendar year in which the member retires;

(b) The life expectancy of a member or the member's spouse may not be recalculated after the benefits commence;

(c) If a member dies before the distribution of the member's benefits has begun, distributions to beneficiaries must begin no later than December 31 of the calendar year immediately following the calendar year in which the member died;

(d) The amount of benefits payable to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of the Federal Internal Revenue Code; and

(e) If a member dies after the distribution of the member's benefits has begun, the remaining portion of the member's interest will be distributed at least as rapidly as under the method of distribution being used for the member as of the date of the member's death.

(3) A distributee may elect to have eligible rollover distributions paid in a direct rollover to an eligible retirement plan the distributee specifies, pursuant to section 401(a)(31) of the Federal Internal Revenue Code.

NEW SECTION

WAC 415-110-060 What are the IRS limitations on maximum benefits and maximum contributions? (1) This section applies only to the school employees' retirement system (SERS) Plans 2 and 3. Subject to the provisions of this section, benefits paid from, and employee contributions made

to, these plans shall not exceed the maximum benefits and the maximum annual addition, respectively, as applicable under section 415 of the Federal Internal Revenue Code.

(2) A participant may not receive an annual benefit that exceeds the dollar amount specified in section 415 (b)(1)(A) of the Federal Internal Revenue Code, subject to the applicable adjustments in section 415 of the Federal Internal Revenue Code. For purposes of applying IRC 415(b) when a participant retires before age 62 or after age 65, the determination as to whether the benefit satisfies the IRC 415(b) limitations is made by comparing the equivalent annual benefit determined in Step 1 below with the age-adjusted dollar limit determined in Step 2 below.

Step 1: Under IRC 415 (b)(2)(B), determine the annual benefit in the form of a straight life annuity commencing at the same age that is actuarially equivalent to the plan benefit. In general, IRC 415 (b)(2)(E)(i) and (v) require that the equivalent annual benefit be the greater of (a) or (b) below.

(a) The equivalent annual benefit computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial equivalence for the particular form of benefit payable (plan rate and plan mortality table, or plan tabular factor, respectively).

(b) The equivalent annual benefit computed using a 5 percent interest rate assumption and the applicable mortality table.

This step does not apply to a benefit that is not required to be converted to a straight life annuity under IRC 415 (b)(2)(B), for example, a qualified joint and survivor annuity.

Step 2: Under IRC 415 (b)(2)(C) or (D), determine the IRC 415(b) dollar limitation that applies at the age the benefit is payable (age-adjusted dollar limit).

If the age at which the benefit is payable is less than 62, the age-adjusted dollar limit is determined by reducing the dollar limit on an actuarially equivalent basis. In general, IRC 415 (b)(2)(E)(i) and (v) require that the age-adjusted dollar amount be the lesser of (a) or (b) below.

(a) The equivalent amount computed using the plan rate and plan mortality table (or plan tabular factor) used for actuarial equivalence for early retirement benefits under the plan.

(b) The amount computed using 5 percent interest and the applicable mortality table described in Revenue Ruling 95-6. (This is used only to the extent described in Q & A 6 of Revenue Ruling 98-1, which provides that, for purposes of adjusting any limitation under IRC 415 (b)(2)(C) or (D), to the extent a forfeiture does not occur upon death, the mortality decrement may be ignored prior to age 62 and must be ignored after SSRA.)

If the age at which the benefit is payable is greater than age 65, the age-adjusted dollar limit is determined by increasing the IRC 415(b) dollar limitation on an actuarially equivalent basis. In general, IRC 415 (b)(2)(E)(i) and (v) require that the increased age-adjusted dollar limit be the lesser of (a) or (b) below.

(a) The equivalent amount computed using the plan rate and plan mortality table (or plan tabular factor) used for actuarial equivalence for early retirement benefits under the plan.

(b) The equivalent amount computed using 5 percent interest and the applicable mortality table (used to the extent described in Q&A 6, as described in the prior paragraph).

The dollar limit will be reduced proportionally for less than ten years of participation.

The plan will satisfy the IRC 415(b) limitations only if the equivalent annual benefit determined in Step 1 is less than the age-adjusted dollar limit determined in Step 2.

(3) Effective for limitation years beginning after December 31, 2001, the maximum annual addition that may be contributed or allocated to a participant's account for any limitation year may not exceed the lesser of (a) \$40,000, as adjusted for increases in the cost-of-living under section 415(d) of the Federal Internal Revenue Code, or (b) one hundred percent of the member's compensation, within the meaning of section 415 (c)(3) of the Federal Internal Revenue Code, for the limitation year.

(4) Notwithstanding any other provision of law to the contrary, the department may modify a request by a participant to make a contribution to the retirement plans if the amount of the contributions would exceed the limits under section 415(c) or 415(n) of the Federal Internal Revenue Code. An eligible participant in a retirement plan, as defined by section 1526 of the Federal Taxpayer Relief Act of 1997, may purchase service credit as provided by state law in effect on August 5, 1997, without regard to the limitations of section 415 (c)(1) of the Federal Internal Revenue Code.

(5) Prior to January 1, 1998, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code does not include the amount of any elective deferral, as defined in section 402 (g)(3) of the Federal Internal Revenue Code, or any contribution which is contributed or deferred by the employer at the election of the employee and which is not includible in the gross income of the employee by reason of section 125 or 457 of the Federal Internal Revenue Code.

(6) For limitation years beginning on and after January 1, 1998, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code does include the amount of any elective deferral, as defined in section 402 (g)(3) of the Federal Internal Revenue Code, or any contribution which is contributed or deferred by the employer at the election of the employee and which is not includible in the gross income of the employee by reason of section 125 or 457 of the Federal Internal Revenue Code.

(7) For limitation years beginning on and after January 1, 2001, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code shall also include elective amounts that are not includible in the gross income of the employee by reason of section 132 (f)(4).

NEW SECTION

WAC 415-110-070 Assets for exclusive benefit of members and beneficiaries. No assets of the school employees' retirement system Plans 2 and 3 may be used for or diverted to a purpose other than the exclusive benefit of the members and their beneficiaries at any time prior to the satis-

faction of all liabilities with respect to members and their beneficiaries.

NEW SECTION

WAC 415-112-050 How does the department comply with Internal Revenue Code distribution rules? (1) This section applies only to the teachers' retirement system (TRS) Plans 2 and 3.

(2) All benefits paid from the TRS Plans 2 and 3 retirement plans shall be distributed in accordance with the requirements of section 401 (a)(9) of the Federal Internal Revenue Code and the regulations under that section. In order to meet these requirements, these retirement plans shall be administered in accordance with the following provisions:

(a) Distribution of a member's benefit must begin by the later of the April 1 following the calendar year in which a participant attains age 70 1/2 or the April 1 of the year following the calendar year in which the member retires;

(b) The life expectancy of a member or the member's spouse may not be recalculated after the benefits commence;

(c) If a member dies before the distribution of the member's benefits has begun, distributions to beneficiaries must begin no later than December 31 of the calendar year immediately following the calendar year in which the member died;

(d) The amount of benefits payable to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of the Federal Internal Revenue Code; and

(e) If a member dies after the distribution of the member's benefits has begun, the remaining portion of the member's interest will be distributed at least as rapidly as under the method of distribution being used for the member as of the date of the member's death.

(3) A distributee may elect to have eligible rollover distributions paid in a direct rollover to an eligible retirement plan the distributee specifies, pursuant to section 401 (a)(31) of the Federal Internal Revenue Code.

NEW SECTION

WAC 415-112-060 What are the IRS limitations on maximum benefits and maximum contributions? (1) This section applies only to the teachers' retirement system (TRS) Plans 2 and 3. Subject to the provisions of this section, benefits paid from, and employee contributions made to, these plans shall not exceed the maximum benefits and the maximum annual addition, respectively, as applicable under section 415 of the Federal Internal Revenue Code.

(2) A participant may not receive an annual benefit that exceeds the dollar amount specified in section 415 (b)(1)(A) of the Federal Internal Revenue Code, subject to the applicable adjustments in section 415 of the Federal Internal Revenue Code. For purposes of applying IRC 415(b) when a participant retires before age 62 or after age 65, the determination as to whether the benefit satisfies the IRC 415(b) limitations is made by comparing the equivalent annual benefit determined in Step 1 below with the age-adjusted dollar limit determined in Step 2 below.

Step 1: Under IRC 415 (b)(2)(B), determine the annual benefit in the form of a straight life annuity commencing at the same age that is actuarially equivalent to the plan benefit. In general, IRC 415 (b)(2)(E)(i) and (v) require that the equivalent annual benefit be the greater of (a) or (b) below.

(a) The equivalent annual benefit computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial equivalence for the particular form of benefit payable (plan rate and plan mortality table, or plan tabular factor, respectively).

(b) The equivalent annual benefit computed using a 5 percent interest rate assumption and the applicable mortality table.

This step does not apply to a benefit that is not required to be converted to a straight life annuity under IRC 415 (b)(2)(B), for example, a qualified joint and survivor annuity.

Step 2: Under IRC 415 (b)(2)(C) or (D), determine the IRC 415(b) dollar limitation that applies at the age the benefit is payable (age-adjusted dollar limit).

If the age at which the benefit is payable is less than 62, the age-adjusted dollar limit is determined by reducing the dollar limit on an actuarially equivalent basis. In general, IRC 415 (b)(2)(E)(i) and (v) require that the age-adjusted dollar amount be the lesser of (a) or (b) below.

(a) The equivalent amount computed using the plan rate and plan mortality table (or plan tabular factor) used for actuarial equivalence for early retirement benefits under the plan.

(b) The amount computed using 5 percent interest and the applicable mortality table described in Revenue Ruling 95-6. (This is used only to the extent described in Q & A 6 of Revenue Ruling 98-1, which provides that, for purposes of adjusting any limitation under IRC 415 (b)(2)(C) or (D), to the extent a forfeiture does not occur upon death, the mortality decrement may be ignored prior to age 62 and must be ignored after SSRA.)

If the age at which the benefit is payable is greater than age 65, the age-adjusted dollar limit is determined by increasing the IRC 415(b) dollar limitation on an actuarially equivalent basis. In general, IRC 415 (b)(2)(E)(i) and (v) require that the increased age-adjusted dollar limit be the lesser of (a) or (b) below.

(a) The equivalent amount computed using the plan rate and plan mortality table (or plan tabular factor) used for actuarial equivalence for early retirement benefits under the plan.

(b) The equivalent amount computed using 5 percent interest and the applicable mortality table (used to the extent described in Q&A 6, as described in the prior paragraph).

The dollar limit will be reduced proportionally for less than ten years of participation.

The plan will satisfy the IRC 415(b) limitations only if the equivalent annual benefit determined in Step 1 is less than the age-adjusted dollar limit determined in Step 2.

(3) Effective for limitation years beginning after December 31, 2001, the maximum annual addition that may be contributed or allocated to a participant's account for any limitation year may not exceed the lesser of (a) \$40,000, as adjusted for increases in the cost-of-living under section 415(d) of the Federal Internal Revenue Code, or (b) one hundred percent of the member's compensation, within the mean-

ing of section 415 (c)(3) of the Federal Internal Revenue Code, for the limitation year.

(4) Notwithstanding any other provision of law to the contrary, the department may modify a request by a participant to make a contribution to the retirement plans if the amount of the contributions would exceed the limits under section 415(c) or 415(n) of the Federal Internal Revenue Code. An eligible participant in a retirement plan, as defined by section 1526 of the Federal Taxpayer Relief Act of 1997, may purchase service credit as provided by state law in effect on August 5, 1997, without regard to the limitations of section 415 (c)(1) of the Federal Internal Revenue Code.

(5) Prior to January 1, 1998, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code does not include the amount of any elective deferral, as defined in section 402 (g)(3) of the Federal Internal Revenue Code, or any contribution which is contributed or deferred by the employer at the election of the employee and which is not includible in the gross income of the employee by reason of section 125 or 457 of the Federal Internal Revenue Code.

(6) For limitation years beginning on and after January 1, 1998, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code does include the amount of any elective deferral, as defined in section 402 (g)(3) of the Federal Internal Revenue Code, or any contribution which is contributed or deferred by the employer at the election of the employee and which is not includible in the gross income of the employee by reason of section 125 or 457 of the Federal Internal Revenue Code.

(7) For limitation years beginning on and after January 1, 2001, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code shall also include elective amounts that are not includible in the gross income of the employee by reason of section 132 (f)(4).

NEW SECTION

WAC 415-112-070 Assets for exclusive benefit of members and beneficiaries. No assets of the teachers' retirement system Plans 2 and 3 may be used for or diverted to a purpose other than the exclusive benefit of the members and their beneficiaries at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries.

**WSR 02-10-099
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed April 30, 2002, 8:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-23-077.

Title of Rule: WAC 415-104-111 Actuarial recomputation of retirement allowance upon retirement following reemployment.

Purpose: This change is mandated by HB 1045 (chapter 261, Laws of 2001), which changed the retirement age in LEOFF Plan 2 from fifty-five to fifty-three years of age.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.26.470.

Summary: The actuarial recomputation WAC in LEOFF Plan 2 is being changed to reflect the age change in HB 1045.

Reasons Supporting Proposal: Mandated by change in statute.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Zan Johnston, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7049.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The actuarial recomputation WAC in LEOFF Plan 2 is being changed to reflect the age change in HB 1045.

Proposal Changes the Following Existing Rules: [NISBA].

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no effect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on June 4, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on June 4, 2002.

Date of Intended Adoption: No sooner than the day after the hearing.

April 30, 2002
Merry A. Kogut
Rules Coordinator

AMENDATORY SECTION (Amending WSR 94-09-040, filed 4/19/94, effective 5/20/94)

WAC 415-104-111 Actuarial recomputation of retirement allowance upon retirement following reemployment. (1) The purpose of this rule is to establish a method to actuarially recompute the retirement allowance of a Plan ((H)) 2 member who retires, reenters employment causing his or her retirement allowance to be suspended, and

then retires again. The actuarially recomputed retirement allowance shall:

(a) Include service credit the member earned following reestablishment of membership if any; and

(b) Account for the actuarial reduction applied to the member's initial retirement if the member initially retired prior to age (~~(fifty-five)~~) fifty-three.

(2) If a Plan ((H)) 2 retiree reenters membership, upon the individual's next retirement, the department shall reinstate and actuarially recompute the individual's retirement allowance pursuant to RCW 41.26.500 as follows:

(a) If the member first retired before age (~~(fifty-five)~~) fifty-three, the department shall:

(i) Calculate the retirement allowance pursuant to RCW 41.26.420 using the retiree's total years of career service, including service earned prior to initial retirement and service earned after reentering membership;

(ii) Actuarially reduce the member's retirement allowance based on the present value of the retirement allowance payments the individual received during the initial retirement; and

(iii) Calculate any survivor option selected by the retiree based upon the monthly retirement allowance calculated pursuant to (a)(i) and (ii) of this subsection.

(b) If the member initially retired at or after age (~~(fifty-five)~~) fifty-three, the department shall recompute the member's retirement allowance pursuant to RCW 41.26.500 and include any additional service credit earned and any applicable increase in the member's average final compensation resulting from the member's reentry into membership. Under no circumstances shall a retiree receive a retirement allowance creditable to a month during which that individual earned service credit.

(3) If a retiree's retirement allowance is suspended under RCW 41.26.500 due to reemployment but the retiree does not reenter membership, upon the retiree's separation from such employment, the retiree shall receive an actuarially recomputed retirement allowance equal to the sum of:

(a) The amount of the monthly suspended retirement allowance; plus

(b) An actuarially computed increase based upon the retirement allowance payment the member did not receive due to reemployment. The retiree may elect to receive the actuarially computed increase in either:

(i) An amount amortized over the expected term of the recomputed retirement allowance; or

(ii) A lump sum payment equal to the suspended retirement allowance plus interest.

WSR 02-10-113
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed April 30, 2002, 4:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-11-096.

Title of Rule: New WAC 388-550-2565 The long term acute care (LTAC) program—General, 388-550-2570 LTAC Program definitions, 388-550-2575 Client eligibility requirements for LTAC services, 388-550-2580 Requirements for becoming an LTAC facility, 388-550-2585 LTAC facilities—Quality of care, 388-550-2590 MAA's prior authorization requirements for Level 1 and Level 2 services, 388-550-2595 Identification of and payment methodology for services and equipment included in the LTAC fixed per diem rate, and 388-550-2596 Services and equipment covered by MAA but not included in the LTAC fixed per diem rate.

Purpose: To incorporate into rule the long term acute care (LTAC) program.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The rules describe MAA's LTAC program that provides LTAC Level 1 or Level 2 services in an MAA-approved LTAC facility to an MAA client during the acute phase of the client's care. The rule also states requirements for client eligibility, MAA-approved facilities (including quality of care), and prior authorization. In addition, the rule clarifies terms used in the program. Payment methodology is described for services and equipment included in the LTAC fixed per diem rate, and for services and equipment covered by MAA but not included in the LTAC fixed per diem rate.

Reasons Supporting Proposal: State plan amendment, centers for Medicare and Medicaid services (CMS) will authorize a federal match when the pilot project is converted to a standard program.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 5533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: Larry Linn, P.O. Box 5510, Olympia, WA 98504, (360) 725-1856.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new rule incorporates into rule MAA's LTAC program, clarifies and defines terms used in the program, and describes LTAC facility requirements, including quality of care. It also describes client eligibility, prior authorization requirements, and payment methodology. The purpose of the rule is to provide a twenty-four-hour inpatient comprehensive program of integrated medical and rehabilitative services to clients in an MAA-approved LTAC facility. Its anticipated effect is to provide such services at a reduced rate reimbursement to the LTAC facility after the cost of client services has reached the high cost outlier status under the diagnostic reimbursement group (DRG) payment method at the transferring hospital.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule and concludes that it will have no more than minor impact upon affected businesses. For approximately five years, the LTAC program has been in pilot project status. During this time, it has demonstrated to

be an economical and desirable program for both the transferring and LTAC hospitals and, in addition, has provided a continuum of quality client care. MAA is simply converting the program to permanent program status now that it has been approved in the Medicaid state plan.

RCW 34.05.328 applies to this rule adoption. The department has analyzed the proposed rule and determined that it meets the definition of a "significant legislative rule." A determination of the probable costs and benefits is available from the person listed above.

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (parking entrance at 12th and Washington), 1115 Washington, Olympia, WA, on June 4, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 31, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@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, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., June 4, 2002.

Date of Intended Adoption: Not sooner than June 5, 2002.

April 25, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-550-2565 The long term acute care (LTAC) program—General. The long term acute care (LTAC) program is a twenty-four-hour inpatient comprehensive program of integrated medical and rehabilitative services provided in a medical assistance administration (MAA)-approved LTAC facility during the acute phase of a client's care. MAA requires prior authorization for LTAC stays. See WAC 388-550-2590 for prior authorization requirements.

(1) A facility's multidisciplinary team coordinates individualized LTAC services at an MAA-approved LTAC facility.

(2) MAA determines the authorized length of stay for LTAC services based on the client's need as documented in the client's medical records and the criteria described in WAC 388-550-2590.

(3) When the MAA-authorized length of stay ends, the provider transfers the client to a more appropriate level of care or, if appropriate, discharges the client to the client's residence.

NEW SECTION

WAC 388-550-2570 LTAC program definitions. The following definitions and abbreviations and those found in WAC 388-500-0005 and 388-550-1050 apply to the LTAC program.

"Level 1 services" means long term acute care (LTAC) services provided to clients who require more than eight

hours of direct skilled nursing care per day. Level 1 services include one or both of the following:

(1) Active ventilator weaning care and any specialized therapy services, such as physical, occupational, and speech therapies; or

(2) Complex medical care that may include: Care for complex draining wounds, care for central lines, multiple medications, frequent assessments and close monitoring, third degree burns that may involve grafts and/or frequent transfusions, and specialized therapy services, such as physical, occupational, and speech therapies.

"Level 2 services" means long term acute care (LTAC) services provided to clients who require four to eight hours of direct skilled nursing care per day. Level 2 services include at least two of the following:

(1) Ventilator care for clients who are stable, dependent on a ventilator, and have complex medical needs;

(2) Care for clients who have tracheostomies, complex airway management and medical needs, and the potential for decannulation; and

(3) Specialized therapy services, such as physical, occupational, and speech therapies.

"Long term acute care" means inpatient intensive long term care services provided in MAA-approved LTAC facilities to eligible medical assistance clients who require Level 1 or Level 2 services.

"Survey" or "review" means an inspection conducted by a federal, state, or private agency to evaluate and monitor a facility's compliance with LTAC program requirements.

"Transportation company" means either an MAA-approved transportation broker or a transportation company doing business with MAA.

NEW SECTION

WAC 388-550-2575 Client eligibility requirements for LTAC services. Only a client who is eligible for one of the following programs may receive LTAC services, subject to the restrictions and limitations in WAC 388-550-2565, 388-550-2570, 388-550-2580, 388-550-2585, 388-550-2590, 388-550-2595, 388-550-2596, and other published rules:

(1) Categorically needy program (CNP);

(2) CNP - Children's health insurance program (CNP-CHIP);

(3) Limited casualty program - medically needy program (LCP-MNP);

(4) CNP - Emergency medical only; or

(5) LCP-MNP - Emergency medical only.

NEW SECTION

WAC 388-550-2580 Requirements for becoming an LTAC facility. (1) To apply to become an MAA-approved LTAC facility, MAA requires a hospital provider to:

(a) Submit a letter of request to:

LTAC Program Manager

Division of Medical Management

Medical Assistance Administration

PO Box 45506

Olympia WA 98504-5506; and

- (b) Include documentation that confirms the facility is:
- (i) Medicare certified for LTAC;
 - (ii) Accredited by the joint commission on accreditation of hospital organizations (JCAHO);
 - (iii) Licensed by the department of health (DOH) as an acute care hospital as defined under WAC 246-310-010; and
 - (iv) Contracted under MAA's selective contracting program, if in a selective contracting area, unless exempted from the requirements by MAA.
- (2) The hospital facility qualifies as an MAA-approved LTAC facility when:
- (a) The facility meets all the requirements in this section;
 - (b) MAA's clinical staff has conducted a facility site visit; and
 - (c) MAA provides written notification that the facility qualifies to be reimbursed for providing LTAC services to eligible medical assistance clients.
- (3) MAA-approved LTAC facilities must meet the general requirements in chapter 388-502 WAC, Administration of medical programs Providers.

NEW SECTION

WAC 388-550-2585 LTAC facilities—Quality of care. (1) To ensure quality of care, MAA may conduct post-pay or on-site reviews of any MAA-approved LTAC facility. See WAC 388-502-0240, Audits and the audit appeal process for contractors/providers, for additional information on audits conducted by department staff.

(2) A provider of LTAC services must act on any reports of substandard care or violations of the facility's medical staff bylaws. The provider must have and follow written procedures that provide a resolution to either a complaint or grievance or both.

(3) A complaint or grievance regarding substandard conditions or care may be investigated by any one or more of the following:

- (a) The department of health (DOH);
- (b) The Joint Commission on Accreditation of Hospital Organizations (JCAHO);
- (c) MAA; or
- (d) Other agencies with review authority for MAA programs.

NEW SECTION

WAC 388-550-2590 MAA's prior authorization requirements for Level 1 and Level 2 services. (1) MAA requires prior authorization for Level 1 and Level 2 LTAC inpatient stays. The prior authorization process includes all of the following:

- (a) For an initial thirty-day stay:
 - (i) The client must:
 - (A) Be eligible under one of the programs listed in WAC 388-550-2575;
 - (B) Meet the high cost outlier status at the transferring hospital as described in WAC 388-550-3700; and
 - (C) Require Level 1 or Level 2 services as defined in WAC 388-550-2570.
 - (ii) The LTAC provider of services must:
 - (A) Before admitting the client to the LTAC facility, submit a request for prior authorization to the MAA clinical consultation team by fax, electronic mail, or telephone, as published in MAA's LTAC billing instructions; and
 - (B) Include sufficient medical information to justify the requested initial stay.
 - (b) For extensions of stay:
 - (i) The client must:
 - (A) Be eligible under one of the programs listed in WAC 388-550-2575; and
 - (B) Require Level 1 or Level 2 services as defined in WAC 388-550-2570.
 - (ii) The LTAC provider of services must:
 - (A) Before the client's current authorized period of stay expires, submit a request for the extension of stay to the MAA clinical consultation team by fax, electronic mail, or telephone; and
 - (B) Include sufficient medical information to justify the requested extension of stay.

(A) Before admitting the client to the LTAC facility, submit a request for prior authorization to the MAA clinical consultation team by fax, electronic mail, or telephone, as published in MAA's LTAC billing instructions; and

(B) Include sufficient medical information to justify the requested initial stay.

(b) For extensions of stay:

(i) The client must:

(A) Be eligible under one of the programs listed in WAC 388-550-2575; and

(B) Require Level 1 or Level 2 services as defined in WAC 388-550-2570.

(ii) The LTAC provider of services must:

(A) Before the client's current authorized period of stay expires, submit a request for the extension of stay to the MAA clinical consultation team by fax, electronic mail, or telephone; and

(B) Include sufficient medical information to justify the requested extension of stay.

(2) The MAA clinical consultation team authorizes, in writing, Level 1 or Level 2 services for initial stays or extensions of stay based on the client's circumstances and the medical justification received. A client who does not agree with a decision regarding a length of stay has a right to a fair hearing under chapter 388-02 WAC. After receiving a request for a fair hearing, MAA may request additional information from the client and the facility, or both. After MAA reviews the available information, the result may be:

(a) A reversal of the initial MAA decision;

(b) Resolution of the client's issue(s); or

(c) A fair hearing conducted per chapter 388-02 WAC.

(3) MAA may authorize administrative day rate reimbursement for a client who:

(a) Does not meet the requirements described in this section;

(b) Is waiting for placement in another facility; or

(c) If appropriate, is waiting to be discharged to the client's residence.

NEW SECTION

WAC 388-550-2595 Identification of and payment methodology for services and equipment included in the LTAC fixed per diem rate. (1) In addition to room and board, the LTAC fixed per diem rate includes, but is not limited to, the following (see MAA's LTAC billing instructions for applicable revenue codes):

(a) Room and board - Rehabilitation;

(b) Room and board - Intensive care;

(c) Medical/surgical supplies and devices;

(d) Laboratory - General;

(e) Laboratory - Chemistry;

(f) Laboratory - Immunology;

(g) Laboratory - Hematology;

(h) Laboratory - Bacteriology and microbiology;

(i) Laboratory - Urology;

(j) Laboratory - Other laboratory services;

(k) Respiratory services;

(l) Physical therapy;

(m) Occupational therapy; and

(n) Speech-language therapy.

(2) MAA pays the LTAC facility the LTAC fixed per diem rate in effect at the time the LTAC services are provided, minus the sum of:

(a) Client liability, whether or not collected by the provider; and

(b) Any amount of coverage from third parties, whether or not collected by the provider, including, but not limited to, coverage from:

(i) Insurers and indemnitors;

(ii) Other federal or state medical care programs;

(iii) Payments made to the provider on behalf of the client by individuals or organizations not liable for the client's financial obligations; and

(iv) Any other contractual or legal entitlement of the client, including, but not limited to:

(A) Crime victims' compensation;

(B) Workers' compensation;

(C) Individual or group insurance;

(D) Court-ordered dependent support arrangements; and

(D) The tort liability of any third party.

(3) MAA may make annual rate increases to the LTAC fixed per diem rate by using the same inflation factor and date of rate increase that MAA uses for acute care hospital diagnostic-related group (DRG) rates. This DRG rate adjustment method is described in WAC 388-550-3450(5).

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

NEW SECTION

WAC 388-550-2596 Services and equipment covered by MAA but not included in the LTAC fixed per diem rate. (1) MAA uses the ratio of costs-to-charges (RCC) payment method to reimburse an LTAC facility for the following that are not included in the LTAC fixed per diem rate:

(a) Prescription drugs;

(b) Total parenteral nutrition (TPN) therapy;

(c) Epogen/neupogen therapy;

(d) Radiology services;

(e) Nuclear medicine services;

(f) Computerized tomographic (CT) scan;

(g) Operating room services;

(h) Anesthesia services;

(i) Blood storage and processing;

(j) Blood administration;

(k) Other imaging services - Ultrasound;

(l) Pulmonary function services;

(m) Cardiology services;

(n) Recovery room services;

(o) EKG/ECG services;

(p) Gastro-intestinal services;

(q) Inpatient hemodialysis; and

(r) Peripheral vascular laboratory services.

(2) MAA uses the appropriate inpatient or outpatient payment method described in other published WAC to reimburse providers other than LTAC facilities for services and equipment that are covered by MAA but not included in the

LTAC fixed per diem rate. The provider must bill MAA directly and MAA reimburses the provider directly.

(3) Transportation services that are related to transporting a client to and from another facility for the provision of outpatient medical services while the client is still an inpatient at the LTAC facility, or related to transporting a client to another facility after discharge from the LTAC facility:

(a) Are not covered or reimbursed through the LTAC fixed per diem rate;

(b) Are not reimbursable directly to the LTAC facility;

(c) Are subject to the provisions in chapter 388-546 WAC; and

(d) Must be billed directly to the:

(i) Department by the transportation company to be reimbursed if the client required ambulance transportation; or
(ii) Department's contracted transportation broker, subject to the prior authorization requirements and provisions described in chapter 388-546 WAC, if the client:

(A) Required nonemergent transportation; or

(B) Did not have a medical condition that required transportation in a prone or supine position.

(4) MAA evaluates requests for covered transportation services that are subject to limitations or other restrictions, and approves such services beyond those limitations or restrictions when medically necessary, under the standards of WAC 388-501-0165.

WSR 02-10-114

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed April 30, 2002, 4:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-20-075.

Title of Rule: New WAC 388-550-2598 Critical access hospital (CAH) program.

Purpose: To comply with HB 1162, Laws of 2001 2nd sp.s. that requires the Department of Social and Health Services (DSHS) to establish an inpatient cost reimbursement system for rural hospitals that are designated as CAHs.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.09.5225 as required by HB 1162, section 2, Laws of 2001 2nd sp.s.

Statute Being Implemented: RCW 74.08.090, 74.04.050, 74.09.5225.

Summary: The new rule establishes an inpatient cost reimbursement system for rural hospitals that have been designated as CAHs, and establishes a uniform set of procedures that will apply to all CAH reimbursement procedures for inpatient services. Aging and Adult Services of DSHS, the Department of Health, and the Center for Medicare and Medicaid Services (CMS) also regulate parts of this program.

Reasons Supporting Proposal: Required by state law.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360)

725-1342; Implementation and Enforcement: Dee Hahn, P.O. Box 45510, Olympia, WA 98504, (360) 725-1832.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new rule incorporates into rule MAA's CAH program as required by HB 1152, Laws of 2001 2nd sp.s. that requires DSHS to establish an inpatient cost reimbursement system for rural hospitals that are designated as CAHs. The rule establishes a uniform set of procedures that will apply to all CAH reimbursement procedures for inpatient services, and contains audit and quality provisions to insure compliance. It also clarifies and defines terms used in the program, and describes the requirements for a CAH facility. Its anticipated effects are to stabilize reimbursement payments to rural hospitals for services provided to MAA clients, and to ensure that MAA clients continue to have access to health care in their local area.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendments and concluded that no new costs will be imposed on businesses affected by them. The hospital providers are already being reimbursed by MAA under other programs and the CAH program will use the electronic billing systems currently in use (MMIS).

RCW 34.05.328 applies to this rule adoption. The department has analyzed the proposed rule and determined that it meets the definition of a "significant legislative rule." A determination of the probable costs and benefits is available from the persons listed above.

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (parking entrance at 12th and Washington), 1115 Washington, Olympia, WA, on June 4, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 31, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@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, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., June 4, 2002.

Date of Intended Adoption: No sooner than June 5, 2002.

April 25, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-550-2598 Critical access hospital (CAH) program. (1) The critical access hospital (CAH) program provides cost-based reimbursement to a critical access hospital (CAH) through a retrospective cost reimbursement system. Reimbursement is based on a CAH's actual cost of pro-

viding hospital services to eligible medical assistance clients during the hospital fiscal year (HFY) of the CAH, subject to the conditions and limitations in this section and other published WACs. CAH program requirements and how the medical assistance administration (MAA) calculates a CAH cost settlement adjustment are described in this section.

(2) The following definitions and abbreviations and those found in WAC 388-500-0005 and 388-550-1050 apply to the CAH program:

(a) "CAH," see "critical access hospital."

(b) "CAH fee-for-service (FFS) cost settlement adjustment" means the department's annual reimbursement or recoupment adjustment to a CAH's fee-for-service interim payment.

(c) "CAH Healthy Options (HO) cost settlement payment" means the department's annual reimbursement adjustment related to a CAH's HO utilization.

(d) "CAH HFY" see "CAH hospital fiscal year."

(e) "CAH hospital fiscal year" means each individual hospital's fiscal year.

(f) "Cost settlement" means a reconciliation of the interim CAH payments with a CAH's actual costs determined after the end of the CAH's HFY.

(g) "Critical access hospital (CAH)" means an MAA-approved hospital that is Medicare-certified by the Centers for Medicare and Medicaid Services (CMS) to operate as a CAH.

(h) "IDWCC rate" see "inpatient departmental weighted cost-to-charge (IDWCC) rate."

(i) "Inpatient departmental weighted cost-to-charge (IDWCC) rate" means a rate MAA uses to determine a fee-for-service interim inpatient CAH payment.

(j) "Interim CAH payment" means the actual payment the department makes, per claim, to a CAH during its HFY, using the appropriate IDWCC or ODWCC rate, as determined by MAA.

(k) "ODWCC rate" see "outpatient departmental weighted cost-to-charge (ODWCC) rate."

(l) "Outpatient departmental weighted cost-to-charge (ODWCC) rate" means a rate MAA uses to determine a fee-for-service interim outpatient CAH payment.

(m) "Per service" means services provided during a healthy options (HO) equivalent admission. (For an example of how to calculate a HO equivalent admission, see subsection (12), step 2.)

(3) An MAA-approved CAH must be Medicare-certified as a CAH. A CAH must provide proof of certification to MAA upon request.

(4) An MAA-approved CAH must also meet the general applicable requirements in chapter 388-502 WAC, Administration of medical programs—Providers. For information on audits conducted by department staff, see WAC 388-502-0240.

(5) MAA may conduct a postpay or on-site review of any CAH to ensure quality of care.

(6) To ensure a client receives necessary care:

(a) A CAH is responsible to investigate any reports of substandard care or violations of the facility's medical staff bylaws;

(b) A CAH provider must have and follow written procedures that provide a resolution to complaints and grievances; and

(c) A complaint or grievance regarding substandard conditions or care may be investigated by any one or more of the following:

- (i) Department of health (DOH); or
- (ii) Other agencies with review authority for MAA programs.

(7) Subject to the restrictions and limitations in this section and other published WAC, the MAA CAH fee-for-service reimbursement method uses the:

- (a) IDWCC rate; and
- (b) ODWCC rate.

(8) This section describes the parallel steps MAA uses to calculate both the fee-for-service IDWCC rate and fee-for-service ODWCC rate for each CAH. Consideration will be given to recalculation of the interim payment rates if a CAH submits changes to the initially submitted Medicare HCFA-2552 Cost Report. MAA:

(a) Obtains the following information for each CAH from the Medicare HCFA-2552 Cost Report the CAH initially submits for the period to be cost settled:

- (i) Cost-to-charge ratio of each respective ancillary service cost center; and
- (ii) Total costs and number of patient days of each respective accommodation cost center.

(b) Obtains from the Medicaid Management Information System (MMIS) the following summary claims data submitted by each CAH for the HFY to be cost settled:

- (i) Medical assistance program codes;
- (ii) Inpatient and outpatient claim types;
- (iii) Procedure codes, revenue codes or diagnosis-related group (DRG) codes;
- (iv) Allowed charges and third party liability/client and MAA paid amounts;
- (v) Number of claims; and
- (vi) Units of service.

(c) Separates the inpatient claims data and outpatient claims data.

(d) Obtains the cost center allowed charges by classifying inpatient allowed charges billed by a CAH (using any one of, or a combination of, procedure codes, revenue codes, or

DRG codes) into the related cost center in the CAH's Medicare HCFA-2552 cost report the CAH initially submits to MAA.

(e) Determines the MAA departmental-weighted costs for each cost center by multiplying the cost center's allowed charges for the appropriate inpatient or outpatient claim type by the related ancillary service cost center ratio or accommodation cost center per diem.

(f) Obtains totals from the cost centers used for cost settlement and interim rates from (e) of this subsection by:

- (i) Summing all allowed charges; and
- (ii) Summing all MAA departmental-weighted costs.

(g) Determines a CAH's fee-for-service IDWCC rate and fee-for-service ODWCC rate by dividing the total MAA departmental-weighted costs from (f)(ii) of this subsection by the total allowed charges from (f)(i) of this subsection. Neither the IDWCC rate nor the ODWCC rate may exceed one hundred percent.

(9) MAA makes interim CAH payments to a CAH during the CAH's HFY using the IDWCC rate for inpatient services provided, and the ODWCC rate for outpatient services provided, as determined in the CAH's most recent cost settlement.

(10) MAA performs a cost settlement for a CAH after the end of the CAH's HFY. MAA calculates the cost settlement using:

- (a) MAA claims data; and
- (b) The following information submitted by the CAH to MAA at the close of the CAH's HFY:

(i) The Medicare HCFA-2552 Cost Report (see requirements in WAC 388-550-5700); and

(ii) Total HO inpatient and outpatient allowed charges for the CAH's HFY dates of services.

(11) MAA rebases and implements a CAH's new IDWCC rate and ODWCC rate at cost settlement. The rebased IDWCC and ODWCC rates:

- (a) Are used to determine a CAH's adjustment for services in the cost-settled HFY; and
- (b) Become the current interim payment rates.

(12) See the example in this subsection for how MAA calculates a fee-for-service and managed care CAH cost settlement adjustment. A cost settlement payment for services provided through a Healthy Options managed care plan is limited to no more than the additional amounts per service paid under the CAH program for other medical assistance programs.

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Example of the payment calculation for a fee-for-service (FFS) and Healthy Options (HO) Critical Access Hospital (CAH) cost settlement adjustment using charges from claims and the hospital's inpatient departmental weighted cost-to-charge (IDWCC) and outpatient departmental weighted cost-to-charge (ODWCC)

STEP 1 CAH FFS Cost Settlement Adjustment for Hospital XYZ			
CAH's Hospital Fiscal Year (HFY)			
		Programs	
		Inpatient Medical Assistance Programs	Outpatient Medical + Assistance Programs
		Total Cost Settlement = Adjustment	
CAH HFY Total allowed charges		\$96,735	\$33,265
IDWCC and ODWCC used for CAH cost settlement	x	84.3%	70.5%
CAH actual FFS cost	=	\$81,548	\$23,452
FFS interim CAH payment	-	\$80,833	\$19,167

* CAH FFS cost settlement adjustment	=	\$ 715	\$ 4,285	\$ 5,000
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*If the CAH FFS cost settlement adjustment total is zero or less, a HO cost settlement is not performed. (Go directly to step 3.) If the CAH FFS cost settlement adjustment total is greater than zero, proceed to step 2.

STEP 2		Calculate Total CAH HO Cost Settlement Payment	
	\$130,000	Total allowed CAH HFY charges	
+	10	FFS inpatient admissions during CAH HFY	
=	\$ 13,000	Average charge per FFS inpatient admission used for HO equivalent admissions	
	\$5,000	CAH FFS cost settlement adjustment (from Step 1)	
+	10	FFS admissions during CAH HFY	
=	\$ 500	CAH settlement for each FFS admission	
	\$ 78,000	Total allowed HO charges (includes inpatient and outpatient charges)	
+	\$ 13,000	Average charge per FFS admission used for HO equivalent admissions	
	6	HO equivalent admissions	
	\$ 500	CAH settlement for each FFS admission	
x	6	HO equivalent admissions	
=	\$ 3,000	CAH HO cost settlement payment due the CAH	

STEP 3		Calculate Total Additional CAH Cost Settlement Adjustment	
	\$ 5,000	CAH FFS cost settlement adjustment (from Step 1)	
+	\$ 3,000	CAH HO cost settlement payment (from Step 2)	
=	\$ 8,000	Total additional CAH cost settlement adjustment due from the department	

WSR 02-10-115
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed April 30, 2002, Filed 4:33 p.m.,]

Supplemental Notice to WSR 01-21-106.
 Preproposal statement of inquiry was filed as WSR 01-05-027.

Title of Rule: Amending WAC 388-543-1000 Definitions for durable medical equipment (DME) etc., 388-543-1100 Scope of coverage and coverage limitations for DME, etc., 388-543-1300 Equipment, etc. not covered, and 388-543-2200 Augmentative communication devices (ACD).

Purpose: The amended sections were previously proposed under WSR 01-21-106. Since that proposal, MAA met with interested stakeholders to further discuss balancing department policy and fiscal restraints with client needs. The rules are necessary in order to change the name of augmentative communication device (ACD) to speech generating device (SGD) to reflect Medicare terminology; to further explain criteria for department-covered SGDs; and to ensure that department policy follows Medicare guidelines.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Statute Being Implemented: RCW 74.08.090, 74.09.530.

Summary: See Purpose above.

Reasons Supporting Proposal: To clarify department policy regarding SGDs.

Name of Agency Personnel Responsible for Drafting: Ann Myers, DPS/RIP, P.O. Box 45533, Olympia, WA

98504-5533, (360) 725-1345; Implementation and Enforcement: Sharon Morrison, DHSQS/QU, P.O. Box 45506, Olympia, WA 98504-5506, (360) 725-1671.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule proposed above clarifies department policy regarding SGDs (formerly known as augmentative communication devices (ACDs)), especially the criteria for a device to be classified as a department-covered SGD. The purpose of the rule is to clearly state department policy. The anticipated effect is to make department policy clearly understandable to providers and clients.

Proposal Changes the Following Existing Rules: The rules above amend WAC 388-543-1000, 388-543-1100, 388-543-1300, and 388-543-2200 to clarify current policy. This includes amending the definition of SGD and further explaining the criteria for a device to be classified as a department-covered SGD.

No small business economic impact statement has been prepared under chapter 19.85 RCW. MAA analyzed the proposed rules and concluded that they will not place "a more than minor" impact on the businesses affected by them. Therefore, a comprehensive small business economic impact statement is not required.

RCW 34.05.328 applies to this rule adoption. MAA has analyzed the proposed rules and concludes that they meet the definition of a "significant legislative rule." MAA evaluated the probable costs and probable benefits of the proposed rules, taking into account both the qualitative and quantitative benefits and costs. MAA's analysis revealed that any new

PROPOSED

costs imposed on the businesses affected by them would be minor. The probable benefits of allowing providers to furnish specific, prior authorized computer-based SGDs to clients exceed the probable costs. A complete evaluation is available from the department representatives identified above.

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (parking entrance at 12th and Washington), 1115 Washington, Olympia, WA, on June 25, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, Rules Coordinator, by June 15, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaaX@dshs.wa.gov, by 5:00 p.m., June 25, 2002.

Date of Intended Adoption: Not sooner than June 26, 2002.

April 26, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-11 issue of the Register.

WSR 02-10-121
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed May 1, 2002, 8:30 a.m.]

Original Notice.

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

Title of Rule: Puget Sound gillnet salmon marketing order in chapter 16-585 WAC.

Purpose: To change the name of the Puget Sound Gillnet Salmon Commission (commodity board) to Puget Sound Salmon Commission.

Statutory Authority for Adoption: Chapter 15.65 RCW.

Statute Being Implemented: RCW 15.65.050 and 15.65.180.

Summary: The department received a request from the Puget Sound Gillnet Salmon [Commission] to make a name change of the commission.

Reasons Supporting Proposal: Under RCW 15.65.180, the director, upon the advice of the commission, may amend a marketing order without compliance to RCW 15.65.050 through 15.65.170 as to any minor matter or wording which does not substantially alter the provisions and intention of the marketing order.

Name of Agency Personnel Responsible for Drafting and Implementation: Deborah Anderson, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-2043; Enforcement: William E. Brookreson, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1800.

Name of Proponent: Washington Puget Sound Gillnet Salmon Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The term Puget Sound "Gillnet" salmon technically is incorrect as it relates to salmon, which is the commodity the commission is working to promote and market. "Gillnet" relates to the type of fishing equipment used to catch salmon. The commission is in the process of developing a promotional/marketing campaign. The name change to "Puget Sound Salmon Commission" will facilitate those efforts and their success, as well as facilitate working relationships in the commission's day-to-day activities to market and promote salmon.

Proposal Changes the Following Existing Rules: The proposal changes the name of the Puget Sound Gillnet Salmon Commission to Puget Sound Salmon Commission in chapter 16-585 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal would change the name of the commission, which does not substantially alter the rule or place any additional requirements on affected producers.

RCW 34.05.328 does not apply to this rule adoption. RCW 340.05.328 [34.05.328] does not apply to this rule adoption. The Washington State Department of Agriculture is not a named agency.

Hearing Location: Norbdy Conference Room, Fisherman's Terminal, 1900 Nickerson, Seattle, WA, on June 6, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Laurie Crose by April [June] 2, 2002, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Deborah Anderson, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2092, by June 6, 2002, 5:00 p.m.

Date of Intended Adoption: July 1, 2002.

May 1, 2002

William E. Brookreson
Acting Director

Chapter 16-585 WAC

PUGET SOUND ((GILLNET)) SALMON COMMISSION

AMENDATORY SECTION (Amending WSR 95-15-102, filed 7/19/95, effective 8/19/95)

WAC 16-585-010 Definition of terms. For the purpose of this marketing order:

- (1) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.
- (2) "Affected area" means Western Washington.
- (3) "Affected commodity" means salmon harvested pursuant to Washington, Puget Sound commercial salmon gillnet license or with gear now or hereafter lawfully permitted

for use pursuant to Puget Sound commercial salmon gillnet licenses.

(4) "Affected producer" means any person who is a commercial harvester of commercial quantities of salmon taken pursuant to Washington state Puget Sound commercial salmon gillnet license or with gear lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet licenses in the waters of the state of Washington in areas lawfully permitted for such licenses, including in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery.

(5) "Commercial quantity" means any Puget Sound salmon produced by an affected producer which producer produces an annual quantity greater than zero and sufficient for sale and entry into the stream of commerce for salmon.

(6) "Commission" means the Puget Sound ((gillnet)) salmon commission formed pursuant to this order.

(7) "Department" means the department of agriculture of the state of Washington.

(8) "Director" means the director of agriculture of the state of Washington or the duly appointed representative.

(9) "Fiscal year" means the twelve-month period beginning with January 1 of any year and ending with December 31st, both dates being inclusive.

(10) "Order" means this marketing order.

(11) "Person" means any person, firm, association, or corporation.

(12) "Production area" means the waters of the state of Washington in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery and in which fishing is lawfully permitted pursuant to a Puget Sound commercial salmon gillnet license.

(13) "Puget Sound gillnet salmon" means salmon taken in the waters of the state of Washington in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery, or other lawful area permitted pursuant to Puget Sound commercial salmon gillnet license and taken pursuant to Washington state Puget Sound commercial gillnet license or with gear lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet license.

(14) "Puget Sound ((gillnet)) salmon commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of this marketing order.

(15) "Purchase" means obtain through sale, exchange, barter, or trade.

(16) "Salmon" means Puget Sound salmon and salmon products which have been harvested by affected producers as defined in this marketing order. "Salmon" does not include privately farmed or cultivated salmon or salmon products nor salmon harvested pursuant to license issued by the various Treaty Indian Tribes. Nothing herein shall prevent the board from engaging in cooperative marketing of tribal and non-tribal salmon.

(17) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, whether directly or through agents.

(18) "Handler" or "processor" shall mean those who purchase, process for market, or otherwise obtain from affected

producers the affected commodity for further handling or sale in the course of commerce. "Handler" and "processor" includes those who catch and then obtain from themselves, process, or further handle for subsequent direct sale to the public the affected commodity after having themselves produced that commodity as affected producers.

(19) "Process" means to prepare the affected commodity or product therefrom by filleting, heading, gutting, canning, cooking, smoking, fermenting, dehydrating, drying or packaging.

(20) "Affected unit" means one pound landed weight of salmon.

AMENDATORY SECTION (Amending WSR 95-15-102, filed 7/19/95, effective 8/19/95)

WAC 16-585-020 Puget Sound ((gillnet)) salmon commodity board. (1) Administration. The provisions of this marketing order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership. The board shall consist of seven members, six of whom shall be affected producers. The director shall appoint one additional member who is not an affected producer to represent the department and the general public.

(3) Qualifications for board membership. The producer members of the board shall be practical producers of the affected commodity and shall be citizens and residents of this state, over the age of twenty-five years, each of whom is and has been actually engaged in producing such commodity within the state of Washington for a period of five years and has during that period derived a substantial portion of their income therefrom and who is not primarily engaged in business directly as a handler or other dealer. The qualification of members of the board as herein set forth must continue during their terms of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years unless the marketing order is terminated earlier. One-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically as follows: Affected producers shall have positions one through six and, the member appointed by the director shall have position seven.

(c) The term of office for the initial board members shall be as follows:

Positions one and four shall be for one year from the date of first election or until the first subsequent annual election is held.

Positions two and five shall be for two years from the date of first election or until the second subsequent annual election is held.

Positions three and six shall be for three years from the date of first election or until the third subsequent annual election is held.

(5) Nominations for election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the

date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation in Western Washington not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five affected producers entitled to have participated in said meeting.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers. The notice shall call for nominations in accordance with this marketing order and shall give the final date for filing nominations which shall not be less than twenty days after the notice was mailed.

When only one nominee is nominated for any position on the board the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

(6) Election of board members.

(a) The members of the board shall be elected by secret mail ballot held during the month of February of each year under the supervision of the director. Producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected area defined in this marketing order not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each producer entitled to vote whose name appears upon the list thereof compiled and maintained by the director in accordance with RCW 15.65.200. Any other producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any person entitled to vote shall not invalidate the election of a board member.

(7) Removal of board members. A board member may be removed by a vote of the board if that member fails to attend any three consecutive meetings of the board, duly noticed.

(8) Vacancies prior to election. In the event of a vacancy on the board, the board shall appoint a qualified person to fill the unexpired term.

(9) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(10) Board compensation. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or

traveling to and from meetings of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060. A board member may, in the discretion of the board, serve and be compensated as an employee of the commission.

(11) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director;

(b) To elect a chairperson and such other officers as it deems advisable;

(c) To employ and discharge at its discretion such assistance and personnel, including attorneys engaged in private practice of law, subject to the approval and supervision of the attorney general, as the board determines necessary and proper to carry out the purpose of the order and to effectuate the policies of the act;

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses may be paid by check, draft, or voucher in such form and in such manner and upon the signature of such person as the board may prescribe;

(e) To reimburse any applicant who has deposited funds with the director in order to defray the costs of formulating the order;

(f) To establish a fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day;

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited as provided in the act subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and each member of the board;

(h) To require bond of board members and employees of the board in positions of trust in an amount the board deems necessary. Premiums for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington;

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year;

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters;

(k) To recommend to the director, administrative rules, orders and amendments thereto for the exercise of his or her power in connection with this order;

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of this order and the act, along with the necessary authority and procedure for obtaining such information;

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or this order;

(n) To confer with and cooperate with the legally constituted authorities of other states of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders;

(o) To authorize the members of the commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined in RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose;

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section;

(q) To sue or be sued;

(r) To borrow money and incur indebtedness.

(12) Procedures for board.

(a) The board shall hold regular meetings, at least semi-annually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual membership meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members.

WSR 02-10-123

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 1, 2002, 8:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-03-138.

Title of Rule: Chapter 16-489 WAC, Blueberry scorch virus quarantine.

Purpose: To establish a rule relating to the exclusion and regulation of host material for blueberry scorch virus, a serious economic pest of blueberries.

Statutory Authority for Adoption: Chapters 17.24 and 15.13 RCW.

Statute Being Implemented: Chapters 17.24 and 15.13 RCW.

Summary: Currently no rules are in place regarding blueberry scorch virus in Washington state. The discovery of particularly virulent strains of blueberry scorch virus in British Columbia and several states, and the virus' potential for movement into Washington state are cause for rule making. Establishment of this pest would cause economic loss to the blueberry industry.

Reasons Supporting Proposal: USDA APHIS has authority to quarantine and regulate for plant diseases, both interstate and internationally. The federal agency has not exercised its powers for many diseases, including blueberry scorch, known to be present in areas of the United States, leaving these issues to the states. There is well established precedent for advising and coordinating with USDA APHIS on plant health issues.

Name of Agency Personnel Responsible for Drafting: Tom Wessels, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1984; Implementation and Enforcement: Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907.

Name of Proponent: Washington Blueberry Commission, Washington State Department of Agriculture, public and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal will allow Washington State Department of Agriculture to protect the state's blueberry crop from a virulent strain of blueberry scorch virus that presently occurs only in a few eastern states and British Columbia. Because a different, latent strain of the virus is occasionally found in Washington and the two strains cannot be readily differentiated by a practical lab test, the proposal addresses all strains of blueberry scorch virus. The proposal would require all blueberry plants sold, offered for sale, or transported within the state to meet one of a variety of conditions which demonstrate that the plants are blueberry scorch virus-free. It would also require recordkeeping to verify this. The proposal complies with the international standards for phytosanitary measures and could be adopted by the USDA to regulate blueberry plants from British Columbia. The state of Oregon has established a similar rule.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will have an economic impact on less than 10% of the businesses in the SIC code.

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

Hearing Location: Natural Resources Building, 1111 Washington Street, 2nd Floor, Conference Room 259, Olympia, WA 98504, on June 10, 2002, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Jodi Jones by June 5, 2002, TDD (360) 902-1996, or (360) 902-1806.

Submit Written Comments to: Tom Wessels, Plant Services Program Manager, Washington State Department of

Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, e-mail TWessels@agr.wa.gov, fax (360) 902-2094, by close of business June 10, 2002.

Date of Intended Adoption: June 19, 2002.

May 1, 2002

Mary A. Martin Toohey

Assistant Director

Chapter 16-489 WAC

Blueberry Scorch Virus Quarantine

NEW SECTION

WAC 16-489-010 Blueberry scorch virus. Blueberry scorch virus is an aphid-borne virus that causes necrosis of leaves and flowers in susceptible blueberry varieties, leading to a decline in productivity. A strain of blueberry scorch virus benign to varieties commonly grown in the Pacific Northwest has been historically present in Washington. Now a more virulent strain of blueberry scorch virus has been identified in western North America. If this virulent strain is introduced into the state, it will have a severe economic impact on Washington's blueberry industry. The strains of blueberry scorch virus cannot be readily distinguished by standard laboratory testing methods, making it necessary to eliminate all strains of this virus from Washington. A quarantine is established under authority of chapters 17.24 and 15.13 RCW, in order to prevent introduction and spread of all strains of blueberry scorch virus.

NEW SECTION

WAC 16-489-020 Blueberry scorch virus—Definitions. The following definitions apply to WAC 16-489.

(1) "Blueberry plants" means all plants and plant parts of *Vaccinium corymbosum*, except fruit that is free of leaf tissue.

(2) "Blueberry scorch virus" means any and all strains of blueberry scorch virus.

(3) "Pest Free Area" means an area where no strain of blueberry scorch virus occurs, as demonstrated by scientific evidence, and in which, where appropriate, this blueberry scorch virus free condition is being officially maintained.

(4) "Director" means the director of the Washington State Department of Agriculture or the director's authorized representative.

(5) "Micropropagated plants" means plants propagated using aseptic laboratory techniques and an artificial culture medium.

NEW SECTION

WAC 16-489-030 Blueberry scorch virus—Area under quarantine. All states and territories of the United States and all counties within the state of Washington.

NEW SECTION

WAC 16-489-040 Blueberry scorch virus—Regulated articles. All blueberry plants and plants of other *Vaccinium* species shown to be hosts for blueberry scorch virus are regulated articles. Blueberry fruit that is free of leaf tissue is not regulated under this chapter; however, please note that blueberry fruit may be regulated for other pests under provisions of WAC 16-488.

NEW SECTION

WAC 16-489-050 Blueberry scorch virus—Restrictions. (1) All regulated articles planted, sold, offered for sale or transported within the state must be demonstrated free of blueberry scorch virus by meeting at least one of the following conditions:

- a) They must originate from a pest free area,
- b) They are certified in accordance with the regulations of an official certification program in the state of origin that includes testing and inspection for blueberry viruses and is approved by the director,
- c) They are shown to be free of blueberry scorch virus, based on an official laboratory test using a protocol approved by the director, or
- d) They are micropropagated and/or grown in an insect-proof greenhouse or screenhouse and originate from mother plants that have been tested and found free of blueberry scorch virus.

2) Persons importing regulated articles into the state must obtain a phytosanitary certificate from the plant protection organization of the place of origin verifying that one of the conditions in subsection 1 above has been met. A copy of the phytosanitary certificate must accompany the shipment.

NEW SECTION

WAC 16-489-060 Blueberry scorch virus—Record-keeping. 1) All persons planting or growing regulated articles in the state are required to retain records as specified in subsection 2 below for a period of not less than one calendar year from acquisition of the plants.

2) These records shall contain the number and variety of plants, the name and address of the propagator, and applicable phytosanitary certificates, certification tags or documentation, and laboratory testing reports

3) The grower must provide a copy of the records to the plant services program of the state department of agriculture upon request of the director.

NEW SECTION

WAC 16-489-070 Blueberry scorch virus—Exceptions. The director may issue special permits to allow blueberry plants otherwise prohibited in this chapter to be planted, sold, offered for sale, or transported. Such special permits must be in writing and must be obtained prior to planting, sale, and/or transportation.

WSR 02-10-124
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 1, 2002, 9:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-033.

Title of Rule: Personal use fishing rules.

Purpose: Distinguish closed season fishing for federally threatened and endangered fish.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.15.380.

Summary: Creates two new sections specifically dealing with closed season fishing on threatened and endangered fish.

Reasons Supporting Proposal: Necessity of distinguishing closed season fishing on critical stocks as opposed to hatchery stocks.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 600 Capitol Way North, Olympia, (360) 902-2930; Implementation: Lew Atkins, 600 Capitol Way North, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 600 Capitol Way North, Olympia, (360) 902-2373.

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: These rules will distinguish closed season fishing on federally threatened and endangered species from general closed season fishing violations. Currently the bail schedule for closed season fishing is \$100, and there is no difference between a closed season violation for a hatchery rainbow trout and a closed season for a federally listed endangered bull trout. By adding a new element to the closed season violation, the department will be able to request the administrator of the courts to set a different bail schedule for violations involving federally threatened and endangered species. This will be a significant help in deterring intentional fishing on such fish.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small businesses. It affects recreational fishing.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street, Olympia, WA, on June 7-8, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by May 31, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by June 3, 2002.

Date of Intended Adoption: June 7, 2002.

May 1, 2002

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-56-193 Closed season—Endangered Species Act fish classified as threatened. (1) It is unlawful to fish for or possess any fish listed as threatened in 50 C.F.R. §17.11, pursuant to the federal Endangered Species Act, unless fishing for or possession of such fish is specifically allowed under federal or state law.

(2) Each fish possessed in violation of this section shall be treated as a separate offense.

(3) Violation of this section is punishable under RCW 77.15.380, unlawful recreational fishing in the second degree, unless such fish are taken in the amounts, place, or manner to constitute unlawful recreational fishing in the first degree, or unless such fish are designated as protected or endangered under state law.

NEW SECTION

WAC 220-56-194 Closed season—Endangered Species Act fish classified as endangered. (1) It is unlawful to fish for or possess any fish listed as endangered in 50 C.F.R. §17.11, pursuant to the federal Endangered Species Act, unless fishing for or possession of such fish is specifically allowed under federal or state law.

(2) Each fish possessed in violation of this section shall be treated as a separate offense.

(3) Violation of this section is punishable under RCW 77.15.380, unlawful recreational fishing in the second degree, unless such fish are taken in the amounts, place, or manner to constitute unlawful recreational fishing in the first degree, or unless such fish are designated as protected or endangered under state law.

WSR 02-10-125
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 1, 2002, 9:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-034.

Title of Rule: Tribal hunting enforcement policy.

Purpose: Establish enforcement policy regarding Medicine Creek Treaty hunters.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.15.410.

Summary: Establishes interim enforcement and management line.

Reasons Supporting Proposal: Coordination of wildlife enforcement and resource planning.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 600 Capitol Way North, Olympia, (360) 902-2930; Implementation: Dave Brittell, 600 Capitol Way North, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, 600 Capitol Way North, Olympia, (360) 902-2373.

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: This rule will establish an interim enforcement and management line to be acknowledged by the tribes signatory to the Treaty of Medicine Creek, the department, and local prosecutors. This rule is intended to address a long-standing controversy over the extent of treaty entitled hunting areas in the southern region of the lands ceded under the treaty. It is anticipated that this rule will obviate the need for litigation.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small businesses. It affects subsistence hunting.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street, Olympia, WA, on June 7-8, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by May 31, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by June 3, 2002.

Date of Intended Adoption: June 7, 2002.

May 1, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 01-289, filed 2/11/02, effective 3/14/02)

WAC 232-12-253 Tribal hunting—Medicine Creek Treaty hunters—Enforcement policy. (1) ((It is lawful for individuals authorized by the Puyallup, Nisqually, Squaxin Island and Muckleshoot Indian tribes to exercise treaty hunting rights reserved by the Treaty of Medicine Creek, 10 Stat. 1132, within the lands ceded in the Medicine Creek Treaty)) This rule establishes an interim enforcement and management line intended to address a long-standing dispute over the location of the southern boundary of the area ceded by the tribes signatory to the Treaty of Medicine Creek, 10 Stat. 1132. This interim line will guide the enforcement efforts of the department and will enable the department, the county prosecutors of Thurston, Mason, Lewis, Pierce, and Grays Harbor counties, and the tribes signatory to the Treaty of Medicine Creek, to better coordinate wildlife enforcement and resource planning in the region, without the need for time-consuming and costly litigation.

(2) For purposes of state law, enrolled members of the Puyallup, Nisqually, Squaxin Island and Muckleshoot Indian tribes, when authorized by their respective tribal governments, shall be deemed to be exercising their respective tribes' hunting right, as secured in the Treaty of Medicine Creek, when hunting on open and unclaimed lands, bounded on the west, north and east by the ceded area language con-

tained in the Treaty of Medicine Creek, and lying north of the following line:

From the main stem of the Skookumchuck River up the drainage divide to the central point between the Skookumchuck and the North Fork of the Tilton River; thence south along the drainage divide to the point where the Skookumchuck, Newaukum, and North Fork of the Tilton rivers meet just north of Newaukum Lake; thence southerly along the drainage divide to Rooster Rock; thence along the top of Bremer Mountain to the confluence of the North Fork of the Tilton River with the Tilton River; thence south to the top of peak (el. 2,960); thence south along the divide between the Cowlitz and Tilton rivers and along the summit of the ridge known as Cottler's Rock, staying on the divide to encompass all of Sand Creek; thence across the valley and up the northern drainage boundary of Landers Creek to Vanson Peak (el. 4,935); thence along the drainage divide between the Cowlitz and Green rivers, along the eastern shore of Deadman Lake to the summit of Goat Mountain; thence dropping through the pass along the drainage divide at Ryan Lake; thence along the drainage divide between the Cispus and Green rivers, and Clearwater Creek of the Lewis River and continuing southeasterly along the divide between the Cispus and Lewis rivers to Badger Peak; thence continuing along the divide to an unnamed peak (el. 5,295) located north of Dark Mountain; thence along the drainage divide between McKoy Creek and Dark Creek to Surprise Peak; thence along the drainage divide to the top of Spud Hill; thence down and across the Cispus River and up the face of Blue Lake Ridge to the divide between Mouse Creek and Blue Lake tributaries; thence along the divide between Timonium Creek and Cat Creek to Hamilton Buttes; thence along the divide between the North Fork of the Cispus River and the Cispus River to Elk Peak; thence continuing northeasterly along the same divide, and the divide between Johnson Creek and the Cispus River, passing through Buckhorn Camp (el. 6,240), honoring the divide between the Cowlitz and Cispus rivers, to the summit of Old Snowy Mountain; thence north along the crest of the Cascade range to Naches Peak; thence west through Chinook Pass along the divide of the Cowlitz River and the White River to the summit of Mt. Rainier.

((2) This rule is intended to address the limited issue of the geographic scope of the treaty hunting right and is not intended to change or alter the rights or legal status of either the state of Washington or any Indian tribe or tribal member.)) (3) State hunting laws shall apply to enrolled members of the Puyallup, Nisqually, Squaxin Island and Muckleshoot Indian tribes when hunting outside of the above-described area, or on lands that are not "open and unclaimed" within the above-described area.

(4) This rule does not purport to define where the southern boundary of the Medicine Creek Ceded Area is in fact, nor does it represent an attempt to resolve any other legal issue regarding the nature or geographic scope of the hunting right secured by the Treaty of Medicine Creek.

WSR 02-10-128
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed May 1, 2002, 10:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-120.

Purpose: To amend WAC 232-28-276 2000-01, 2001-02, and 2002-03 Official hunting hours and small game seasons, 232-28-299 Mandatory report of hunting activity, and 232-12-267 Field identification of wildlife—Evidence of sex—Definitions; adopt WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits; and repeal WAC 232-28-277 2001, 2002, 2003 Big game and wild turkey auction permits and raffles.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: WAC 232-28-276 2000-01, 2001-02, and 2002-03 Official hunting hours and small game seasons, the amendment accomplishes the following: Establish a nine day hunting season for band-tailed pigeons and requires band-tailed pigeon hunters to acquire a written authorization and harvest report from the Washington Department of Fish and Wildlife (WDFW); increase fall turkey-hunting permits in northeastern Washington from 450 to 1,300 with the majority of the increase occurring in Stevens County; establish an extended western Washington pheasant season for the first two weeks in December.

WAC 232-28-299 Mandatory report of hunting activity, hunters must report hunting activity by January 31, for each deer, elk, bear, and turkey tag acquired. As an incentive for prompt reporting, all successful hunters who report harvest within ten days of killing an animal and unsuccessful hunters who report by midnight January 10 will be entered into a drawing for special deer and elk incentive permits defined in WAC 232-28-282.

WAC 232-12-267 Field identification of wildlife—Evidence of sex—Definitions, currently it is unlawful to possess or transport big game animals unless evidence of the sex of the animal remains naturally attached to the carcass until the carcass is processed and/or stored for consumption.

WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits, conservation organizations will conduct auctions for big game and wild turkey permits on behalf of WDFW. Raffle permits for big game and wild turkey will be issued to individuals selected through a WDFW drawing or the director may select a conservation organization(s) to conduct raffles. Hunters will be entered into a drawing for deer and elk special incentive permits for prompt reporting of hunting activity in compliance with mandatory reporting.

WAC 232-28-277 2001, 2002, 2003 Big game and wild turkey auction permits and raffles, conservation organizations conduct auctions for big game and wild turkey permits on behalf of WDFW. Raffle permits for big game and wild turkey are issued to individuals selected through a WDFW drawing or the director may select a conservation organiza-

tion(s) to conduct raffles. The current WAC must be opened annually to adjust season dates and closures.

Reasons Supporting Proposal: WAC 232-28-276 2000-01, 2001-02, and 2002-03 Official hunting hours and small game seasons, the band-tailed pigeon population has been increasing since 1991 and monitoring efforts show that the three-year average call count index is 39% above objective levels. At this point, a conservative season that falls within the federal USFWS framework can be offered.

Wild turkey populations in northeastern Washington have increased dramatically since 1998. Evidence of this increase is seen in the harvest reports that show that 562 turkeys were harvested in the spring of 1998 and 1,845 were harvested in the spring of 2000. In addition, landowners have been reporting nuisance complaints related to winter turkey flocks in Stevens and Pend Oreille counties.

The public has expressed an interest in extending the western Washington season into December, with no expectation of additional birds being released. Release areas on public lands that did not support waterfowl hunting would be identified. Providing this type of additional hunting opportunity would not impact other hunting groups or the financial circumstances surrounding the western Washington pheasant program.

WAC 232-28-299 Mandatory report of hunting activity, provides recreational big game and wild turkey hunting and protects from overharvest.

WAC 232-12-267 Field identification of wildlife—Evidence of sex—Definitions, facilitates disease testing program while retaining proof of sex requirements for deer and elk harvested.

WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits, provides recreational hunting opportunity for big game and wild turkey and protects from overharvest.

WAC 232-28-277 2001, 2002, 2003 Big game and wild turkey auction permits and raffles, provides recreational big game and wild turkey hunting and protects from overharvest.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 232-28-276 2000-01, 2001-02, and 2002-03 Official hunting hours and small game seasons, proposed changes would establish a band-tailed pigeon hunting season and establish a hunter harvest tracking system. The season will only be recommended as long as the population is above objective levels. The purpose of proposing this season is to provide a band-tailed pigeon hunting opportunity that has not existed since 1991. The effect of this proposal would be an increase in the number and kind of hunting opportunities provided to the public.

Proposed changes would also increase hunting opportunity for wild turkey during the fall season by increasing per-

mits in four permit areas. The permit increase in Stevens County is by far the greatest and is intended to help WDFW manage turkey populations more effectively in addition to providing additional hunter opportunity. The purpose is to maximize recreational opportunity and help address damage concerns while maintaining populations at appropriate levels. The effect will be increase permits (from 450 to 1,300), yielding greater hunting opportunity and moderate increases in turkey harvest.

Proposed changes would establish an extended western Washington pheasant season to take place the first two weeks in December. The extended season would be limited to release areas on publicly owned land that do not support waterfowl hunting. Also, pheasants would not be released during the extended season. Additional effort to educate the hunting public on the parameters surrounding the extended season would be necessary to minimize confusion and mistaken perception regarding additional pheasant releases. The effect of this change would be an increase in hunting opportunity for western Washington pheasant hunters.

WAC 232-28-299 Mandatory report of hunting activity, maintains consistency with auction permit and raffle permit GMU closures for elk. Closes GMUs 162, 166, 418, and 522 to special incentive elk permit holders for the 2002 hunting season.

WAC 232-12-267 Field identification of wildlife—Evidence of sex—Definitions, this amendment would make it lawful for persons who have complied with the Department of Fish and Wildlife's Chronic Wasting Disease (CWD) sampling program to possess deer and elk without proof of sex under specific provisions.

WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits, creates a permanent WAC that will regulate season dates, closures, and bag limits for auction, raffle, and special incentive permits for big game and wild turkey. Delaying adoption until January 1, 2003, will allow the 2002 hunting season to operate under the current WAC.

WAC 232-28-277 2001, 2002, 2003 Big game and wild turkey auction permits and raffles, facilitates creation of a permanent WAC to regulate big game and wild turkey auction, raffle, and special incentive permits. Delaying repeal until December 31, 2002, will allow the 2002 hunting season to operate under the current WAC.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

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

Hearing Location: Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98504, on June 7-8, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by June 3, 2002, 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 May 22, 2002.

Date of Intended Adoption: June 7, 2002.

May 1, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 555, filed 6/1/92, effective 7/2/92)

WAC 232-12-267 Field identification of wildlife—

Evidence of sex—Definitions. (1) It is unlawful to possess or transport game birds unless the feathered heads are left attached to the carcass, except falconry caught birds, until the carcass is processed and/or stored for consumption.

(2) It is unlawful to possess or transport big game animals unless evidence of the sex of the animal remains naturally attached to the carcass until the carcass is processed and/or stored for consumption.

(a) Evidence of sex means the head with antlers or horns attached or penis or testes of male big game animals or the head or udder of female big game animals any of which must be naturally attached to at least one quarter of the carcass or to the largest portion of meat.

(b) For the purpose of this rule, "stored for consumption" means at the final point of storage prior to consumption of the meat.

(3) It is unlawful to possess or transport goat, sheep, moose, deer or elk taken in hunting areas which have horn or antler restrictions unless the head or skull plate, with both horns or both antlers naturally attached, accompanies the carcass.

(4) The possession of a taxidermist's receipt which includes the taxidermist's name, address, and telephone number, the hunter's name, address, telephone number, license, and tag number, the species and sex of the game bird or big game animal taken, as well as antler points or horn size and the date and GMU location or special deer/elk permit area where taken, shall be deemed to constitute compliance with this section.

For the purpose of this rule "accompanies the carcass" means to remain with the carcass until it has reached the point of processing or storage.

(5) It is lawful for persons who have complied with the department of fish and wildlife's chronic wasting disease sampling program to possess deer and elk without proof of sex under the following provisions:

(a) The head of the deer or elk must have been surrendered to an authorized department collection site.

(b) The hunter is in possession of an official department disease testing program identification card, completely filled out and signed and dated by a department employee or authorized agent.

(c) The carcass of the deer or elk is transported directly from where the head has been surrendered to the point of processing or storage.

Failure to comply with (a) through (c) of this subsection constitutes unlawful possession of big game and is punishable under RCW 77.15.410.

PROPOSED

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-276 2000-01, 2001-02, and 2002-03 Official hunting hours and small game seasons.

2000-01 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS((--))^{*}
September 1, 2000 to January 31, 2001

PROPOSED

Dates (Inclusive)				Western Washington			Eastern Washington		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00		7:50	5:45	7:35
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05		7:40	5:55	7:25
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15		7:25	6:05	7:10
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25		7:10	6:10	7:00
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35		6:55	6:20	6:45
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45		6:40	6:30	6:30
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55		6:25	6:40	6:15
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05		6:15	6:50	6:00
Mon.	Oct. 23	-	Sat.	Oct. 28	7:10		6:05	7:00	5:50
Pacific Standard Time									
			Sun.	Oct. 29	6:20		5:00	6:05	4:45
Mon.	Oct. 30	-	Sun.	Nov. 5	6:25		4:50	6:10	4:40
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35		4:40	6:25	4:30
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45		4:30	6:35	4:20
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55		4:25	6:45	4:15
Mon.	Nov. 27	-	Sun.	Dec. 3	7:05		4:20	6:55	4:10
Mon.	Dec. 4	-	Sun.	Dec. 10	7:15		4:20	7:00	4:05
Mon.	Dec. 11	-	Sun.	Dec. 17	7:20		4:20	7:10	4:05
Mon.	Dec. 18	-	Sun.	Dec. 24	7:25		4:20	7:10	4:10
Mon.	Dec. 25	-	Sun.	Dec. 31	7:25		4:25	7:15	4:10
Mon.	Jan. 1	-	Sun.	Jan. 7	7:30		4:30	7:15	4:20
Mon.	Jan. 8	-	Sun.	Jan. 14	7:25		4:40	7:15	4:30
Mon.	Jan. 15	-	Sun.	Jan. 21	7:20		4:50	7:10	4:40
Mon.	Jan. 22	-	Sun.	Jan. 28	7:15		5:00	7:00	4:50
Mon.	Jan. 29	-	Wed.	Jan. 31	7:10		5:05	6:55	4:50

((--))^{*} These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor (except areas north of U.S. Highway 12 and west of U.S. Highway 101), Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- 3) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

2001-02 OFFICIAL HUNTING HOURS
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS((f-))
 September 1, 2001 to January 31, 2002

Dates (Inclusive)				Western Washington			Eastern Washington		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Sat.	Sept. 1	-	Sun.	Sept. 2	6:00		7:50	5:45	7:40
Mon.	Sept. 3	-	Sun.	Sept. 9	6:05		7:40	5:50	7:30
Mon.	Sept. 10	-	Sun.	Sept. 16	6:15		7:25	6:00	7:15
Mon.	Sept. 17	-	Sun.	Sept. 23	6:20		7:10	6:10	7:00
Mon.	Sept. 24	-	Sun.	Sept. 30	6:30		6:55	6:20	6:45
Mon.	Oct. 1	-	Sun.	Oct. 7	6:40		6:45	6:30	6:30
Mon.	Oct. 8	-	Sun.	Oct. 14	6:50		6:30	6:40	6:15
Mon.	Oct. 15	-	Sun.	Oct. 21	7:00		6:15	6:50	6:05
Mon.	Oct. 22	-	Sat.	Oct. 27	7:10		6:05	7:00	5:50
Pacific Standard Time									
			Sun.	Oct. 28	6:15		5:00	6:05	4:45
Mon.	Oct. 29	-	Sun.	Nov. 4	6:20		4:50	6:10	4:40
Mon.	Nov. 5	-	Sun.	Nov. 11	6:35		4:40	6:20	4:30
Mon.	Nov. 12	-	Sun.	Nov. 18	6:45		4:35	6:30	4:20
Mon.	Nov. 19	-	Sun.	Nov. 25	6:55		4:25	6:45	4:15
Mon.	Nov. 26	-	Sun.	Dec. 2	7:05		4:20	6:50	4:10
Mon.	Dec. 3	-	Sun.	Dec. 9	7:10		4:20	7:00	4:05
Mon.	Dec. 10	-	Sun.	Dec. 16	7:20		4:20	7:05	4:05
Mon.	Dec. 17	-	Sun.	Dec. 23	7:25		4:20	7:10	4:05
Mon.	Dec. 24	-	Sun.	Dec. 30	7:25		4:25	7:15	4:10
Mon.	Dec. 31	-	Sun.	Jan. 6	7:25		4:30	7:15	4:20
Mon.	Jan. 7	-	Sun.	Jan. 13	7:25		4:40	7:15	4:25
Mon.	Jan. 14	-	Sun.	Jan. 20	7:20		4:45	7:10	4:35
Mon.	Jan. 21	-	Sun.	Jan. 27	7:15		4:55	7:05	4:45
Mon.	Jan. 28	-	Thur.	Jan. 31	7:10		5:05	7:00	4:55

PROPOSED

((f-))* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- 3) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

2002-2003 OFFICIAL HUNTING HOURS
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS((†))
 September 1, 2002 to January 31, 2003

PROPOSED

Dates (Inclusive)	Western Washington			Eastern Washington				
	A.M.	from	P.M.	A.M.	from	P.M.		
Daylight Savings Time								
		Sun.	Sept. 1	6:00	7:50	5:45	7:40	
Mon.	Sept. 2	-	Sun.	Sept. 8	6:00	7:45	5:45	7:30
Mon.	Sept. 9	-	Sun.	Sept. 15	6:10	7:30	6:00	7:15
Mon.	Sept. 16	-	Sun.	Sept. 22	6:20	7:15	6:10	7:00
Mon.	Sept. 23	-	Sun.	Sept. 29	6:30	7:00	6:20	6:45
Mon.	Sept. 30	-	Sun.	Oct. 6	6:40	6:45	6:30	6:35
Mon.	Oct. 7	-	Sun.	Oct. 13	6:50	6:30	6:40	6:20
Mon.	Oct. 14	-	Sun.	Oct. 20	7:00	6:20	6:50	6:05
Mon.	Oct. 21	-	Sat.	Oct. 26	7:10	6:05	7:00	5:55
Pacific Standard Time								
		Sun.	Oct. 27	6:15	5:00	6:00	4:50	
Mon.	Oct. 28	-	Sun.	Nov. 3	6:20	4:55	6:10	4:50
Mon.	Nov. 4	-	Sun.	Nov. 10	6:30	4:45	6:20	4:30
Mon.	Nov. 11	-	Sun.	Nov. 17	6:40	4:35	6:30	4:20
Mon.	Nov. 18	-	Sun.	Nov. 24	6:50	4:25	6:40	4:15
Mon.	Nov. 25	-	Sun.	Dec. 1	7:00	4:20	6:50	4:10
Mon.	Dec. 2	-	Sun.	Dec. 8	7:10	4:20	7:00	4:10
Mon.	Dec. 9	-	Sun.	Dec. 15	7:15	4:20	7:05	4:10
Mon.	Dec. 16	-	Sun.	Dec. 22	7:20	4:20	7:10	4:10
Mon.	Dec. 23	-	Sun.	Dec. 29	7:25	4:25	7:10	4:15
Mon.	Dec. 30	-	Sun.	Jan. 5	7:25	4:30	7:15	4:15
Mon.	Jan. 6	-	Sun.	Jan. 12	7:25	4:35	7:15	4:25
Mon.	Jan. 13	-	Sun.	Jan. 19	7:20	4:45	7:10	4:35
Mon.	Jan. 20	-	Sun.	Jan. 26	7:15	4:55	7:05	4:45
Mon.	Jan. 27	-	Fri.	Jan. 31	7:10	5:05	7:00	4:55

((†))* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- 3) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

2000-01 OFFICIAL HUNTING HOURS
 FOR GAME ANIMALS AND FOREST GROUSE((f-))
 September 1, 2000 to January 31, 2001

PROPOSED

Dates (Inclusive)					Western Washington		Eastern Washington	
					from	to	from	to
				A.M.	P.M.	A.M.	P.M.	
Daylight Savings Time								
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00	8:20	5:45	8:05
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05	8:10	5:55	7:55
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15	7:55	6:05	7:40
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25	7:40	6:10	7:30
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35	7:25	6:20	7:15
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45	7:10	6:30	7:00
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55	6:55	6:40	6:45
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05	6:45	6:50	6:30
Mon.	Oct. 23	-	Sat.	Oct. 28	7:10	6:35	7:00	6:20
Pacific Standard Time								
			Sun.	Oct. 29	6:20	5:30	6:05	5:15
Mon.	Oct. 30	-	Sun.	Nov. 5	6:25	5:20	6:10	5:10
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35	5:10	6:25	5:00
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45	5:00	6:35	4:50
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55	4:55	6:45	4:45
Mon.	Nov. 27	-	Sun.	Dec. 3	7:05	4:50	6:55	4:40
Mon.	Dec. 4	-	Sun.	Dec. 10	7:15	4:50	7:00	4:35
Mon.	Dec. 11	-	Sun.	Dec. 17	7:20	4:50	7:10	4:35
Mon.	Dec. 18	-	Sun.	Dec. 24	7:25	4:50	7:10	4:40
Mon.	Dec. 25	-	Sun.	Dec. 31	7:25	4:55	7:15	4:40
Mon.	Jan. 1	-	Sun.	Jan. 7	7:30	5:00	7:15	4:50
Mon.	Jan. 8	-	Sun.	Jan. 14	7:25	5:10	7:15	5:00
Mon.	Jan. 15	-	Sun.	Jan. 21	7:20	5:20	7:10	5:10
Mon.	Jan. 22	-	Sun.	Jan. 28	7:15	5:30	7:00	5:20
Mon.	Jan. 29	-	Wed.	Jan. 31	7:10	5:35	6:55	5:20

((f-))* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- 1) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 2) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

2001-2002 OFFICIAL HUNTING HOURS
 FOR GAME ANIMALS AND FOREST GROUSE((f-))
 September 1, 2001 to January 31, 2002

PROPOSED

Dates (Inclusive)				Western Washington			Eastern Washington		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Sat.	Sept. 1	-	Sun.	Sept. 2	6:00		8:20	5:45	8:10
Mon.	Sept. 3	-	Sun.	Sept. 9	6:05		8:10	5:50	8:00
Mon.	Sept. 10	-	Sun.	Sept. 16	6:15		7:55	6:00	7:45
Mon.	Sept. 17	-	Sun.	Sept. 23	6:20		7:40	6:10	7:30
Mon.	Sept. 24	-	Sun.	Sept. 30	6:30		7:25	6:20	7:15
Mon.	Oct. 1	-	Sun.	Oct. 7	6:40		7:15	6:30	7:00
Mon.	Oct. 8	-	Sun.	Oct. 14	6:50		7:00	6:40	6:45
Mon.	Oct. 15	-	Sun.	Oct. 21	7:00		6:45	6:50	6:35
Mon.	Oct. 22	-	Sat.	Oct. 27	7:10		6:35	7:00	6:20
Pacific Standard Time									
			Sun.	Oct. 28	6:15		5:30	6:05	5:15
Mon.	Oct. 29	-	Sun.	Nov. 4	6:20		5:20	6:10	5:10
Mon.	Nov. 5	-	Sun.	Nov. 11	6:35		5:10	6:20	5:00
Mon.	Nov. 12	-	Sun.	Nov. 18	6:45		5:05	6:30	4:50
Mon.	Nov. 19	-	Sun.	Nov. 25	6:55		4:55	6:45	4:45
Mon.	Nov. 26	-	Sun.	Dec. 2	7:05		4:50	6:50	4:40
Mon.	Dec. 3	-	Sun.	Dec. 9	7:10		4:50	7:00	4:35
Mon.	Dec. 10	-	Sun.	Dec. 16	7:20		4:50	7:05	4:35
Mon.	Dec. 17	-	Sun.	Dec. 23	7:25		4:50	7:10	4:35
Mon.	Dec. 24	-	Sun.	Dec. 30	7:25		4:55	7:15	4:40
Mon.	Dec. 31	-	Sun.	Jan. 6	7:25		5:00	7:15	4:50
Mon.	Jan. 7	-	Sun.	Jan. 13	7:25		5:10	7:15	4:55
Mon.	Jan. 14	-	Sun.	Jan. 20	7:20		5:15	7:10	5:05
Mon.	Jan. 21	-	Sun.	Jan. 27	7:15		5:25	7:05	5:15
Mon.	Jan. 28	-	Thur.	Jan. 31	7:10		5:35	7:00	5:25

((f-))* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- 1) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 2) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

2002-2003 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE.*
September 1, 2002 to January 31, 2003

PROPOSED

Dates (Inclusive)				Western Washington			Eastern Washington		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
		Sun.	Sept. 1	6:00		8:20	5:45		8:10
Mon.	Sept. 2	-	Sun.	Sept. 8	6:00	8:15	5:45		8:00
Mon.	Sept. 9	-	Sun.	Sept. 15	6:10	8:00	6:00		7:45
Mon.	Sept. 16	-	Sun.	Sept. 22	6:20	7:45	6:10		7:30
Mon.	Sept. 23	-	Sun.	Sept. 29	6:30	7:30	6:20		7:15
Mon.	Sept. 30	-	Sun.	Oct. 6	6:40	7:15	6:30		7:05
Mon.	Oct. 7	-	Sun.	Oct. 13	6:50	7:00	6:40		6:50
Mon.	Oct. 14	-	Sun.	Oct. 20	7:00	6:50	6:50		6:35
Mon.	Oct. 21	-	Sat.	Oct. 26	7:10	6:35	7:00		6:25
Pacific Standard Time									
		Sun.	Oct. 27	6:15		5:30	6:00		5:20
Mon.	Oct. 28	-	Sun.	Nov. 3	6:20	5:25	6:10		5:20
Mon.	Nov. 4	-	Sun.	Nov. 10	6:30	5:15	6:20		5:00
Mon.	Nov. 11	-	Sun.	Nov. 17	6:40	5:05	6:30		4:50
Mon.	Nov. 18	-	Sun.	Nov. 24	6:50	4:55	6:40		4:45
Mon.	Nov. 25	-	Sun.	Dec. 1	7:00	4:50	6:50		4:40
Mon.	Dec. 2	-	Sun.	Dec. 8	7:10	4:50	7:00		4:40
Mon.	Dec. 9	-	Sun.	Dec. 15	7:15	4:50	7:05		4:40
Mon.	Dec. 16	-	Sun.	Dec. 22	7:20	4:50	7:10		4:40
Mon.	Dec. 23	-	Sun.	Dec. 29	7:25	4:55	7:10		4:45
Mon.	Dec. 30	-	Sun.	Jan. 5	7:25	5:00	7:15		4:45
Mon.	Jan. 6	-	Sun.	Jan. 12	7:25	5:05	7:15		4:55
Mon.	Jan. 13	-	Sun.	Jan. 19	7:20	5:15	7:10		5:05
Mon.	Jan. 20	-	Sun.	Jan. 26	7:15	5:25	7:05		5:15
Mon.	Jan. 27	-	Fri.	Jan. 31	7:10	5:35	7:00		5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- 1) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 2) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety removal permit), and bobcat is prohibited year around.

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide

Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003.

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003.

FOX

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003.

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 245, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1-Dec. 31, 2000; Sept. 1-Dec. 31, 2001; Sept. 1-Dec. 31, 2002.

PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE

Season closed statewide.

Upland Birds

Eastern Washington

Ring-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 23 and 24, 2000; Sept. 22 and 23, 2001; Sept. 21 and 22, 2002. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 7-Dec. 31, 2000; Oct. 6-Dec. 31, 2001; Oct. 5-Dec. 31, 2002.

Chukar

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Regular Season: Oct. 1, 2000-Jan. 15, 2001; Oct. 1, 2001-Jan. 21, 2002; Oct. 1, 2002-Jan. 20, 2003.

Gray (Hungarian) Partridge

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Regular Season: Oct. 1, 2000-Jan. 15, 2001; Oct. 1, 2001-Jan. 21, 2002; Oct. 1, 2002-Jan. 20, 2003.

Mountain Quail

Season closed throughout Eastern Washington.

California (valley) Quail and northern Bobwhite

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: Sept. 23 and 24, 2000; Sept. 22 and 23, 2001; Sept. 21 and 22, 2002. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 7, 2000-Jan. 15, 2001; Oct. 6, 2001-Jan. 21, 2002; Oct. 5, 2002-Jan. 20, 2003.

Yakama Indian Reservation: The 2000-01, 2001-02, 2002-03 Upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

Western Washington

Ring-necked Pheasant

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Youth Season: Sept. 23 and 24, 2000; Sept. 22 and 23, 2001; Sept. 21 and 22, 2002. Open only to youth hunters accompanied by an adult at least 18 years old.

Hunters 65 years of age or older: Sept. 25-29, 2000; Sept. 24-28, 2001; Sept. 23-27, 2002.

Regular Season: Sept. 30-Nov. 30, 2000; Sept. ~~((28}{29}}~~) 29-Nov. 30, 2001; Sept. 28-Nov. 30, 2002. 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting Oct. 7, 2000; Oct. 6, 2001; Oct. 5, 2002.

Extended Season: Dec. 1-Dec. 15, 2002. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, and Skookumchuck. Pheasants will not be released during the extended season.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

(1) Full Season Option: Allows the harvest of eight (8) pheasants.

(2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.

(3) 3-Day Option: Allows the harvest of four (4) pheasants during three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the eight pheasant allowed on the current permit are taken.

Special Restriction: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, and Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

Mountain Quail

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Oct. 7-Nov. 30, 2000; Oct. 6-Nov. 30, 2001; Oct. 5-Nov. 30, 2002.

California (valley) Quail and northern Bobwhite

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

Oct. 7-Nov. 30, 2000; Oct. 6-Nov. 30, 2001; Oct. 5-Nov. 30, 2002.

WILD TURKEY

Spring Season

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15-May 15, 2001; April 15-May 15, 2002; April 15-May 15, 2003.

Fall Season

Either Sex

Permit Only - Asotin, Columbia, Garfield, Klickitat, Skamania, Stevens, and Walla Walla counties, and GMU 133: Oct. 1-5, 2000; Oct. 1-5, 2001; Oct. 1-5, 2002.

Permit Area	Number of Permits
Asotin, Columbia, Garfield, and Walla Walla counties	50
Klickitat and Skamania counties	75
Stevens County	((300)) 1000
GMU 133	((75)) 100
Ferry County	((50)) 100
Pend Oreille County	((25)) 100

OFFICIAL HUNTING HOURS/BAG LIMITS:

Bag and Possession Limit: One (1) wild turkey per day, only two (2) may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one per year in Western Washington, except two (2) may be killed in Klickitat County. The season limit is three (3) birds per year.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

BIRD DOG TRAINING SEASON

Wild upland game birds may be pursued during the dog training season, but may not be killed except during established hunting seasons. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

Aug. 1, 2000-Mar. 31, 2001; Aug. 1, 2001-Mar. 31, 2002; Aug. 1, 2002-Mar. 31, 2003, except from Sept. 15-Nov. 30, dog training is only allowed from 8:00 a.m. to 4:00 p.m. on designated Western Washington pheasant release sites.

Dog training may be conducted year around on posted portions of: Region One - Espanola (T 24 N, R 40 E, E 1/2 of Sec. 16); Region Three - South L.T. Murray Wildlife Area; Region Four - Fort Lewis Military Base, Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area.

HIP REQUIREMENTS:

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

PROPOSED

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time. Remainder of the state: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Statewide: Sept. 9-14, 2000; Sept. 8-13, 2001; Sept. 7-12, 2002. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2001; Sept. 1-15, 2002.

BAND-TAILED PIGEON

~~((Closed season statewide.))~~ Sept. 15-23, 2002.

Daily bag limit: 2 band-tailed pigeons.

Possession limit: 4 band-tailed pigeons.

WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS.

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department office no later than August 28 or postmarked on or before August 28 in order for applicants to be mailed a 2002 authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By September 30, 2002, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2003 band-tailed pigeon season.

MOURNING DOVE

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 2000; Sept. 1-15, 2001; Sept. 1-15, 2002.

COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

Statewide: Sept. 1, 2000-Mar. 15, 2001; Sept. 1, 2001-Mar. 15, 2002; Sept. 1, 2002-Mar. 15, 2003.

JACKRABBIT

Closed season statewide.

CROWS

Bag and Possession Limits: No Limit

Statewide: Oct. 1, 2000-Jan. 31, 2001; Oct. 1, 2001-Jan. 31, 2002; Oct. 1, 2002-Jan. 31, 2003.

FALCONRY SEASONSUpland Game Bird and Forest Grouse - Falconry

Daily Bag: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day.

Possession limit is twice the daily bag limit.

Statewide: Sept. 1, 2000-Mar. 15, 2001; Aug. 1, 2001-Mar. 15, 2002; Aug. 1, 2002-Mar. 15, 2003.

Mourning Dove - Falconry

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Possession limit is twice the daily limit.

Statewide: Sept. 1-15 and Oct. 1-Dec. 31, 2000; Sept. 1-15 and Oct. 1-Dec. 31, 2001; Sept. 1-15 and Oct. 1-Dec. 31, 2002.

Cottontail and Snowshoe Hare - Falconry

Daily Bag: Five (5) cottontails or snowshoe hares per day, straight or mixed bag.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2000-Mar. 15, 2001; Aug. 1, 2001-Mar. 15, 2002; Aug. 1, 2002-Mar. 15, 2003.

NEW SECTION

WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.

BIG GAME AUCTION PERMITS

The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey auctions shall be conducted consistent with WAC 232-28-292.

SPECIES - ONE DEER PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional any buck deer

SPECIES - ONE WESTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional any bull elk

SPECIES - ONE EASTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional any bull elk

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting season dates: September 1 - October 31

Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), Sheep Unit 13 (Quilomene), or Sheep Unit 14 (Swakane).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One bighorn ram

SPECIES - ONE MOOSE PERMIT

Hunting season dates: October 1 - November 30

Hunt Area: Any open moose unit.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One moose of either sex

SPECIES - ONE MOUNTAIN GOAT PERMIT

Hunting season dates: September 15 - October 31

Hunt Area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One mountain goat of either sex

RAFFLE PERMITS

Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 232-28-290.

RAFFLE PERMIT HUNT(S)**DEER RAFFLE PERMIT HUNT**

Bag limit: One additional any buck deer

Open area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

WESTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

EASTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram

Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), Sheep Unit 13 (Quilomene), or Sheep Unit 14 (Swakane).

Open season: September 1 - October 31.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex

Open area: Any open moose unit.

Open season: October 1 - November 30.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

MOUNTAIN GOAT RAFFLE PERMIT HUNT

Bag limit: One mountain goat of either sex

Open area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Open season: September 15 - October 31.

Weapon: Hunter may use any legal weapon.

Number of permits: 1
Raffle tickets cost: \$5.00 including a 50-cent vendor fee.

TURKEY RAFFLE PERMIT HUNTS

Bag limit: Three (3) additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.
Open area: Statewide.
Open season: April 1 - May 31.
Weapon: Archery or shotgun only.
Number of permits: 2
Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

SPECIAL INCENTIVE PERMITS

Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 232-28-299.

(a) There will be two (2) any elk special incentive permits for Western Washington.

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

There will be two (2) any elk special incentive permits for Eastern Washington.

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157 and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

(b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 157, 418, 485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.

Bag limit: One additional any deer.

Auction, raffle, and special incentive hunt permittee rules

(1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the department, the permittee is required to direct department officials to the site of the kill.

(5) The permit is valid during the hunting season dates for the year issued.

(6) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

(7) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

(8) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-299 Mandatory report of hunting activity. (1) All hunters purchasing a hunting license must report their hunting activity for deer, elk, bear, or turkey.

(a) Hunters must report hunting activity, for each tag acquired, by January 31.

(b) Reports must be made using the department's designated automated telephone hunter reporting system (toll free) or internet hunter reporting system.

(c) Any hunter not reporting, for each tag acquired, by January 31 will be in noncompliance of reporting requirements.

(d) Compliance will be credited for each species for which a transport tag is acquired.

(2) As an incentive for prompt reporting, all successful hunters who report harvest within 10 days of killing an animal and unsuccessful hunters who report by midnight January 10 will be entered into a drawing for special deer and elk incentive permits. To be eligible for the drawing, hunters must report their hunting activity for each transport tag acquired.

Special incentive permits for 2002.

(a) There will be two (2) any elk special incentive permits for western Washington and two (2) for eastern Washington for use in any area open to general or permit hunting seasons EXCEPT private lands wildlife management areas and GMUs 157, 162, 166, and 485.

(b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT private lands wildlife management areas and GMUs 157 and 485.

(c) Open season: The deer or elk special incentive permit hunter must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon at other times if there are no firearm restrictions.

(d) The dates for the hunts will be September 1 to December 31, 2002.

(e) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

(f) Bag limit: One additional deer or elk.

(3) Beginning with license year 2002 and there after, hunters who have not reported hunting activity for the tags acquired the previous year will be required to complete a hunting report for those species before a new license for that species will be issued.

REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 2003:

WAC 232-28-277	2001, 2002, 2003 Big game and wild turkey auction permits and raffles.
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WSR 02-10-131
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed May 1, 2002, 11:18 a.m.]

Original Notice.

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

Title of Rule: WAC 246-320-990 Hospital fees, 246-322-990 Private psychiatric hospital fees, 246-324-990 Private alcohol and chemical dependency hospital fees, and 246-329-990 Childbirth center fees.

Purpose: These sections establish the respective fees for hospitals, private psychiatric hospitals, private alcohol and chemical dependency hospitals, and childbirth centers.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 43.70.250.

Summary: The amendments increase hospital, private psychiatric hospital, private alcohol and chemical dependency hospital, and childbirth center fees by 3.29%, which is the increase allowable within I-601.

Reasons Supporting Proposal: RCW 70.38.105(5) authorizes the department to charge fees sufficient to cover the full cost of program operations. The department is requesting fee increases within limits established by I-601.

Name of Agency Personnel Responsible for Drafting: Yvette Lenz, 2725 Harrison Avenue, Olympia, WA 98502, (360) 705-6661; Implementation: Byron Plan, 2725 Harrison Avenue, Olympia, WA 98502, (360) 705-6780; and Enforcement: Gary Bennett, 2725 Harrison Avenue, Olympia, WA 98502, (360) 705-6652.

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 proposal amends fees for hospital, private psychiatric hospital, private alcohol and chemical dependency hospital, and childbirth center programs. The increase is anticipated to fully maintain program as required by statute through fiscal year 2003.

Proposal Changes the Following Existing Rules: The proposal increases hospital, private psychiatric hospital, private alcohol and chemical dependency hospital, and childbirth center fees by 3.29%.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.020(3) exempts fees from the small business economic impact statement requirements.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995 do not apply to rules that set or adjust fees or rates pursuant to legislative standards according to RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Health, Facilities and Services Licensing, Training Room, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, on June 6, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Yvette Lenz by June 1, 2002, TDD (800) 833-6368, or (360) 705-6661.

Submit Written Comments to: Yvette Lenz, Department of Health, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, fax (360) 705-6654, by June 6, 2002.

Date of Intended Adoption: June 7, 2002.

April 30, 2002

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 01-15-090, filed 7/18/01, effective 8/18/01)

WAC 246-329-990 Fees. Childbirth centers licensed under chapter 18.46 RCW shall submit an annual fee of five hundred (~~thirteen~~) thirty dollars and (~~ninety~~) eighty cents to the department unless a center is a charitable, nonprofit, or government-operated institution under RCW 18.46.030.

AMENDATORY SECTION (Amending WSR 01-15-092, filed 7/18/01, effective 8/18/01)

WAC 246-324-990 Fees. The licensee shall submit:

(1) An initial fee of fifty-one dollars and (~~twenty~~) eighty-five cents for each bed space within the proposed licensed bed capacity; and

(2) An annual renewal fee of fifty-one dollars and (~~twenty~~) eighty-five cents for each licensed bed space.

AMENDATORY SECTION (Amending WSR 01-15-092, filed 7/18/01, effective 8/18/01)

WAC 246-322-990 Private psychiatric hospital fees.

Private psychiatric hospitals licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of fifty-one dollars and ~~((twenty))~~ eighty-five cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The private psychiatric hospital currently possesses the required movable equipment and certifies this fact to the department;

(4) Limit licensed bed spaces as required under chapter 70.38 RCW;

(5) Submit applications for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the private psychiatric hospital's licensed bed capacity; and

(6) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending WSR 01-20-119, filed 10/3/01, effective 11/3/01)

WAC 246-320-990 Fees. Hospitals licensed under chapter 70.41 RCW shall:

(1) Submit an annual license fee of ~~((eighty-one))~~ eighty-four dollars and ~~((sixty-five))~~ thirty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include neonatal intensive care bassinet spaces;

(4) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The hospital currently possesses the required movable equipment and certifies this fact to the department;

(5) Exclude all normal infant bassinets;

(6) Limit licensed bed spaces as required under chapter 70.38 RCW;

(7) Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the hospital licensed bed capacity; and

(8) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

WSR 02-10-133
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed May 1, 2002, 11:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-11-162.

Title of Rule: WAC 246-976-031 Senior EMS instructor (SEI), 246-976-960 Regional emergency medical services and trauma care councils, and 246-976-970 Local emergency medical and trauma care councils.

Purpose: The purpose of the proposed rule changes are to (a) amend the current approval process of SEIs, WAC 246-976-031, in order to seek a quality improvement approach in the development, recommendation, and approval of SEIs, and (b) provide language in WAC 246-976-960 which would clarify those responsibilities when no local EMS/TC council exists.

Statutory Authority for Adoption: RCW 18.73.081 and 70.168.120.

Statute Being Implemented: RCW 18.73.081 and 70.168.120.

Summary: The proposed rule amendments to WAC 246-976-031 set specific, consistent performance and documentation standards for all SEI candidates.

The proposed rule amendments to WAC 246-976-960 clarify what should be done when there is no local EMS/TC council available to make recommendations. Only local EMS/TC councils have statutory authority to nominate individuals to be appointed as regional EMS/TC council members by Department of Health (DOH). The proposed language will enable DOH to appoint or reappoint members to a regional council if there is no local council to make nominations to DOH for appointment to the regional EMS/TC council.

Reasons Supporting Proposal: The current WAC 246-976-031 does not guide SEIs by specific standards, there is no measure of performance, and instructional quality varies. The proposed rule is intended to improve the quality of instruction by SEIs, and ultimately improve patient care.

The proposed rule amendments to WAC 246-976-960 clarify what should be done when there is no local EMS/TC council available to make recommendations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dane Kessler and Dick Benjamin, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7853, (360) 705-6700.

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: (a) WAC 246-976-031 clarifies how to become a senior EMS instructor and how to maintain status. The purpose of this proposal is to seek a quality improvement approach in the development, recommendation and approval of SEIs. Constituents recommended that a precise consistent method of approving instructors based on performance and evaluations needs to be established. The current approach is

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an inconsistent method of determining quality instructors. The proposed rule amendments will provide specific, consistent performance and documentation standards for all SEI candidates. They will encourage active quality improvement by each SEI candidate and will provide a means of identifying strengths and weaknesses of each SEI candidate. In addition, it will improve the quality of instruction by SEIs, and the ultimate goal of improving the care received by injured patients and the education of EMS personnel.

(b) Current WAC 246-976-960 specifies the roles and responsibilities of the regional EMS/TC councils, but does not provide an alternative in those cases where a local EMS/TC council does not exist. Only local EMS/TC councils have statutory authority to nominate individuals to be appointed as regional EMS/TC council members by DOH. Without the inclusion of the proposed language, DOH is unable to appoint or reappoint members to a regional council if no local council exists to make recommendations for membership, because it is not mandated that local EMS/TC councils must exist. The proposed rule amendments will clarify what should be done when there is no local EMS/TC council available to make recommendations.

(c) WAC 246-976-970 is amended to assure consistency with the new requirements of WAC 246-976-031.

Proposal Changes the Following Existing Rules: (a) WAC 246-976-031 will be revised to include many current department policies. The proposed rule will now require applicants to document the completion of all requirements on forms provided by the department. For those seeking initial recognition applicants must now demonstrate knowledge of current EMS training and certification statutes, WAC and the UDA, but must only assist in the coordination and instruction of one entire EMT-B course. This coordination and instruction will now require documentation of receiving evaluation in sixteen identified lessons, and coordinating and conducting an EMT-B final end of course comprehensive practical skills evaluation. For those seeking renewal recognition applicants must now demonstrate knowledge of current EMS training and certification statutes, WAC and the UDA. The proposed rule only allows two choices for courses to coordinate and teach, and it also requires them to perform two evaluations on the instruction of course lessons taught by either initial or renewing SEI candidate, and they must also receive two evaluations on the instruction of course lessons in which they taught.

(b) WAC 246-976-960 will be revised to include the following language to clarify statutory roles and responsibilities where no local EMS/TC council exists: "In areas where no local EMS/TC council exists, the regional EMS/TC council shall (a) make recommendations to the department regarding appointing members to the regional EMS/TC council, and (b) review applications for initial training classes and OTEP programs, and make recommendations to the department."

(c) WAC 246-976-970 is amended to assure consistency with the new requirements of WAC 246-976-031.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule has been reviewed and analyzed, and the department has found that for the proposed rule amendments to WAC 246-976-031 costs have been reduced and therefore no small business economic

impact statement (SBEIS) is required. For proposed rule amendments to WAC 246-976-960, it was determined that because local and regional EMS/TC councils are nonprofit organizations they do not fit the definition of a small business as defined under chapter 19.85 RCW, no SBEIS was done for this proposed rule amendment either. To obtain a copy of the analysis contact Tami Scheppe, DOH, EMS and Trauma, P.O. Box 47853, Olympia, WA 98504-7853, (360) 705-6748, fax (360) 705-6706, e-mail tami.scheppe@doh.wa.gov.

RCW 34.05.328 applies to this rule adoption. The proposed rule is a significant legislative rule because it establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit. In this instance the proposed rule establishes standards to be recognized as a senior EMS instructor.

Hearing Location: Department of Health, Office of Emergency Medical and Trauma Prevention, Training Room, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7853, on Tuesday, June 4, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Tami Scheppe by May 28, 2002, TDD (800) 833-6368, or (360) 705-6748.

Submit Written Comments to: Tami Scheppe, Rules Coordinator, Department of Health, EMS and Trauma, P.O. Box 47853, Olympia, WA 98504-7853, fax (360) 705-6706, by May 28, 2002.

Date of Intended Adoption: June 4, 2002.

April 30, 2002

Mary C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

WAC 246-976-031 Senior EMS instructor (SEI). (1) **Responsibilities.** The SEI is responsible for the overall instructional quality of ~~((the))~~ initial first responder or EMT-basic courses, under the general supervision of the medical program director (MPD). The SEI must conduct courses following department-approved curricula ~~((, and follow the department's policies, procedures and administrative requirements))~~ identified in WAC 246-976-021. The SEI candidate shall document the completion of requirements for initial and renewal recognition on forms provided by the department.

(2) ~~((Qualifications. The department will publish procedures to recognize senior EMS instructors (SEIs).~~

(3) **Initial recognition.** ~~To apply for initial recognition as a SEI, submit to the department:~~

~~(a) Proof of high school graduation, GED or equivalent;~~

~~(b) Proof of)~~ **Initial recognition.** The department will publish *Initial Recognition Application Procedures for Senior EMS Instructors (IRAP)*, which include the *Initial Senior EMS Instructor Application and Agreement*, instructor objectives, instructions and forms necessary for initial recognition.

(a) Prerequisites. Candidates for initial recognition must document proof of the following:

(i) Current Washington state certification as an EMT or ~~((above))~~ higher EMS certification;

~~((e) Proof of)~~ (ii) At least three years prehospital EMS experience ((at the EMT level or above;

~~(d) Proof of at least one recertification;~~

~~(e) Proof of)~~ as an EMT or higher EMS certification level, with at least one recertification;

(iii) Successful completion of an approved ongoing training and evaluation program (OTEP)/basic life support (BLS) evaluator workshop;

(iv) Current recognition as a CPR instructor for health care providers by the American Heart Association, the American Red Cross, the National Safety Council, or other nationally recognized organization with substantially equivalent standards ((to any of the above mentioned;

~~(f) Successful completion of an approved instructor workshop;~~

~~(g) Experience assisting with two EMT courses, performing a minimum of three hours of lectures and six hours of practical skills in each course;~~

~~(h) Recommendation by the local EMS/TC council;~~

~~(i) Recommendation by the MPD.~~

~~(4) **Renewal of recognition.** Recognition as a SEI is for three years. To renew recognition, submit to the department:~~

~~(a) Proof of current Washington state EMS certification as an EMT or above;~~

~~(b) Proof of current or previous recognition as a senior EMS instructor;~~

~~(c) Proof of current recognition as a CPR instructor for health care providers by a nationally recognized organization approved by the department;~~

~~(d) Recommendation by the local EMS/TC council;~~

~~(e) Recommendation by the MPD)) approved by the department;~~

(v) Successful completion of an instructor training course by the U.S. Department of Transportation, National Highway Traffic Safety Administration, or an instructor training course from an accredited institution of higher education;

(vi) Successful completion of an examination developed and administered by the department on current EMS training and certification statutes, Washington Administrative Code (WAC) and the Uniform Disciplinary Act (UDA).

(b) **Submission of prerequisites.** Candidates must submit proof of successful completion of the prerequisites to the department.

(i) Candidates meeting the prerequisites will be issued the IRAP by the department.

(ii) The department will provide instruction to each candidate prior to beginning the initial recognition process.

(c) **Candidate objectives.** Candidates who have been issued the IRAP and received instructions on the recognition process must successfully complete the IRAP, under the supervision of a currently recognized, EMT-basic course lead SEI:

As part of an initial EMT-basic course, the candidate must demonstrate to the course lead SEI, the knowledge and skills necessary to complete the following instructor objectives;

(i) Accurately complete the course application process and meet application timelines;

(ii) Notify EMT-basic course students of course entry prerequisites;

(iii) Assure students selected for admittance to the course meet DOH training and certification prerequisites and notify training agency selection board of discrepancies;

(iv) Maintain course records adequately;

(v) Track student attendance, scores, quizzes, and performance, and counsel/remediate students as necessary;

(vi) Assist in the coordination and instruction of one entire EMT-basic course under the supervision of the course lead SEI; utilizing the EMT-basic training course curriculum identified in WAC 246-976-021, and be evaluated on the instruction of each of the following lessons:

(A) Lesson 1-2—Well Being of the EMT-Basic, including Infectious Disease Prevention for EMS Providers, Revised 10/1997 (available from the department of health, office of emergency medical and trauma prevention);

(B) Lesson 2-1—Airway;

(C) Lesson 3-2—Initial Assessment;

(D) Lesson 3-3—Focused History and Physical Exam:

Trauma;

(E) Lesson 3-4—Focused History and Physical Exam:

Medical;

(F) Lesson 3-5—Detailed Physical Exam;

(G) Lesson 3-6—Ongoing Assessment;

(H) Lesson 3-9—Practical Lab: Patient Assessment;

(I) Lesson 4-1—General Pharmacology;

(J) Lesson 4-2—Respiratory Emergencies;

(K) Lesson 4-3—Cardiovascular Emergencies;

(L) Lesson 4-9—Obstetrics/Gynecology;

(M) Lesson 5-4—Injuries to the Head and Spine, Chest and Abdomen;

(N) Lesson 5-5—Practical Lab: Trauma;

(O) Lesson 6-1—Infants and Children;

(P) Lesson 7-2—Gaining Access (including patient removal, treatment and transport).

(vii) Coordinate and conduct an EMT-basic final end of course comprehensive practical skills evaluation.

(d) **Candidate evaluation.** Performance evaluations will be conducted by an SEI for each instructor objective performed by the candidate on documents identified in the IRAP. These documents consist of:

(i) An evaluation form, to evaluate lesson instruction objectives performed by the candidate;

(ii) A quality improvement record, to document improvement necessary to successfully complete an instructor objective performed by the candidate;

(iii) An objective completion record, to document successful completion of each instructor objective performed by the candidate.

(e) **Application and approval.**

(i) Candidates must submit the completed IRAP, including the application/agreement and all documents completed during the initial recognition process, to the county MPD to obtain a recommendation of approval to the department.

(ii) Upon recommendation of approval by the county MPD, the SEI candidate will submit the following documents to the department:

(A) Current proof of completion of prerequisites listed in subsection (2)(a)(i), (iv) and (vi) of this section;

(B) The original initial SEI application/agreement, signed by the candidate and the MPD; and

(C) The original completed IRAP document and all forms used for evaluation, quality improvement purposes, and verification of successful completion as identified in the IRAP.

(3) Renewal of recognition. The department will publish *Renewal Application Procedures for Senior EMS Instructors (RAP)*, which include the *Senior EMS Instructor Renewal Application and Agreement*, instructor objectives, instructions and forms necessary for renewal.

(a) The RAP will be provided by the department to individuals upon recognition as a SEI, to be completed during the recognition period.

(b) **Candidate objectives.** Candidates who have been issued the RAP must successfully complete the RAP during each approval period, which includes the following instructor objectives:

(i) Coordinate and perform as the lead SEI for one initial first responder or EMT-basic course including the supervision of all practical skills evaluations;

(ii) Receive performance evaluations from a currently recognized SEI, on two candidate instructed first responder or EMT-basic course lessons;

(iii) Perform two performance evaluations on the instruction of first responder or EMT-basic course lessons for SEI initial or renewal recognition candidates; and

(iv) Attend one DOH approved SEI workshop.

(c) **Candidate evaluation.** Evaluations of the performance of instructor objectives will be conducted by an SEI and completed on documents identified in the RAP. These documents consist of:

(i) An evaluation form, to evaluate lesson instruction objectives performed by the candidate.

(ii) A quality improvement record, to document improvement necessary to successfully complete an instructor objective performed by the candidate.

(iii) An objective evaluation record, to document successful completion of each instructor objective performed by the candidate.

(d) **Prerequisites.** Candidates for renewal of recognition must document proof of the following:

(i) Current or previous recognition as a Washington state SEI;

(ii) Current Washington state certification as an EMT or higher EMS certification;

(iii) Current recognition as a CPR instructor for health care providers by the American Heart Association, the American Red Cross, the National Safety Council, or other nationally recognized organization with substantially equivalent standards.

(iv) Successful completion of an examination developed and administered by the department on current EMS training and certification statutes, WAC and the UDA.

(e) **Application and approval.**

(i) Candidates must submit the completed RAP, including the application/agreement and all documents completed

during the renewal of recognition process, to the county MPD to obtain a recommendation of approval to the department.

(ii) Upon recommendation of approval by the county MPD, the renewal candidate must submit the following documents to the department:

(A) Current proof of successful completion of the prerequisites listed in subsection (3)(d)(ii), (iii), and (iv) of this section;

(B) The original SEI renewal application/agreement that has been signed by the candidate and the MPD; and

(C) The original completed RAP document and all forms used for evaluation, quality improvement purposes and verification of successful completion as identified in the RAP.

(4) **Length of recognition.** Recognition as a SEI is for three years.

(5) **Denial, suspension, modification or revocation of SEI recognition.**

(a) The department may deny, suspend, modify or revoke an SEI's recognition when it finds:

(i) Violations of chapter 18.130 RCW, the Uniform Disciplinary Act;

(ii) A failure to:

(A) Maintain EMS certification;

(B) Update the following personal information with DOH as changes occur:

(I) Name;

(II) Address;

(III) Home and work phone numbers;

(C) Maintain knowledge of current EMS training and certification statutes, WAC and the UDA;

(D) Comply with requirements in WAC 246-976-031(1);

(E) Participate in the instructor candidate evaluation process in an objective and professional manner without cost to the individual being reviewed or evaluated;

(F) Adequately complete all forms and adequately maintain records in accordance with this chapter;

(G) Demonstrate all skills and procedures based on current standards;

(H) Follow the requirements of the Americans with Disabilities Act;

(I) Maintain security on all department examination materials.

(b) The candidate or SEI may request a hearing to contest department decisions in regard to denial, suspension, modification or revocation of SEI recognition in accordance with the Administrative Procedure Act (APA) (chapter 34.05 RCW) and associated administrative codes.

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

WAC 246-976-960 Regional emergency medical services and trauma care councils. (1) In addition to meeting the requirements of chapter 70.168 RCW and elsewhere in this chapter, regional EMS/TC councils must:

(a) Identify and analyze system trends to evaluate the EMS/TC system and its component subsystems, using trauma registry data provided by the department;

(b) Develop and submit to the department regional EMS/TC plans to:

(i) Identify the need for and recommend distribution and level of care (basic, intermediate or advanced life support) for verified aid and ambulance services for each response area. The recommendations will be based on criteria established by the department relating to agency response times, geography, topography, and population density;

(ii) Identify EMS/TC services and resources currently available within the region;

(iii) Describe how the roles and responsibilities of the MPD are coordinated with those of the regional EMS/TC council and the regional plan;

(iv) Describe and recommend improvements in medical control communications and EMS/TC dispatch, with at least the elements of the state communication plan described in RCW 70.168.060 (1)(h);

(v) Include a schedule for implementation.

(2) In developing or modifying its plan, the regional council must seek and consider the recommendations of:

(a) Local EMS/TC councils;

(b) EMS/TC systems established by ordinance, resolution, interlocal agreement or contract by counties, cities, or other governmental bodies.

(3) In developing or modifying its plan, the regional council must use regional and state analyses provided by the department based on trauma registry data and other appropriate sources;

(4) Approved regional plans may include standards, including response times for verified services, which exceed the requirements of this chapter.

(5) An EMS/TC provider who disagrees with the regional plan may bring its concerns to the steering committee before the department approves the plan.

(6) The regional council must adopt regional patient care procedures as part of the regional plans. In addition to meeting the requirements of RCW 18.73.030(14) and 70.168.015(23):

(a) For all emergency patients, regional patient care procedures must identify:

(i) Guidelines for rendezvous with agencies offering higher levels of service if appropriate and available, in accordance with the regional plan.

(ii) The type of facility to receive the patient, as described in regional patient destination and disposition guidelines.

(iii) Procedures to handle types and volumes of trauma that may exceed regional capabilities, taking into consideration resources available in other regions and adjacent states.

(b) For major trauma patients, regional patient care procedures must identify procedures to activate the trauma system.

(7) In areas where no local EMS/TC council exists, the regional EMS/TC council shall:

(a) Make recommendations to the department regarding appointing members to the regional EMS/TC council;

(b) Review applications for initial training classes and OTEP programs, and make recommendations to the department.

(8) Matching grants made under the provisions of chapter 70.168 RCW may include funding to:

(a) Develop, implement, and evaluate prevention programs; or

(b) Accomplish other purposes as approved by the department.

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

WAC 246-976-970 Local emergency medical services and trauma care councils. (1) If a county or group of counties creates a local EMS/TC council, it must be composed of representatives of hospital and prehospital trauma care and EMS providers, local elected officials, consumers, local law enforcement officials, local government agencies, physicians, and prevention specialists involved in the delivery of EMS/TC.

(2) In addition to meeting the requirements of chapter 70.168 RCW and this chapter, local EMS/TC councils must:

(a) Participate with the MPD and emergency communication centers in making recommendations to the regional council about the development of regional patient care procedures; and

(b) ~~((Review senior EMS instructor applications and make recommendations to the department.~~

(e)) Review applications for initial training classes and OTEP programs, and make recommendations to the department.

(3) Local EMS/TC councils may make recommendations to the department regarding certification and termination of MPDs, as provided in RCW 18.71.205(4).

WSR 02-10-136

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed May 1, 2002, 11:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-031.

Title of Rule: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Purpose: To provide taxpayers with stumpage value tables to determine timber excise tax liabilities as required by RCW 84.33.091.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: The rule contains eight tables of stumpage values. These eight tables represent the areas in the state in which timber is harvested. Each table breaks out the values by timber species, quality, and a downward adjustment for hauling. The rule also contains two harvest adjustment tables for the volume per acre which is harvested, logging conditions, remote island harvesting, damaged timber and thinning. In addition, the rule also contains a domestic market

adjustment table for export restricted public timber not sold through a competitive bidding process.

Reasons Supporting Proposal: RCW 84.33.091 requires the values to be updated twice a year. This is the annual mid-year update.

Name of Agency Personnel Responsible for Drafting: Ed Ratcliffe, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6126; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment of WAC 458-40-660 complies with RCW 84.33.091, which requires the department to publish stumpage values on a semi-annual basis. The tables set out for each stumpage value area the amount that each species or subclassification of timber would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Timber harvesters, other than small harvesters, use the tables as a basis for calculating the amount of timber excise tax owed.

The anticipated affect of changes made in the rule is that the updated values will better reflect the current market.

Proposal Changes the Following Existing Rules: This is an amendment to an existing rule, WAC 458-40-660. See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact is not required when a legislative rule is being adopted under RCW 34.05.328.

RCW 34.05.328 applies to this rule adoption. This is a significant legislative rule pursuant to RCW 34.05.328 (5)(a)(i).

Hearing Location: Department of Revenue Conference Room, Target Place Building, No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on June 4, 2002, at 10 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985, or (360) 570-6175.

Submit Written Comments to: Ed Ratcliffe, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail edr@dor.wa.gov, by June 4, 2002.

Date of Intended Adoption: June 21, 2002.

April 30, 2002

Alan R. Lynn, Rules Coordinator
Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 02-02-033, filed 12/24/01, effective 1/1/02)

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, 2002:

((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 2002

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	\$702	\$695	\$688	\$681	\$674
		2	522	515	508	501	494
		3	431	424	417	410	403
		4	360	353	346	339	332
Western Redcedar ⁽²⁾	RC	1	618	611	604	597	590
Western Hemlock and Other Conifer ⁽³⁾	WH	1	279	272	265	258	251
		2	224	217	210	203	196
		3	223	216	209	202	195
		4	196	189	182	175	168
Red Alder	RA	1	321	314	307	300	293
		2	297	290	283	276	269
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	187	180	173	166	159
Douglas Fir Poles	DFL	1	708	701	694	687	680
Western Redcedar Poles	RCL	1	1103	1096	1089	1082	1075
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 ⁽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
January 1 through June 30, 2002

Species Name	Species Code	Quality	Timber	Hauling	Distance-Zone Number	Stumpage Values per Thousand Board Feet Net Scribner Log Scale ⁽⁴⁾				
						1	2	3	4	5
Douglas Fir	DF	1	\$509	\$502	\$495	\$488	\$481			
		2	472	465	458	451	444			
		3	443	436	429	422	415			
		4	377	370	363	356	349			
Western Redcedar ⁽²⁾	RC	1	618	611	604	597	590			
Western Hemlock and Other Conifer ⁽²⁾	WH	1	304	297	290	283	276			
		2	232	225	218	211	204			
		3	224	217	210	203	196			
		4	215	208	201	194	187			
Red Alder	RA	1	321	314	307	300	293			
		2	297	290	283	276	269			
Black Cottonwood	BC	1	1	1	1	1	1			
Other Hardwood	OH	1	187	180	173	166	159			
Douglas Fir Poles	DPL	1	708	701	694	687	680			
Western Redcedar Poles	RCP	1	1103	1096	1089	1082	1075			
Chipwood	CHW	1	1	1	1	1	1			
RC Shake Blocks	RCS	1	303	296	289	282	275			
RC Single Blocks	RCF	1	121	114	107	100	93			
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45			
DF Christmas Trees ⁽⁵⁾	DFX	1	0.25	0.25	0.25	0.25	0.25			
Other Christmas Trees ⁽⁵⁾	OPX	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 lineal foot.
(5) Stumpage value per lineal foot or portion thereof.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 2002

Species Name	Species Code	Quality	Timber	Hauling	Distance-Zone Number	Stumpage Values per Thousand Board Feet Net Scribner Log Scale ⁽⁴⁾				
						1	2	3	4	5
Douglas Fir ⁽²⁾	DF	1	\$475	\$468	\$461	\$454	\$447			
		2	414	407	400	393	386			
		3	397	390	383	376	369			
		4	355	348	341	334	327			
Western Redcedar ⁽²⁾	RC	1	618	611	604	597	590			
Western Hemlock and Other Conifer ⁽²⁾	WH	1	279	272	265	258	251			
		2	297	290	283	276	269			
Black Cottonwood	BC	1	1	1	1	1	1			
Other Hardwood	OH	1	187	180	173	166	159			
Douglas Fir Poles	DPL	1	708	701	694	687	680			
Western Redcedar Poles	RCP	1	1103	1096	1089	1082	1075			
Chipwood	CHW	1	1	1	1	1	1			
RC Shake Blocks	RCS	1	303	296	289	282	275			
RC Single Blocks	RCF	1	121	114	107	100	93			
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45			
DF Christmas Trees ⁽⁵⁾	DFX	1	0.25	0.25	0.25	0.25	0.25			
Other Christmas Trees ⁽⁵⁾	OPX	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 lineal foot or portion thereof.

TABLE 5 - Stumpage Value Table

Stumpage Value Area 5
January 1 through June 30, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale (4)

Species	Species Code	Quantity	Timber	Hauling		Code Number	1	2	3	4	5
				Distance	Zone Number						
Douglas Fir (2)	DF	1	\$496 \$489 \$482 \$475 \$468	2	459 452 445 438 431	3	444 437 430 423 416	4	396 389 382 375 368		
Lodgepole Pine	LP	1	181 174 167 160 153								
Ponderosa Pine	PP	1	357 350 343 336 329								
Western Hemlock and Western Redcedar (3)	RC	1	618 611 604 597 590								
Western Hemlock and Other Conifer (4)	WH	1	273 266 259 252 245								
Red Alder	RA	1	321 314 307 300 293	2	297 290 283 276 269						
Black Cottonwood	BC	1	187 180 173 166 159								
Other Hardwood	OH	1	708 701 694 687 680								
Douglas Fir Poles	DFP	1	708 701 694 687 680								
Western Redcedar Poles	RCP	1	1103 1096 1089 1082 1075								
Chipwood	CHW	1	303 296 289 282 275								
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								
DFP Christmas Trees (6)	DFX	1	0.25 0.25 0.25 0.25 0.25								
Other Christmas Trees (6)	OPX	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, as "White Fir."
 (5) Stumpage value per lineal foot or portion thereof.
 (6) Stumpage value per lineal foot.

TABLE 4 - Stumpage Value Table

Stumpage Value Area 4
January 1 through June 30, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale (4)

Species	Species Code	Quantity	Timber	Hauling		Code Number	1	2	3	4	5
				Distance	Zone Number						
Douglas Fir (2)	DF	1	\$540 \$533 \$526 \$519 \$512	2	447 440 433 426 419	3	444 437 430 423 416	4	334 327 320 313 306		
Lodgepole Pine	LP	1	181 174 167 160 153								
Ponderosa Pine	PP	1	357 350 343 336 329								
Western Hemlock and Western Redcedar (3)	RC	1	618 611 604 597 590								
Western Hemlock and Other Conifer (4)	WH	1	279 272 265 258 251								
Red Alder	RA	1	321 314 307 300 293	2	297 290 283 276 269						
Black Cottonwood	BC	1	187 180 173 166 159								
Other Hardwood	OH	1	708 701 694 687 680								
Douglas Fir Poles	DFP	1	708 701 694 687 680								
Western Redcedar Poles	RCP	1	1103 1096 1089 1082 1075								
Chipwood	CHW	1	303 296 289 282 275								
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								
DFP Christmas Trees (6)	DFX	1	0.25 0.25 0.25 0.25 0.25								
Other Christmas Trees (6)	OPX	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, as "White Fir."
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
 (5) Stumpage value per lineal foot or portion thereof.
 (6) Stumpage value per lineal foot.

PROPOSED

TABLE 7—Stumpage Value Table

Stumpage Value Area 7
January 1 through June 30, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Quality	Distance	Zone Number	Hauling									
					Timber	Species	Code	Number	1	2	3	4	5	
Douglas Fir ⁽²⁾	DF	+	\$283	\$276	\$269	\$262	\$255							
Lodgepole Pine	LP	+	238	231	224	217	210							
Ponderosa Pine	PP	+	345	338	331	324	317							
Western Redcedar ⁽³⁾	RC	+	426	419	412	405	398							
True Firs and Spruce ⁽⁴⁾	WH	+	213	206	199	192	185							
Western White Pine	WP	+	360	353	346	339	332							
Hardwoods	OH	+	50	43	36	29	22							
Western Redcedar Poles	RCP	+	516	509	502	495	488							
Small Logs	SML	+	15	14	13	12	11							
Chipwood	CHW	+	+	+	+	+	+							
RC Shake & Shingle Blocks	RCPF	+	92	85	78	71	64							
LP & Other Posts ⁽⁵⁾	LPP	+	0.35	0.35	0.35	0.35	0.35							
Pine Christmas Trees ⁽⁶⁾	PX	+	0.25	0.25	0.25	0.25	0.25							
Other Christmas Trees ⁽⁷⁾	DPX	+	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 6—Stumpage Value Table

Stumpage Value Area 6
January 1 through June 30, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Quality	Distance	Zone Number	Hauling									
					Timber	Species	Code	Number	1	2	3	4	5	
Douglas Fir ⁽²⁾	DF	+	\$280	\$273	\$266	\$259	\$252							
Lodgepole Pine	LP	+	181	174	167	160	153							
Ponderosa Pine	PP	+	357	350	343	336	329							
Western Redcedar ⁽³⁾	RC	+	426	419	412	405	398							
True Firs and Spruce ⁽⁴⁾	WH	+	190	183	176	169	162							
Western White Pine	WP	+	360	353	346	339	332							
Hardwoods	OH	+	50	43	36	29	22							
Western Redcedar Poles	RCP	+	516	509	502	495	488							
Small Logs	SML	+	24	23	22	21	20							
Chipwood	CHW	+	+	+	+	+	+							
RC Shake & Shingle Blocks	RCPF	+	92	85	78	71	64							
LP & Other Posts ⁽⁵⁾	LPP	+	0.35	0.35	0.35	0.35	0.35							
Pine Christmas Trees ⁽⁶⁾	PX	+	0.25	0.25	0.25	0.25	0.25							
Other Christmas Trees ⁽⁷⁾	DPX	+	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 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽⁴⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ⁽²⁾	DF	1	\$526	\$519	\$512	\$505	\$498
		2	433	426	419	412	405
		3	430	423	416	409	402
		4	320	313	306	299	292
Lodgepole Pine	LP	1	181	174	167	160	153
Ponderosa Pine	PP	1	357	350	343	336	329
		2	214	207	200	193	186
Western Redcedar ⁽³⁾	RC	1	604	597	590	583	576
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	265	258	251	244	237
		2	209	202	195	188	181
		3	209	202	195	188	181
		4	178	171	164	157	150
Red Alder	RA	1	307	300	293	286	279
		2	283	276	269	262	255
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	173	166	159	152	145
Douglas Fir Poles	DFL	1	694	687	680	673	666
Western Redcedar Poles	RCL	1	1089	1082	1075	1068	1061
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

⁽⁴⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽⁵⁾ Includes Western Larch.
⁽⁶⁾ 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, 2002

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	\$533	\$526	\$519	\$512	\$505
		2	474	467	460	453	446
		3	447	440	433	426	419
		4	364	357	350	343	336
Western Redcedar ⁽²⁾	RC	1	602	595	588	581	574
Western Hemlock and Other Conifer ⁽²⁾	WH	1	277	270	263	256	249
		2	232	225	218	211	204
		3	224	217	210	203	196
		4	214	207	200	193	186
Red Alder	RA	1	294	287	280	273	266
		2	249	242	235	228	221
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	172	165	158	151	144
Douglas Fir Poles	DFL	1	708	701	694	687	680
Western Redcedar Poles	RCL	1	1094	1087	1080	1073	1066
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 ⁽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.

PROPOSED

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 July 1 through December 31, 2002

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	\$454	\$447	\$440	\$433	\$426
		2	417	410	403	396	389
		3	416	409	402	395	388
		4	400	393	386	379	372
Western Redcedar ⁽²⁾	RC	1	602	595	588	581	574
Western Hemlock and Other Conifer ⁽²⁾	WH	1	277	270	263	256	249
		2	222	215	208	201	194
		3	219	212	205	198	191
		4	215	208	201	194	187
Red Alder	RA	1	294	287	280	273	266
		2	249	242	235	228	221
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	172	165	158	151	144
Douglas-Fir Poles	DFL	1	708	701	694	687	680
Western Redcedar Poles	RCL	1	1094	1087	1080	1073	1066
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 ⁽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, 2002

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	\$454	\$447	\$440	\$433	\$426
		2	412	405	398	391	384
		3	393	386	379	372	365
		4	240	233	226	219	212
Western Redcedar ⁽³⁾	RC	1	602	595	588	581	574
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	277	270	263	256	249
		2	243	236	229	222	215
		3	211	204	197	190	183
		4	195	188	181	174	167
Red Alder	RA	1	294	287	280	273	266
		2	249	242	235	228	221
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	172	165	158	151	144
Douglas-Fir Poles	DFL	1	708	701	694	687	680
Western Redcedar Poles	RCL	1	1094	1087	1080	1073	1066
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.

PROPOSED

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 2002

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	\$533	\$526	\$519	\$512	\$505
		2	436	429	422	415	408
		3	408	401	394	387	380
		4	384	377	370	363	356
Lodgepole Pine	LP	1	192	185	178	171	164
Ponderosa Pine	PP	1	358	351	344	337	330
		2	231	224	217	210	203
Western Redcedar ⁽²⁾	RC	1	602	595	588	581	574
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	277	270	263	256	249
		2	240	233	226	219	212
		3	238	231	224	217	210
		4	223	216	209	202	195
Red Alder	RA	1	294	287	280	273	266
		2	249	242	235	228	221
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	172	165	158	151	144
Douglas-Fir Poles	DFL	1	708	701	694	687	680
Western Redcedar Poles	RCL	1	1094	1087	1080	1073	1066
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.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 2002

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	\$454	\$447	\$440	\$433	\$426
		2	438	431	424	417	410
		3	424	417	410	403	396
		4	360	353	346	339	332
Lodgepole Pine	LP	1	192	185	178	171	164
Ponderosa Pine	PP	1	358	351	344	337	330
		2	231	224	217	210	203
Western Redcedar ⁽²⁾	RC	1	602	595	588	581	574
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	277	270	263	256	249
		2	220	213	206	199	192
		3	219	212	205	198	191
		4	217	210	203	196	189
Red Alder	RA	1	294	287	280	273	266
		2	249	242	235	228	221
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	172	165	158	151	144
Douglas-Fir Poles	DFL	1	708	701	694	687	680
Western Redcedar Poles	RCL	1	1094	1087	1080	1073	1066
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.

PROPOSED

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 July 1 through December 31, 2002

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	\$279	\$272	$265	$258	$251
Lodgepole Pine	LP	1	192	185	178	171	164
Ponderosa Pine	PP	1	358	351	344	337	330
		2	231	224	217	210	203
Western Redcedar ⁽³⁾	RC	1	467	460	453	446	439
True Firs and Spruce ⁽⁴⁾	WH	1	181	174	167	160	153
Western White Pine	WP	1	392	385	378	371	364
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	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, 2002

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	\$290	\$283	$276	$269	$262
Lodgepole Pine	LP	1	230	223	216	209	202
Ponderosa Pine	PP	1	374	367	360	353	346
		2	303	296	289	282	275
Western Redcedar ⁽³⁾	RC	1	467	460	453	446	439
True Firs and Spruce ⁽⁴⁾	WH	1	219	212	205	198	191
Western White Pine	WP	1	392	385	378	371	364
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	18	17	16	15	14
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.

PROPOSED

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 2002

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	\$519	\$512	$505	$498	$491
		2	422	415	408	401	394
		3	394	387	380	373	366
		4	370	363	356	349	342
Lodgepole Pine	LP	1	192	185	178	171	164
Ponderosa Pine	PP	1	358	351	344	337	330
		2	231	224	217	210	203
Western Redcedar ⁽³⁾	RC	1	588	581	574	567	560
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	263	256	249	242	235
		2	226	219	212	205	198
		3	224	217	210	203	196
		4	209	202	195	188	181
Red Alder	RA	1	280	273	266	259	252
		2	235	228	221	214	207
Black Cottonwood	BC	1	1	1	1	1	1
Other Hardwood	OH	1	158	151	144	137	130
Douglas-Fir Poles	DFL	1	694	687	680	673	666
Western Redcedar Poles	RCL	1	1080	1073	1066	1059	1052
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.

(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, 2002:

PROPOSED

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
 ((January)) July 1 through ((June 30)) December 31, 2002

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 (28)	-\$100.00

TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
 ((January)) July 1 through ((June 30)) December 31, 2002

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
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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.

PROPOSED

WSR 02-10-138
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 1, 2002, 11:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-008.

Title of Rule: WAC 388-310-0300 WorkFirst—Infant care exemption and 388-310-1450 Pregnancy to employment.

Purpose: The purpose of the change is to comply with the law passed from HB 1144 allowing a one time only exemption from full-time participation for a parent with a child age four to twelve months. The exemption requires only part-time program participation up to twenty hours.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050.

Statute Being Implemented: RCW 74.08A.270.

Summary: Changes participation requirements for WorkFirst participants with a child between the age of four months and twelve months, by requiring full-time participation, except for a one-time/part-time exemption from full-time participation. The one-time exemption only requires up to twenty hours of participation.

Reasons Supporting Proposal: Comply with law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Debbie Miller, P.O. Box 45480, Lacey, WA 98504-5480, (360) 413-3101.

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: Changes participation requirements for WorkFirst participants with a child between the age of four months and twelve months, by requiring full-time participation, except for a one-time/part-time exemption from full-time participation. The one-time exemption only requires up to twenty hours of participation in: (a) Instruction or training to improve your parenting skills or child well-being; (b) pre-employment or job readiness training; (c) high school completion of GED program; (d) volunteer in a child care facility licensed under chapter 74.15 RCW. The child care facility has to agree to accept you as a volunteer.

Proposal Changes the Following Existing Rules: See Explanation of Rule above. Amends WAC 388-310-0300 WorkFirst—Infant care exemption and 388-310-1450 WorkFirst—Pregnancy to employment.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These new rules do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vii) exempts DSHS rules that only apply to client medical or financial eligibility.

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (parking on 12th off Jefferson), 1115

Washington, Olympia, WA 98504, on June 4, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 31, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@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, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., June 4, 2002.

Date of Intended Adoption: Not earlier than June 5, 2002.

April 24, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-06-062, filed 3/1/00, effective 3/1/00)

WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants. (1) If I am a mandatory participant, when can I be exempted from participating in WorkFirst activities?

(a) You can claim an exemption from participating in WorkFirst activities during months that you are needed in the home to personally provide care for your child (~~under~~) three months or less of age.

(b) You or the other parent of your child, living in your household can claim a one-time exemption from full-time participation, for one child only, if that child is between the age of four months and up to twelve months old. This means the parent who claims this exemption will only be required to participate part-time, up to twenty hours in certain activities described in WAC 388-310-1450.

(2) Can I participate in WorkFirst while I am exempt?

(a) You may choose to participate in WorkFirst while you are exempt with a child under four months old. If you decide later to stop participating, and you still qualify for an exemption, you will be put back into exempt status with no financial penalty. For a description of participation activities see WAC 388-310-1450.

(b) You may choose to participate full time while you are taking your one-time/part-time exemption. If you decide later to stop participating full-time, and you still qualify for the part-time exemption, you will be put back into part-time exempt status with no financial penalty. For a description of participation activities see WAC 388-310-1450.

(3) Does an exemption from participation affect my sixty-month time limit for receiving TANF or SFA benefits?

An exemption from participation does not affect your sixty-month time limit for receiving TANF or SFA benefits (described in WAC 388-484-0005). Even if exempt from participation, each month you receive a TANF/SFA grant counts toward your sixty-month limit.

PROPOSED

AMENDATORY SECTION (Amending WSR 00-06-062, filed 3/1/00, effective 3/1/00)

WAC 388-310-1450 Pregnancy to employment. (1) How do I know if I am eligible to participate in ~~((the))~~ pregnancy to employment ~~((pathway))~~?

If you are on TANF and are pregnant or have a child under the age of twelve months, you are a participant in the pregnancy to employment pathway.

(2) What am I required to do while I am in the pregnancy to employment ~~((pathway))~~?

You will receive an assessment from a DSHS social worker. Based on the results of the assessment you receive as a pregnancy to employment participant, you and your case manager/social worker will decide ~~((if))~~ how you will be required to

~~(a) Work; or~~

~~(b) Look for work; and/or~~

~~(e)) participate ~~((in a combination of pregnancy to employment services))~~ and which activities best meet your needs. The activities you are required to do will depend on where you are in the pregnancy or the age of your child.~~

(3) What am I required to do while I am pregnant?

(a) In the first and second trimester of pregnancy: Your participation is based upon the results of the assessment you receive and includes work, looking for work or a combination of pregnancy to employment services. You will be required to participate full-time during the first two trimesters of pregnancy unless you have a good reason to participate fewer hours (see WAC 388-310-1600).

(b) In the third trimester of pregnancy: Your participation is voluntary and may include meeting your medical needs.

(4) What am I required to do after my child is born?

You are exempt from participation after the birth of your child and until your child reaches the age of four months. You may volunteer to participate in WorkFirst activities while you are exempt (see WAC 388-310-0300).

(5) Do I have to participate full time once my child reaches age four months?

Once your child reaches four months old, you are required to participate full time unless you qualify for the one-time exemption from full-time participation. This exemption is called a part-time exemption and you can only receive it once for one child who is between four and up to twelve months old.

(6) How do I qualify for the part-time exemption?

Effective June 13, 2002, you can be exempt one-time only, from full-time participation, if you have a child age four months to twelve months old.

(7) If I qualify for the part-time exemption, what will I be required to do?

You will have to participate part-time for up to twenty hours per week (per state law) until your child is reaches twelve months old. During this time, you will be required, based upon the results of your assessment, to participate in one or more of the following:

(a) Instruction or training to improve your parenting skills or child well-being (if available);

(b) Pre-employment or job readiness training;

(c) High school completion or GED program;

(d) Volunteer in a child care facility licensed under chapter 74.15 RCW. The child care facility has to agree to accept you as a volunteer; or

(e) Volunteer to participate in job search or work activities full-time or part-time. If you change your mind about job search or work activities you will be required to participate up to twenty hours in one of the required activities listed above.

(8) What if I have used my one-time part-time exemption from full-time participation?

If you have used your one-time, part-time exemption and you have another child, when that child is between four months and twelve months old, you will be required to participate full-time in one or more of the following activities:

(a) Work;

(b) Looking for work; or

(c) Preparing for work by participating in a combination of activities based upon the results of your assessment.

(9) What services are provided in the pregnancy to employment ~~((pathway))~~?

This pathway provides you with services, as available within your community, to help you learn how to work while still meeting your child's needs. You and your case manager will decide which of the variety of services you need, such as help finding:

(a) Parenting classes;

(b) Safe and appropriate child care;

(c) Good health care for yourself and your child; and/or

(d) Employment services.

(e) If you are currently employed you will receive the assessment at your next individual responsibility plan review.

~~((4))~~ (10) What determines which services I will receive and what my participation will be?

~~((As a participant in the pregnancy to employment pathway you may receive:))~~

~~(a) ~~((A))~~ Your assessment results (see WAC 388-310-0700) ~~((;))~~~~

~~(b)) determine the services ~~((;))~~, as available within your community ~~((-))~~ based on the results of the assessment; ~~((;))~~, that you will receive;~~

~~(b) An individual responsibility plan will be developed jointly that reflects participation and services ~~((designed))~~ available to meet your needs and the needs of your child; and~~

~~((;)) (c) Follow up contact every three months to jointly reassess your needs and the services and activities you are participating in, until your child reaches age twelve months.~~

~~((5)) How much do I have to participate?~~

~~(a) Unless a determination of non-participation has been made as described in WAC 388-310-1600, you will be required to participate up to forty hours per week during the first two trimesters of pregnancy. Your participation activity will be determined by the results of your assessment.~~

~~(b) During the third trimester of pregnancy your participation is voluntary and may include meeting your medical needs.~~

~~(e) From the birth of your child, until your child reaches three months, you are exempt from participation. You may volunteer to participate.~~

~~(d) From the third month forward, you will be required to participate part-time, twenty hours per week or more, and transition into full-time participation, up to forty hours per week, in work, looking for work or preparing for work by the time your child reaches age twelve months. Your participation activity will be determined by the results of your assessment.~~

~~(6)) (11) Will I be sanctioned if I refuse to participate in pregnancy to employment pathway?~~

~~(a) If you are a pregnant woman in your third trimester of pregnancy or if you have an infant less than three months old you will not be sanctioned for not participating.~~

~~(b) If you are in the first two trimesters of your pregnancy or have a child ((three)) four months of age or older, you are required to participate and are subject to the Work-First sanction rules (see WAC 388-310-1600).~~

~~(12) What if I have a child between the ages of four months and twelve months but I have a good reason not to participate?~~

~~If you have a good reason not to participate and you claim good cause (WAC 388-310-1600(3)), your needs will be assessed as soon as possible, but no later than ninety days from your request. A good cause determination will establish if you will be required to participate and the types of services that will best meet your needs.~~



WSR 02-10-033
EXPEDITED RULES
DEPARTMENT OF REVENUE

[Filed April 24, 2002, 1:46 p.m.]

Title of Rule: WAC 468-20-192 Indians—Indian country.

Purpose: To describe the tax-reporting and tax-collecting responsibilities of Indians and Indian tribes doing business on and off Indian land and nonmembers doing business on Indian land.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Rule 192 reflects the application of the Revenue Act to Indians and nonmembers doing business with Indians in accordance with federal law, federal court decisions, and the United States Constitution.

Summary: This rule explains the tax-collecting and tax-reporting responsibilities of Indian tribes, enrolled members of Indian tribes, and nonmembers doing business on Indian land with Indians and/or nonenrolled persons. This rule is being revised to reflect chapter 325, Laws of 2002, which extends liability for the tobacco products tax imposed by chapter 82.26 RCW to persons that handle for sale any tobacco products that are within this state but upon which the tax has not been imposed.

Reasons Supporting Proposal: To recognize legislative changes in chapter 325, Laws of 2002.

Name of Agency Personnel Responsible for Drafting: Leslie Cushman, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6122; Implementation: Claire Heselholt, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6124; and Enforcement: Russell Brubaker, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains the tax-collecting and tax-reporting responsibilities of Indian tribes, enrolled members of Indian tribes, and nonmembers doing business on Indian land with Indians and/or nonenrolled persons. It also explains the tax-collecting and tax-reporting responsibilities of nonmembers doing business with Indians and Indian tribes both on and off Indian land.

Subsection (9)(e) of WAC 458-20-192 provides guidance regarding how the tobacco products tax imposed by chapter 82.26 RCW applies to Indians, Indian tribes, and persons purchasing tobacco products from Indians or Indian tribes. It explains in part that a person who purchases tobacco products from Indians or Indian tribes who are exempt from the tax does not in turn become subject to the tax. This is because a person purchasing untaxed tobacco products from Indians or Indian tribes located within Washington is not a "distributor" under current law (RCW 82.26.010).

Chapter 325, Laws of 2002, revised RCW 82.26.010 to add a new class of distributor, effective July 1, 2002. This new class of distributor is "any person engaged in the business of selling tobacco products in this state who handles for sale any tobacco products that are within this state but upon which tax has not be imposed." The department proposes to revise WAC 458-20-192 (9)(e) to reflect this legislation.

Proposal Changes the Following Existing Rules: The department proposes to revise an existing rule, WAC 458-20-192, as explained above.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Leslie Cushman, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, AND RECEIVED BY July 1, 2002.

April 24, 2002

Alan R. Lynn, Rules Coordinator
 Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 00-24-050A, filed 11/30/00, effective 1/1/01)

WAC 458-20-192 Indians—Indian country. (1)

Introduction.

(a) Under federal law the state may not tax Indians or Indian tribes in Indian country. In some instances the state's authority to impose tax on a nonmember doing business in Indian country with an Indian or an Indian tribe is also preempted by federal law. This rule only addresses those taxes administered by the department of revenue (department).

(b) The rules of construction used in analyzing the application of tax laws to Indians and nonmembers doing business with Indians are:

(i) Treaties are to be construed in the sense in which they would naturally have been understood by the Indians; and

(ii) Statutes are to be construed liberally in favor of the Indians, with ambiguous provisions interpreted to their benefit.

(c) This rule reflects the harmonizing of federal law, Washington state tax law, and the policies and objectives of the Centennial Accord and the Millennium Agreement. It is consistent with the mission of the department of revenue, which is to achieve equity and fairness in the application of the law.

(d) It is the department's policy and practice to work with individual tribes on a government-to-government basis to discuss and resolve areas of mutual concern.

(2) **Definitions.** The following definitions apply throughout this rule:

(a) "Indian" means a person on the tribal rolls of an Indian tribe. A person on the tribal rolls is also known as an "enrolled member" or a "member" or an "enrolled person" or an "enrollee" or a "tribal member."

(b) "Indian country" has the same meaning as given in 18 U.S.C. 1151 and means:

(i) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights of way running through the reservation;

(ii) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(iii) All Indian allotments, the Indian titles to which have not been extinguished, including rights of way running through the same.

(c) "Indian tribe" means an Indian nation, tribe, band, community, or other entity recognized as an "Indian tribe" by the United States Department of the Interior. The phrase "federally recognized Indian tribe" and the term "tribe" have the same meaning as "Indian tribe."

(d) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries of areas set aside by the United States for the use and occupancy of Indian tribes by treaty, law, or executive order and that are areas currently recognized as "Indian reservations" by the United States Department of the Interior. The term includes lands within the exterior boundaries of the reservation owned by non-Indians as well as land owned by Indians and Indian tribes and it includes any land that has been designated "reservation" by federal act.

(e) "Nonmember" means a person not on the tribal rolls of the Indian tribe.

(f) "State sales and use tax" includes local sales and use tax.

(3) **Federally recognized Indian tribes.** As of the effective date of this rule there are twenty-eight federally recognized Indian tribes in the state of Washington. You may contact the governor's office of Indian affairs for an up-to-date list of federally recognized Indian tribes in the state of Washington at its website, www.goia.wa.gov or at:

Governor's Office of Indian Affairs
531 15th Ave. S.E.
P.O. Box 40909
Olympia, WA 98504-0909
360-753-2411

(4) **Recordkeeping.** Taxpayers are required to maintain appropriate records on the tax exempt status of transactions. For example, in the case of the refuse collection tax, the refuse collection company must substantiate the tax-exempt status of its customers. This could be done, for example, one of two ways. The tribe can provide the refuse collection company with a list of all of the tribal members living in Indian country or the individual members can provide exemption certificates to the company. A buyer's retail sales tax exemption certificate that can be used for this purpose is located on the department's website (www.dor.wa.gov/forms/other.htm) or may be obtained by contacting the department. The com-

pany must then keep the list or the certificates in its files as proof of the tax exempt status of the tribe and its members. Individual businesses may contact the department to determine how best to keep records for specific situations.

(5) **Enrolled Indians in Indian country. Generally.** The state may not tax Indians or Indian tribes in Indian country. For the purposes of this rule, the term "Indian" includes only those persons who are enrolled with the tribe upon whose territory the activity takes place and does not include Indians who are members of other tribes. An enrolled member's spouse is considered an "Indian" for purposes of this rule if this treatment does not conflict with tribal law. This exclusion from tax includes all taxes (e.g., B&O tax, public utility tax, retail sales tax, use tax, cigarette tax). If the incidence of the tax falls on an Indian or a tribe, the tax is not imposed if the activity takes place in Indian country or the activity is treaty fishing rights related activity (see subsection (6)(b) of this rule). "Incidence" means upon whom the tax falls. For example, the incidence of the retail sales tax is on the buyer.

(a)(i) **Retail sales tax - tangible personal property - delivery threshold.** Retail sales tax is not imposed on sales to Indians if the tangible personal property is delivered to the member or tribe in Indian country or if the sale takes place in Indian country. For example, if the sale to the member takes place at a store located on a reservation, the transaction is automatically exempt from sales tax and there is no reason to establish "delivery."

(ii) **Retail sales tax - services.** The retail sales tax is not imposed if the retail service (e.g., construction services) is performed for the member or tribe in Indian country. In the case of a retail service that is performed both on and off Indian country, only the portion of the contract that relates to work done in Indian country is excluded from tax. The work done for a tribe or Indian outside of Indian country, for example road work that extends outside of Indian country, is subject to retail sales tax.

(b) **Use tax.** Use tax is not imposed when tangible personal property is acquired in Indian country by an Indian or the tribe for at least partial use in Indian country. For purposes of this rule, acquisition in Indian country creates a presumption that the property is acquired for partial use in Indian country.

(c) **Tax collection.** Generally, sales to persons other than Indians are subject to the retail sales tax irrespective of where in this state delivery or rendition of services takes place. Sellers are required to collect and remit to the state the retail sales tax upon each taxable sale made by them to nonmembers in Indian country. A tribe and the department may enter into an agreement covering the collection of state tax by tribal members or the tribe. (See also the discussion regarding preemption of tax in subsection (7) of this rule.)

In order to substantiate the tax-exempt status of a retail sale to a person who is a tribal member, unless the purchaser is personally known to the seller as a member, the seller must require presentation of a tribal membership card or other suitable identification of the purchaser as an enrollee of the Indian tribe. A tribe and the department may enter into an

agreement covering identification of enrolled members, in which case the terms of the agreement govern.

A person's tax status under the Revenue Act does not change simply because he or she is making a tax-exempt sale to a tribe or tribal member. For example, a person building a home for a nonmember/consumer is entitled to purchase subcontractor services and materials to be incorporated into the home at wholesale. See RCW 82.04.050. A person building a home for a tribal member/consumer in Indian country is similarly entitled to purchase these services and materials at wholesale. The fact that the constructing of the home for the tribal member/consumer is exempt from retail sales tax has no impact on the taxability of the purchases of materials, and the materials continue to be purchased for resale.

(d) Corporations or other entities owned by Indians.

A state chartered corporation comprised solely of Indians is not subject to tax on business conducted in Indian country if all of the owners of the corporation are enrolled members of the tribe except as otherwise provided in this section. The corporation is subject to tax on business conducted outside of Indian country, subject to the exception for treaty fishery activity as explained later in this rule. Similarly, partnerships or other entities comprised solely of enrolled members of a tribe are not subject to tax on business conducted in Indian country. In the event that the composition includes a family member who is not a member of the tribe, for instance a business comprised of a mother who is a member of the Chehalis Tribe and her son who is a member of the Squaxin Island Tribe, together doing business on the Chehalis reservation, the business will be considered as satisfying the "comprised solely" criteria if at least half of the owners are enrolled members of the tribe.

(6) Indians outside Indian country.

(a) Generally. Except for treaty fishery activity, Indians conducting business outside of Indian country are generally subject to tax (e.g., the B&O, the public utility tax, retail sales tax). Indians or Indian tribes who conduct business outside Indian country must register with the department as required by RCW 82.32.030. (See also WAC 458-20-101 for more registration information.)

(b) Treaty fishery - preemption. For the purpose of this rule, "treaty fishery" means the fishing and shellfish rights preserved in a tribe's treaty, a federal executive order, or an act of Congress. It includes activities such as harvesting, processing, transporting, or selling, as well as activities such as management and enforcement.

(i) Indians - B&O tax. The gross income directly derived from treaty fishing rights related activity is not subject to state tax. This exclusion from tax is limited to those businesses wholly owned and operated by Indians/tribe who have treaty fishing rights. If a business wholly owned and operated by Indians/tribe deals with both treaty and nontreaty fish, this exclusion from tax is limited to the business attributable to the treaty fish. "Wholly owned and operated" includes entities that meet the qualifications under 26 U.S.C. 7873, which requires that:

(A) Such entity is engaged in a fishing rights-related activity of such tribe;

(B) All of the equity interests in the entity are owned by qualified Indian tribes, members of such tribes, or their spouses;

(C) Except as provided in the code of federal regulations, in the case of an entity which engages to any extent in any substantial processing or transporting of fish, ninety percent or more of the annual gross receipts of the entity is derived from fishing rights-related activities of one or more qualified Indian tribes each of which owns at least ten percent of the equity interests in the entity; and

(D) Substantially all of the management functions of the entity are performed by members of qualified Indian tribes.

(ii) Indians - sales and use tax. The retail sales tax and use tax do not apply to the services or tangible personal property for use in the treaty fishery, regardless of where delivery of the item or performance of the service occurs. Gear, such as boats, motors, nets, and clothing, purchased or used by Indians in the treaty fishery is not subject to sales or use tax. Likewise, retail services in respect to property used in the treaty fishery, such as boat or engine repair, are not subject to sales tax.

(iii) Sales to nonmembers. Treaty fish and shellfish sold by members of the tribe are not subject to sales tax or use tax, regardless of where the sale takes place due to the sales and use tax exemption for food products.

(iv) Government-to-government agreement. A tribe and the department may enter into an agreement covering the treaty fishery and taxable activities of enrolled members, in which case the terms of the agreement govern.

(7) Nonmembers in Indian country - preemption of state tax. Generally, a nonenrolled person doing business in Indian country is subject to tax. Unless specifically described as preempted by this rule, the department will review transactions on a case-by-case basis to determine whether tax applies. A nonmember who is not taxable on the basis of preemption should refer to WAC 458-20-101 (tax registration) to determine whether the person must register with the department.

(a) Preemption of tax on nonmembers - gaming. Gaming by Indian tribes is regulated by the federal Indian Gaming Regulatory Act. Nonmembers who operate or manage gaming operations for Indian tribes are not subject to tax for business conducted in Indian country. This exclusion from tax applies to taxes imposed on income attributable to the business activity (e.g., the B&O tax), and to sales and use tax on the property used in Indian country to conduct the activity. Sales tax will apply if delivery of property is taken outside of Indian country.

Nonmembers who purchase tangible personal property at a gaming facility are subject to retail sales or use tax, unless:

(i) The item is preempted based on the outcome of the balancing test. For example, depending on the relative state, tribal, and federal interests, tax on food at restaurants or lounges owned and operated by the tribe or a tribal member or sales of member arts and crafts at gift shops might be preempted. See the balancing test discussion in subsection (c) below; or

(ii) The item is purchased for use in the gaming activity at the facility, such as bingo cards or daubers.

(b) **Preemption of B&O and public utility tax - sales of tangible personal property or provision of services by nonmembers in Indian country.** As explained in this subsection, income from sales in Indian country of tangible personal property to, and from the performance of services in Indian country for, tribes and tribal members is not subject to B&O (chapter 82.04 RCW) or public utility tax (chapters 82.16 and 54.28 RCW). The taxpayer is responsible for maintaining suitable records so that the taxpayer and the department can distinguish between taxable and nontaxable activities.

(i) **Sales of tangible personal property.** Income from sales of tangible personal property to the tribe or to tribal members is not subject to B&O tax if the tangible personal property is delivered to the buyer in Indian country and if:

(A) The property is located in Indian country at the time of sale; or

(B) The seller has a branch office, outlet, or place of business in Indian country that is used to receive the order or distribute the property; or

(C) The sale of the property is solicited by the seller while the seller is in Indian country.

(ii) **Provision of services.** Income from the performance of services in Indian country for the tribe or for tribal members is not subject to the B&O or public utility tax. Services performed outside of Indian country are subject to tax. In those instances where services are performed both on and off of Indian country, the activity is subject to state tax to the extent that services are substantially performed outside of Indian country.

(A) It will be presumed that a professional service (e.g., accounting, legal, or dental) is substantially performed outside of Indian country if twenty-five percent or more of the time taken to perform the service occurs outside of Indian country. The portion of income subject to state tax is determined by multiplying the gross receipts from the activity by the quotient of time spent outside of Indian country performing the service divided by total time spent performing the service.

For example, an accountant with an office outside of Indian country provides accounting services to a tribal member. The accountant performs some of the work at the office and some work at the business of the tribal member in Indian country. If at least twenty-five percent of the time performing the work is spent outside of Indian country, the services are substantially performed outside of Indian country and therefore a portion is subject to state tax. As explained above, the accountant must maintain suitable records to distinguish between taxable and nontaxable income in order to provide for a reasonable approximation of the amount of gross income subject to B&O tax. In this case, suitable records could be a log of the time and location of the services performed for the tribal matter by the accountant, his or her employees, and any contractors hired by the accountant.

(B) For services subject to the retailing and/or wholesaling B&O tax (e.g., building, installing, improving, or repairing structures or tangible personal property), the portion of

income relative to services actually performed outside of Indian country is subject to state tax.

For example, a contractor enters into a contract with a tribe to install a sewer line that extends off reservation. Only the income attributable to the installation of the portion of the sewer line off reservation is subject to state tax.

(C) For public utility services under chapters 82.16 and 54.28 RCW it will be presumed that the service is provided where the customer receives the service.

(c) **Preemption of tax on nonmembers - balancing test - value generated on the reservation.** In certain instances state sales and use tax may be preempted on nonmembers who purchase goods or services from a tribe or tribal members in Indian country. The U.S. supreme court has identified a number of factors to be considered when determining whether a state tax borne by non-Indians is preempted, including: The degree of federal regulation involved, the respective governmental interests of the tribes and states (both regulatory and revenue raising), and the provision of tribal or state services to the party the state seeks to tax. See *Salt River Pima-Maricopa Indian Community v. Waddell*, 50 F.3d 734, (1995). This analysis is known as the "balancing test." This preemption analysis does not extend to subsequent transactions, for example if the purchaser buys for resale the tax imposed on the consumer in the subsequent sale is not preempted. However, because these balancing test determinations are so fact-based, the department will rule on these issues on a case-by-case basis. For such a ruling please contact the department at:

Department of Revenue

Executive

P.O. Box 47454

Olympia, WA 98504-7454

(d) **Federal contractors.** The preemption analysis does not extend to persons who are doing work for the federal government in Indian country. For example, a nonmember doing road construction for the Bureau of Indian Affairs within an Indian reservation is subject to state tax jurisdiction.

(e) **Indian housing authorities.** RCW 35.82.210 provides that the property of housing authorities and the housing authorities themselves are exempt from taxes, such as state and local sales and use taxes, state and local excise taxes, state and local property taxes, and special assessments. This covers tribal housing authorities and intertribal housing authorities both on and off of Indian land. Please note that tribal housing authorities, like all other housing authorities, are exempt from tax anywhere in the state, and the delivery requirement and other geographic thresholds are not applicable.

Not all assessments are exempted under RCW 35.82.210. See *Housing Authority of Sunnyside v. Sunnyside Valley Irrigation District*, 112 Wn2d 262 (1989).

For the purposes of the exemption:

(i) "Intertribal housing authority" means a housing authority created by a consortium of tribal governments to operate and administer housing programs for persons of low income or senior citizens for and on behalf of such tribes.

(ii) "Tribal government" means the governing body of a federally recognized Indian tribe.

(iii) "Tribal housing authority" means the tribal government or an agency or branch of the tribal government that operates and administers housing programs for persons of low income or senior citizens.

(8) **Motor vehicles, trailers, snowmobiles, etc., sold to Indians or Indian tribes.** Sales tax is not imposed when a motor vehicle, trailer, snowmobile, off-road vehicle, or other such property is delivered to an Indian or the tribe in Indian country or if the sale is made in Indian country. Similarly, use tax is not imposed when such an item is acquired in Indian country by an Indian or the tribe for at least partial use in Indian country. For purposes of this rule, acquisition in Indian country creates a presumption that the property is acquired for partial use in Indian country.

(a) **Registration of vehicle, trailer, etc.** County auditors, subagencies appointed under RCW 46.01.140, and department of licensing vehicle licensing offices must collect use tax when Indians or Indian tribes apply for an original title transaction or transfer of title issued on a vehicle or vessel under chapters 46.09, 46.10, 46.12, or 88.02 RCW unless the tribe/Indian shows that they are not subject to tax. To substantiate that they are not subject to tax the Indian/tribe must show that they previously paid retail sales or use tax on their acquisition or use of the property, or that the property was acquired on or delivered to Indian country. The person claiming the exclusion from tax must sign a declaration of delivery to or acquisition in Indian country. A statement in substantially the following form will be sufficient to establish eligibility for the exclusion from sales and use tax.

(b) **Declaration.**

DECLARATION OF DELIVERY OR ACQUISITION IN INDIAN COUNTRY

The undersigned is (circle one) an enrolled member of the tribe/authorized representative of the tribe or tribal enterprise, and the property was delivered/acquired within Indian country, for at least partial use in Indian country.

name of buyer

date of delivery/acquisition

address of delivery/acquisition

(9) **Miscellaneous taxes.** The state imposes a number of excise taxes in addition to the most common excise taxes administered by the department (e.g., B&O, public utility, retail sales, and use taxes). The following is a brief discussion of some of these taxes.

(a) **Cigarette tax.** The statutory duties applicable to administration and enforcement of the cigarette tax are divided between the department and the liquor control board. Enforcement of nonvoluntary compliance is the responsibility of the liquor control board. Voluntary compliance is the responsibility of the department of revenue. See chapter 82.24 RCW for specific statutory requirements regarding purchase of cigarettes by Indians and Indian tribes. For a specific ruling regarding the taxability of and stamping requirements for cigarettes manufactured by Indians or Indian tribes in Indian country, please contact the department at:

Department of Revenue

Executive

P.O. Box 47454

Olympia, WA 98504-7454

Where sales of cigarettes are the subject of a government-to-government cooperative agreement, the provisions of that agreement supersede conflicting provisions of this subsection.

(i) Sales of cigarettes to nonmembers by Indians or Indian tribes are subject to the cigarette tax. The wholesaler is obligated to make precollection of the tax. Therefore, Indian or tribal sellers making sales to non-Indian customers must (A) purchase a stock of cigarettes with Washington state cigarette tax stamps affixed for the purpose of making such sales or (B) they may make purchases of cigarettes from licensed cigarette distributors for resale to qualified purchasers or (C) may purchase a stock of untaxed unstamped cigarettes for resale to qualified purchasers if the tribal seller gives advance notice under RCW 82.24.250 and Rule 186.

For purposes of this rule, "qualified purchaser" means an Indian purchasing for resale within Indian country to other Indians or an Indian purchasing solely for his or her use other than for resale.

(ii) Delivery or sale and delivery by any person of stamped exempt cigarettes to Indians or tribal sellers for sale to qualified purchasers may be made only in such quantity as is approved in advance by the department. Approval for delivery will be based upon evidence of a valid purchase order of a quantity reasonably related to the probable demand of qualified purchasers in the trade territory of the seller. Evidence submitted may also consist of verified record of previous sales to qualified purchasers, the probable demand as indicated by average cigarette consumption for the number of qualified purchasers within a reasonable distance of the seller's place of business, records indicating the percentage of such trade that has historically been realized by the seller, or such other statistical evidence submitted in support of the proposed transaction. In the absence of such evidence the department may restrict total deliveries of stamped exempt cigarettes to Indian country or to any Indian or tribal seller thereon to a quantity reasonably equal to the national average cigarette consumption per capita, as compiled for the most recently completed calendar or fiscal year, multiplied by the resident enrolled membership of the affected tribe.

(iii) Any delivery, or attempted delivery, of unstamped cigarettes to an Indian or tribal seller without advance notice to the department will result in the treatment of those cigarettes as contraband and subject to seizure. In addition, the person making or attempting such delivery will be held liable for payment of the cigarette tax and penalties. See chapter 82.24 RCW.

Approval for sale or delivery to Indian or tribal sellers of stamped exempt cigarettes will be denied where the department finds that such Indian or tribal sellers are or have been making sales in violation of this rule.

(iv) Delivery of stamped exempt cigarettes by a licensed distributor to Indians or Indian tribes must be by bonded carrier or the distributor's own vehicle to Indian country. Delivery of stamped exempt cigarettes outside of Indian country at the distributor's dock or place of business or any other location outside of Indian country is prohibited unless the cigarettes are accompanied by an invoice.

WSR 02-10-107

EXPEDITED RULES

DEPARTMENT OF ECOLOGY

[Order 02-09—Filed April 30, 2002, 11:27 a.m.]

(b) **Refuse collection tax.** Indians and Indian tribes are not subject to the refuse collection tax for service provided in Indian country, regardless of whether the refuse collection company hauls the refuse off of Indian country.

(c) **Leasehold excise tax.** Indians and Indian tribes in Indian country are not subject to the leasehold excise tax. Leasehold interests held by nonenrolled persons are subject to tax.

(d) **Fish tax.** Chapter 82.27 RCW imposes a tax on the commercial possession of enhanced food fish, which includes shellfish. The tax is imposed on the fish buyer. The measure of the tax is the value of the enhanced food fish at the point of landing. A credit is allowed against the amount of tax owed for any tax previously paid on the same food fish to any legally established taxing authority, which includes Indian tribes. Transactions involving treaty fish are not subject to the fish tax, regardless of where the transaction takes place.

(e) **Tobacco tax.** The tobacco tax is imposed on "distributors" as that term is defined in RCW 82.26.010. Tobacco tax is not imposed on Indian persons or tribes (~~who meet the definition of distributor under chapter 82.26 RCW and~~) who take delivery of the tobacco in Indian country. Effective July 1, 2002, persons who handle for sale any tobacco products that are within this state but upon which tax has not been imposed are subject to the tobacco tax. Chapter 325, Laws of 2002. Thus, persons (~~who purchase~~) purchasing tobacco products for resale from Indians who are exempt from the tobacco tax (~~do not in turn become~~) are subject to tobacco tax on the product. See WAC 458-20-185, Tax on tobacco products.

(f) **Real estate excise tax.** The real estate excise tax is imposed on the seller. A sale of land located in Indian country by a tribe or a tribal member is not subject to real estate excise tax. A sale of land located within Indian country by a nonmember to the tribe or to a tribal member is subject to real estate excise tax.

(g) **Timber excise tax.** Payment of the timber excise tax is the obligation of the harvester. The tribe or tribal members are not subject to the timber excise tax in Indian country. Generally, timber excise tax is due from a nonmember who harvests timber on fee land within Indian country. Timber excise tax is not due if the timber being harvested is on trust land or is owned by the tribe and located in Indian country, regardless of the identity of the harvester. There are some instances in which the timber excise tax might be preempted on non-Indians harvesting timber on fee land in Indian country due to tribal regulatory authority. For such a ruling please contact the department at:

Department of Revenue
Executive
P.O. Box 47454
Olympia, WA 98504-7454

Title of Rule: WAC 173-400-075 Emission standards for sources emitting hazardous air pollutants.

Purpose: This rule is intended to update the adoption by reference of national emission standards for hazardous air pollutants (NESHAPS), 40 C.F.R. 61 and appendices, 40 C.F.R. 63 and appendices, from July 1, 2000, to May 15, 2002.

Statutory Authority for Adoption: RCW 70.94.331.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: This rule would update the adoption by reference of national emission standards for hazardous air pollutants (NESHAPS), 40 C.F.R. 61, from July 1, 2000, to May 15, 2002.

Reasons Supporting Proposal: This rule writing amounts to a federal mandate. Writing this rule should be less resource intensive than dealing with the complications that would arise from not writing it.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Todd, Headquarters, (360) 407-7528.

Name of Proponent: Washington Department of Ecology, Air Quality Program, governmental.

Rule is necessary because of federal law, 40 C.F.R. Part 63.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is intended to update the adoption by reference of national emission standards for hazardous air pollutants (NESHAPS), 40 C.F.R. 61 and appendices and 40 C.F.R. 63 and appendices, from July 1, 2000, to May 15, 2002. This would adopt "MACT" procedural rules adopted by the United States Environmental Agency on April 5, 2002, and "MACT" standards amended or adopted by the EPA through May 15, 2002. The reason this is being with the expedited rule is deadlines that are in the federal rule making of April 5, 2002.

Proposal Changes the Following Existing Rules: This rule would update the adoption by reference of national emission standards for hazardous air pollutants (NESHAPS), 40 C.F.R. 61 and appendices and 40 C.F.R. 63 and appendices, from July 1, 2000, to May 15, 2002. This would adopt "MACT" procedural rules adopted by the United States Environmental Agency on April 5, 2002, and "MACT" standards amended or adopted by the EPA through May 15, 2002.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Agency

EXPEDITED

Rules Coordinator, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504, AND RECEIVED BY July 1, 2002.

April 30, 2002
Linda Hoffman
Deputy Director

AMENDATORY SECTION (Amending Order 99-06, filed 8/15/01, effective 9/15/01)

WAC 173-400-075 Emission standards for sources emitting hazardous air pollutants. (1) **National emission standards for hazardous air pollutants (NESHAPs).** 40 CFR Part 61 and Appendices in effect on (~~February 20, 2001~~) May 15, 2002, is adopted by reference. The term "administrator" in 40 CFR Part 61 includes the **permitting agency**.

(2) The **permitting agency** may conduct source tests and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants regulated under 40 CFR Parts 61, 63 and/or 65 in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) **Source** testing, monitoring, and analytical methods for sources of hazardous air pollutants must conform with the requirements of 40 CFR Parts 61, 63 and/or 65.

(4) This section does not apply to any source operating under a waiver granted by EPA or an exemption granted by the president of the United States.

(5) **Maximum achievable control technology (MACT) standards.** MACT standards are officially known as **National Emission Standards for Hazardous Air Pollutants for Source Categories**.

(a) Adopt by reference.

~~((i))~~ 40 CFR Part 63 and Appendices in effect on (~~February 20, 2001~~) May 15, 2002, is adopted by reference. Exceptions are listed in (5)(b) of this section.

~~((ii)) 40 CFR Part 63, subpart MM (kraft, soda, sulfite, and stand-alone semi-chemical pulp mills), in effect on March 13, 2001, is adopted by reference.~~

The following list is provided for informational purposes:

- Subpart A General Provisions
- Subpart B Requirements for Control Technology Determinations for Major Sources According to Section 112(g) and 112(j) of the federal Clean Air Act
- Subpart D Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants
- Subpart F NESHAPs for the Synthetic Organic Chemical Manufacturing Industry (a/k/a HON)

- Subpart G NESHAPs for the Synthetic Organic Chemical Manufacturing Industry: Process Vents, Storage Vessels, Transfer Operations, and Wastewater
- Subpart H NESHAPs for the Synthetic Organic Chemical Manufacturing Industry: Equipment Leaks
- Subpart I NESHAPs for Processes Subject to the Negotiated Regulation for Equipment Leaks
- Subpart L NESHAPs for Coke Oven Batteries: Charging, topside and door leaks
- Subpart M NESHAP for PCE Dry-Cleaners - as it applies to major sources
- Subpart N NESHAPs for Chromium Electroplating and Anodizing
- Subpart O NESHAPs for Commercial Ethylene Oxide Sterilizers
- Subpart Q NESHAPs for Industrial Process Cooling Towers
- Subpart R NESHAPs for Gasoline Distribution/Marketing (stage 1)
- Subpart S NESHAP for the Pulp and Paper Industry
- Subpart T NESHAPs for Halogenated Solvent Cleaning Machines
- Subpart U NESHAPs for Group I Polymers and Resins
- Subpart W NESHAPs for Epoxy Resins Production and Non-Nylon Polyamides Production
- Subpart X NESHAPs for the Secondary Lead Smelters
- Subpart Y NESHAP for Marine Tank Vessel Loading Operations
- Subpart AA NESHAP for Phosphoric Acid Manufacturing Plants
- Subpart BB NESHAP for Phosphate Fertilizers Production Plants
- Subpart CC NESHAPs for the Petroleum Refinery Industry
- Subpart DD NESHAPs from Off-site Waste and Recovery Treatment Operation
- Subpart EE NESHAPs for Magnetic Tape Manufacturing Operations
- Subpart GG NESHAPs for the Aerospace Manufacturing and Rework Facilities
- Subpart HH NESHAP for Oil and Natural Gas Production Facilities
- Subpart II NESHAPs for Shipbuilding and Repair (surface coating)

EXPEDITED

Subpart JJ	NESHAPs for Wood Furniture Manufacturing Operations	Subpart PPP	NESHAP from Polyether Polyols Production
Subpart KK	NESHAPs for Printing and Publishing Industry	Subpart RRR	NESHAP for Secondary Aluminum Production. Under WAC 173-401-300 (1)(d), area sources are deferred from the air operating permit regulation until December 4, 2004
Subpart LL	NESHAP for Primary Aluminum Reduction Plants	Subpart TTT	NESHAP for Primary Smelting
Subpart MM	NESHAP for Kraft, Soda, Sulfitic, and Stand-Alone Semi-chemical Pulp Mills	<u>Subpart UUU</u>	<u>NESHAP from petroleum refineries—Catalytic Cracking (Fluid and Other) Units, Catalytic Reforming Units, and Sulfur Plants</u>
Subpart OO	NESHAPs for Tanks - Level 1	Subpart VVV	NESHAP from Publicly Owned Treatment Works
Subpart PP	NESHAPs for Containers	Subpart XXX	NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese
Subpart QQ	NESHAPs for Surface Impoundments	<u>Subpart CCCC</u>	<u>NESHAP for Manufacturing of Nutritional Yeast</u>
Subpart RR	NESHAPs for Individual Drain Systems	<u>Subpart GGGG</u>	<u>NESHAP Solvent Extraction for Vegetable Oil Production</u>
Subpart SS	NESHAP for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process	<u>Subpart HHHH</u>	<u>NESHAP for Wet-Formed Fiberglass Mat Production</u>
Subpart TT	NESHAP for Equipment Leaks - Control Level 1	<u>Subpart TTTT</u>	<u>NESHAP for Leather Finishing Operations</u>
Subpart UU	NESHAP for Equipment Leaks - Control Level 2 Standards	<u>Subpart VVVV</u>	<u>NESHAP for Boat Manufacturing</u>
Subpart VV	NESHAPs for Oil-Water Separators and Organic Water Separators	Appendix A	Test Methods (((Amended 10/17/00)))
Subpart WW	NESHAP for Storage Vessels (Tanks) - Control Level 2	Appendix B	Sources Defined for Early Reduction Provisions
Subpart YY	NESHAP for Source Categories: Generic MACT	Appendix C	Determination of the Fraction Biodegraded in a Biological Treatment Unit
Subpart CCC	NESHAP for Steel Pickling - HCL Process Facilities and Hydrochloric Acid Regeneration Plants	Appendix D	Alternative Validation procedure for EPA Waste and Wastewater Methods
Subpart DDD	NESHAP for Mineral Wool Production	Appendix E	Monitoring Procedures for Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions
Subpart EEE	NESHAP for Hazardous Waste Combustors	(b) Exceptions to adopting 40 CFR Part 63 by reference.	
Subpart GGG	NESHAP for Pharmaceuticals Production	(i) The term "administrator" in 40 CFR Part 63 includes the permitting agency .	
Subpart HHH	NESHAP from Natural Gas Transmission and Storage Facilities	(ii) The following subparts of 40 CFR Part 63 are not adopted by reference:	
Subpart III	NESHAP for Flexible Polyurethane Foam Production	(A) Subpart C: List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, source Category List.	
Subpart JJJ	NESHAP for Group IV Polymers and Resins	(B) Subpart E: Approval of State Programs and Delegation of Federal Authorities.	
Subpart LLL	NESHAP from the Portland Cement Manufacturing Industry	(C) Subpart M: National Perchloroethylene Emission Standards for Dry Cleaning Facilities as it applies to nonmajor sources.	
Subpart MMM	NESHAP for Pesticide Active Ingredient Production	(6) Consolidated requirements for the synthetic organic chemical manufacturing industry. 40 CFR Part	
Subpart NNN	NESHAP for Wool Fiberglass Manufacturing		
Subpart OOO	NESHAP for Manufacture of Amino/Phenolic Resins		

65, in effect on ((December 14, 2000)) July 1, 2001, is adopted by reference.

(7) Emission Standards for Perchloroethylene Dry Cleaners.

(a) Applicability.

(i) This section applies to all dry cleaning systems that use perchloroethylene (PCE). Table 1 divides dry cleaning facilities into 3 regulatory **source categories** by the type of equipment they use and the volume of PCE purchased. Each dry cleaning system must follow the applicable requirements in Table 1:

TABLE 1. PCE Dry Cleaner Source Categories

Dry cleaning facilities with:	Small area source purchases less than:	Large area source purchases between:	Major source purchases more than:
(1) Only Dry-to-Dry Machines	140 gallons PCE/yr	140-2,100 gallons PCE/yr	2,100 gallons PCE/yr
(2) Only Transfer Machines	200 gallons PCE/yr	200-1,800 gallons PCE/yr	1,800 gallons PCE/yr
(3) Both Dry-to-Dry and Transfer Machines	140 gallons PCE/yr	140-1,800 gallons PCE/yr	1,800 gallons PCE/yr

(ii) Major sources. In addition to the requirements in this section, a dry cleaning system that is considered a major source according to Table 1 must follow the federal requirements for major sources in 40 CFR Part 63, Subpart M (in effect on July 1, ((2000)) 2001).

(b) Operations and maintenance record.

(i) Each dry cleaning facility must keep an operations and maintenance record that is available upon request.

(ii) The information in the operations and maintenance record must be kept on-site for five years.

(iii) The operations and maintenance record must contain the following information:

(A) Inspection: The date and result of each inspection of the dry cleaning system. The inspection must note the condition of the system and the time any leaks were observed.

(B) Repair: The date, time, and result of each repair of the dry cleaning system.

(C) Refrigerated condenser information. If you have a refrigerated condenser, enter this information:

(I) The air temperature at the inlet of the refrigerated condenser;

(II) The air temperature at the outlet of the refrigerated condenser;

(III) The difference between the inlet and outlet temperature readings; and

(IV) The date the temperature was taken.

(D) Carbon adsorber information. If you have a carbon adsorber, enter this information:

(I) The concentration of PCE in the exhaust of the carbon adsorber; and

(II) The date the concentration was measured.

(E) A record of the volume of PCE purchased each month must be entered by the first of the following month;

(F) A record of the total amount of PCE purchased over the previous twelve months must be entered by the first of each month;

(G) All receipts of PCE purchases; and

(H) A record of any pollution prevention activities that have been accomplished.

(c) General operations and maintenance requirements.

(i) Drain cartridge filters in their housing or other sealed container for at least twenty-four hours before discarding the cartridges.

(ii) Close the door of each dry cleaning machine except when transferring articles to or from the machine.

(iii) Store all PCE, and wastes containing PCE, in a closed container with no perceptible leaks.

(iv) Operate and maintain the dry cleaning system according to the manufacturer's specifications and recommendations.

(v) Keep a copy on-site of the design specifications and operating manuals for all dry cleaning equipment.

(vi) Keep a copy on-site of the design specifications and operating manuals for all emissions control devices.

(vii) Route the PCE gas-vapor stream from the dry cleaning system through the applicable equipment in Table 2:

TABLE 2. Minimum PCE Vapor Vent Control Requirements

Small area source	Large area source	Major source
Refrigerated condenser for all machines installed after September 21, 1993.	Refrigerated condenser for all machines.	Refrigerated condenser with a carbon adsorber for all machines installed after September 21, 1993.

(d) Inspection.

(i) The owner or operator must inspect the dry cleaning system at a minimum following the requirements in Table 3:

TABLE 3. Minimum Inspection Frequency

Small area source	Large area source	Major source
Once every 2 weeks.	Once every week.	Once every week.

(ii) An inspection must include an examination of these components for condition and perceptible leaks:

(A) Hose and pipe connections, fittings, couplings, and valves;

(B) Door gaskets and seatings;

(C) Filter gaskets and seatings;

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- (D) Pumps;
- (E) Solvent tanks and containers;
- (F) Water separators;
- (G) Muck cookers;
- (H) Stills;
- (I) Exhaust dampers; and
- (J) Cartridge filter housings.

(iii) The dry cleaning system must be inspected while it is operating.

(iv) The date and result of each inspection must be entered in the operations and maintenance record at the time of the inspection.

(e) Repair.

(i) Leaks must be repaired within twenty-four hours of detection if repair parts are available.

(ii) If repair parts are unavailable, they must be ordered within two working days of detecting the leak.

(iii) Repair parts must be installed as soon as possible, and no later than five working days after arrival.

(iv) The date and time each leak was discovered must be entered in the operations and maintenance record.

(v) The date, time, and result of each repair must be entered in the operations and maintenance record at the time of the repair.

(f) Requirements for systems with refrigerated condensers. A dry cleaning system using a refrigerated condenser must meet all of the following requirements:

(i) Outlet air temperature.

(A) Each week the air temperature sensor at the outlet of the refrigerated condenser must be checked.

(B) The air temperature at the outlet of the refrigerated condenser must be less than or equal to 45°F (7.2°C) during the cool-down period.

(C) The air temperature must be entered in the operations and maintenance record manual at the time it is checked.

(D) The air temperature sensor must meet these requirements:

(I) An air temperature sensor must be permanently installed on a dry-to-dry machine, dryer or reclaimer at the outlet of the refrigerated condenser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991.

(II) The air temperature sensor must be accurate to within 2°F (1.1°C).

(III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C); and

(IV) The air temperature sensor must be labeled "RC outlet."

(ii) Inlet air temperature.

(A) Each week the air temperature sensor at the inlet of the refrigerated condenser installed on a washer must be checked.

(B) The inlet air temperature must be entered in the operations and maintenance record at the time it is checked.

(C) The air temperature sensor must meet these requirements:

(I) An air temperature sensor must be permanently installed on a washer at the inlet of the refrigerated con-

denser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991.

(II) The air temperature sensor must be accurate to within 2°F (1.1°C).

(III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C).

(IV) The air temperature sensor must be labeled "RC inlet."

(iii) For a refrigerated condenser used on the washer unit of a transfer system, the following are additional requirements:

(A) Each week the difference between the air temperature at the inlet and outlet of the refrigerated condenser must be calculated.

(B) The difference between the air temperature at the inlet and outlet of a refrigerated condenser installed on a washer must be greater than or equal to 20°F (11.1°C).

(C) The difference between the inlet and outlet air temperature must be entered in the operations and maintenance record each time it is checked.

(iv) A converted machine with a refrigerated condenser must be operated with a diverter valve that prevents air drawn into the dry cleaning machine from passing through the refrigerated condenser when the door of the machine is open;

(v) The refrigerated condenser must not vent the air-PCE gas-vapor stream while the dry cleaning machine drum is rotating or, if installed on a washer, until the washer door is opened; and

(vi) The refrigerated condenser in a transfer machine may not be coupled with any other equipment.

(g) Requirements for systems with carbon adsorbers. A dry cleaning system using a carbon adsorber must meet all of the following requirements:

(i) Each week the concentration of PCE in the exhaust of the carbon adsorber must be measured at the outlet of the carbon adsorber using a colorimetric detector tube.

(ii) The concentration of PCE must be written in the operations and maintenance record each time the concentration is checked.

(iii) If the dry cleaning system was constructed before December 9, 1991, monitoring must begin by September 23, 1996.

(iv) The colorimetric tube must meet these requirements:

(A) The colorimetric tube must be able to measure a concentration of 100 parts per million of PCE in air.

(B) The colorimetric tube must be accurate to within 25 parts per million.

(C) The concentration of PCE in the exhaust of the carbon adsorber must not exceed 100 ppm while the dry cleaning machine is venting to the carbon adsorber at the end of the last dry cleaning cycle prior to desorption of the carbon adsorber.

(v) If the dry cleaning system does not have a permanently fixed colorimetric tube, a sampling port must be provided within the exhaust outlet of the carbon adsorber. The sampling port must meet all of these requirements:

(A) The sampling port must be easily accessible;

(B) The sampling port must be located 8 stack or duct diameters downstream from a bend, expansion, contraction or outlet; and

(C) The sampling port must be 2 stack or duct diameters upstream from a bend, expansion, contraction, inlet or outlet.

WSR 02-10-127
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed May 1, 2002, 10:35 a.m.]

Title of Rule: Personal use fishing rules.

Purpose: To amend recreational fishing rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Amends personal use fishing rules consistent with recommendations from the North of Falcon subgroup of the Pacific Fisheries Management Council.

Reasons Supporting Proposal: Provide recreational fishing opportunity.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 600 Capitol Way North, Olympia, (360) 902-2930; Implementation: Lew Atkins, 600 Capitol Way North, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 600 Capitol Way North, Olympia, (360) 902-2373.

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: Each year the ocean commercial salmon seasons are set by agreement within the Pacific Fisheries Management Council, which also affects the escapement of fish for recreational fishers. The North of Falcon subgroup then makes recommendations for the sport seasons in saltwater and affected rivers. During the North of Falcon process, certain other salmon and steelhead management strategies are discussed, and items such as closed areas and gear usage are agreed upon. These rules implement the 2002 North of Falcon agreements, and will provide recreational fishing opportunity.

Proposal Changes the Following Existing Rules: Amends fishing seasons and areas.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evan Jacoby, Rules Coordinator, Department of Fish and Wildlife, 600 Capitol Way

North, Olympia, WA 98501-1091, AND RECEIVED BY July 1, 2002.

May 1, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 01-107, filed 6/21/01, effective 7/22/01)

WAC 220-56-124 Unlawful provisions—Hoodsport Hatchery. During the period July 1 through December (~~15~~) 31, those waters of Catch Record Card Area 12 within a 2,000 foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodsport Salmon Hatchery are regulated as provided for in this section:

(1) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.

(2) Special daily limit of four salmon, of which no more than two salmon may be chinook salmon greater than 24 inches in length. Release chum salmon July 1 through October 15.

(3) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

AMENDATORY SECTION (Amending Order 01-107, filed 6/21/01, effective 7/22/01)

WAC 220-56-195 Closed areas—Saltwater salmon angling. The following areas shall be closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island thence to Yellow Bluff Reef range marker thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling July 1 through August 15.

(2) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling May 1 through (~~July 31~~) June 30.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling (~~August~~) July 1 through September 30.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and then to the Port Williams boat ramp are closed to salmon angling (~~August~~) May 1 through September 30 and November 1 through April (~~19~~) 30.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August (~~16~~) 1 through October 15.

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(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described 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/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W) and then along the south jetty to the point of intersection with the Buoy #10 line are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed ((June)) July 1 through July 31 and April 1 through April 10.

(7) Rosario Strait and eastern Strait of Juan de Fuca:

(a) Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running from Sandy Point to Point Migley on Lummi Island, and following the westerly shore of Lummi Island to a straight line running from shore through Lummi Rocks Buoy to Peapod Rocks Buoy, then to Lydia Shoal Buoy, then ~~((to the easternmost point of Obstruction Island, then true south to Blakely Island, and south along the Blakely Island shore to the southernmost point on Blakely Island, then across Thatcher Pass to Fauntleroy Point, then along the eastern shore of Decatur Island))~~ southerly to Black Rock, then to the easternmost point on James Island, then to Bird Rocks, then westerly to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon July 1 - July 31.

(b) Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to ((the)) Bird Rocks ((Buoy)), then ((true west)) westerly from Bird Rocks ((Buoy)) to ((Decatur Island, and then along the eastern shore of Decatur Island to)) the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area

7 boundary - Closed to fishing for salmon August 1 - September 30.

(8) Strait of Juan de Fuca:

~~((a) Waters of Areas 4 and 5 in the Strait of Juan de Fuca southerly of a line running from Kydaka Point to Shipwreck Point - Release all salmon August 1 - September 30.~~

~~((b))~~ Waters of Area 6 within 1000 feet of the mouth of the Elwha River - Closed to fishing for salmon ((August)) July 1 - August 31.

(a) Tulalip Bay: Waters of Area 8-2 east of a line from Mission Point to Hermosa Point are closed to salmon angling at all times.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules. (1) All freshwater streams and lakes not listed as open for salmon fishing are closed.

(2) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(3) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat. Release all steelhead June 1 through August 31.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock

Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30 and March 1 through last Saturday in April. Selective gear rules except electric motors allowed. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the

south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: ~~((July 1 through July 31 and))~~ September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. ~~((Salmon: Open only July 1 through July 31. Daily limit two fish, release all salmon except sockeye salmon.))~~

Highway 20 Bridge to Baker River fish barrier dam: Closed waters June 1 through August 31.

Banks Lake (Grant County): Perch: Daily limit twenty-five.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All game fish: Release all fish. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release adult chinook.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules except electric motors allowed. Trout: Daily limit one.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through ~~(October)~~ August 31 season. Trout: Release all cutthroat trout.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground June 1 through last day in February season except closed August 16 through October 31 from mouth to Rodgers Street: August 16 through December 31 - closed to fishing from one hour after official sunset to one hour before official sunrise in those waters upstream from Rodgers Street to the Highway 101 Bridge. Selective gear rules. All game fish: Release all fish. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5

through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Nonbuoyant lure restriction and night closure. Only wheelchair-bound anglers may fish from posted signs above rearing pond to posted signs approximately 40 feet downstream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with missing right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

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Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream: Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Non-buoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five,

minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through March 31 season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be chinook. Release pink and chum salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Minimum length fourteen inches. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only (~~October 1~~) September 16 through November 30. Daily limit (~~2~~) 4 hatchery coho salmon. (~~Release wild coho.~~)

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cashmere Pond (Chelan County): Juveniles only.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to Grist Mill Bridge: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. December 1 through last day in February wild steelhead may be retained.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Cedar Falls: Closed waters.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release Kokanee.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only April 16 through July 31 from mouth to high bridge, September (~~1~~) 16 through January 31 from mouth to Porter Bridge, and October 16 through last day in February (~~28~~) from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. September (~~1~~) 16 through (~~January 31~~) November 30, mouth to Porter Bridge, the daily limit may contain no more than one (~~wild adult coho and one~~) adult chinook (~~and release all chum~~). October 16 through November 30, Porter Bridge to High Bridge, release adult chinook. December 1 through (~~November 30~~) January 31, mouth to Porter Bridge (~~to High Bridge~~), the daily limit may contain no more than one wild adult coho, and

release (~~chum and~~) adult chinook. December 1 through last day in February (~~(28)~~), Porter Bridge to High Bridge, release (~~(chum,)~~) adult chinook and wild adult coho. Sturgeon: Open year-round from mouth to high bridge on Weyerhaeuser 1000 line.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout: Minimum length-fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Burbot: Set line gear allowed. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: Daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Trout: Release wild cutthroat.

Chelan River (Chelan County): Closed waters.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1

through May 31, release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no more than 2 fish may be adult salmon (~~(January 1 through September 30 and no more than 4 fish may be adult salmon October 1 through December 31)~~). Salmon minimum size 8 inches. Release wild coho at all times and release wild chinook January 1 through July 31.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective gear rules. Above Cle Elum Lake to outlet of Hyas Lake: Selective gear rules. Additional December 1 through March 31 season mouth to Cle Elum Dam. Whitefish gear rules apply.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild cutthroat.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through September 15 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: Juveniles and holders of disability licenses only. Mainstem Hatchery Creek: Juveniles and licensed adults accompanied by a juvenile only.

Columbia Park Pond (Benton County): Juveniles and holders of disability licenses only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below Priest Rapids Dam: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other gamefish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in

length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through March 31. August 1 through ~~((August 15 daily limit 2 salmon, except the daily limit may contain no more than 1 chinook. Release chum, sockeye, wild coho, chinook less than 24 inches in length, and coho salmon less than 16 inches in length. August 16 through))~~ September 30, daily limit ~~((3))~~ 2 salmon ~~((, except the daily limit may contain no more than one chinook))~~. Release chum, sockeye, wild coho, chinook less than 24 inches in length, and coho less than 16 inches in length. October 1 through December 31 daily limit 6 fish of which no more than ~~((3))~~ 2 may be adult salmon ~~((and not more than one of the three may be a chinook))~~. Release chum, sockeye, and wild coho. January 1 through March 31 daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho and wild chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings.

From the Rocky Point - Tongue Point line to the I-5 Bridge: Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only May 16 through March 31. May 16 through July 31 daily limit 6 fish, except release all salmon except jack chinook. August 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho ((and adult)). Release wild chinook January 1 through March 31.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. September 1 through October 15: Non-buoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island. (2) It is unlawful to fish for sturgeon except with hand-casted lines from shore from Bonneville Dam to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (3) It is unlawful to fish for sturgeon or possess sturgeon taken from a floating device May 1 through July 15 downstream from the Bonneville Dam boat-

ing deadline to a line between markers on the shore at Beacon Rock. (4) Release sturgeon September 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. Salmon: Open only June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through July 31, daily limit 6 fish, except release all salmon except jack chinook. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and sockeye. Release wild coho downstream of Bonneville Dam. ((Release adult chinook June 16 through July 31-))

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold Hatchery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout. Salmon: Open only August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Ringold Hatchery waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only May ~~((15))~~ 1 through ~~((July 31))~~ June 15 to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead. Salmon and trout: Daily limit 2 fish combined.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary

marker to the Corps of Engineers safety zone marker. Trout: Release all trout. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit five fish not more than one of which may be longer than 18 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copolis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted

PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout: Daily limit five, minimum length eight inches. Release cutthroat. Salmon: Landlocked salmon rules apply except October 1 through December 31 daily limit 6 fish, of which not more than 4 may be adult salmon and of which not more than five may be trout.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Year-round season. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Nonbuoyant lure restriction and night closure April 1 through October 31 from mouth of Mill Creek to the barrier dam. All game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Below Barrier Dam release all steelhead missing right ventral fin. Salmon: Open (~~only August 1 through April 30 mouth to Barrier Dam~~) year-round. Daily limit 6 fish of which no more than 2 may be adult salmon, except (~~September 1 through December 31 daily limit may contain 6 hatchery adult coho~~) May 1 through July 31 the daily limit may contain no more than one adult salmon. Release chum and wild coho August 1 through April 30. (~~Release chinook August 1 through December 31~~) Release wild chinook January 1 through July 31. Mill Creek to Blue Creek - release all chinook October 1 through December 31.

From Mayfield Dam to mouth of Muddy Fork: Year-round season. Trout: Release cutthroat. Salmon: Open year-round from upstream boundary of Lake Scanewa. Daily limit 6 fish of which no more than 2 may be adult salmon (~~except up to 4 adults may be retained October 1 through December 31~~). Salmon minimum size 8 inches. Release wild coho. Release wild chinook January 1 through July 31.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length may be retained. Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. Closed waters: March 1 through May 31 from State Highway 17 to Grant County Road 7.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cushman Reservoir (Mason County): Salmon: Landlocked salmon rules apply.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules except electric motors allowed, and all species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year-round season. Trout: Minimum length 14 inches. Salmon: Open year-round only from mouth to town bridge. Daily limit 6 fish of which no more than 2 may be adult salmon (~~except September 1 through December 31 daily limit six fish of which no more than two may be adult chinook~~). Release chum and wild coho. Release wild chinook January 1 through July 31.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park, except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Mouth to Bear Creek-Dewatto Road June 1 through last day in February season. Selective gear rules except September 16 through October 31 single point barbless hooks only from mouth to Dewatto-Holly Road Bridge. All game fish species: Release all fish. Salmon: Open only September 16 through October 31 mouth

to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Upstream from Bear Creek-Dewatto Road: Selective gear rules. Game fish: Release all fish.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey, including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Dry Falls Lake (Grant County): Last Saturday in April through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness rivers, October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through ~~(November 30))~~ December 31 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 hatchery coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through July 31 season.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only (~~September~~) October 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon (~~(, except the daily limit may contain no more than one wild adult coho and one)~~). Release adult chinook. (~~(Release chum)~~)

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Fishers may not allow their line, lure or bait to remain stationary in the water September 1 through October 31. Trout: Minimum length fourteen inches. Release wild cutthroat. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. October 1 through December 31 release chinook upstream of Highway 4 Bridge.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season. Fishing from any floating device prohibited. August 1 through September 30, fly fishing only from mouth to the marker at the outfall of the WDFW rearing channel. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles and licensed adults accompanied by a juvenile only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat. Release steelhead June 1 through August 31.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Not more than five over eight inches in length: Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through October 31 season. Selective gear rules. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 15. Fishers may not allow their line, lure or bait to remain

stationary in the water September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish of which no more than two may be adult salmon. Release chinook, chum, and wild coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Minimum length fourteen inches. Release cut-throat.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 season. Trout: Additional December 15 through March 15 season downstream from hatchery intake footbridge except closed from Hatchery Road Bridge to posted sign at hatchery outlet. Release all fish other than hatchery steelhead.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: June 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All game fish: Release all fish except steelhead. Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. April 1 through July 31 release wild chinook. October 1 through November 30 release chinook.

From 2800 Bridge to source: Closed waters.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to South 277th Street Bridge in Auburn: June 1 through July 31 and September ((+5)) 16 through last day in February season except waters from the SW 43rd Street/South 180th Street Bridge to the South 277th Street Bridge are closed September ((+5)) 16 through September 30. Nonbuoyant lure restriction and night closure September ((+5)) 16 through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. Wild steelhead may be retained July 31 through August 15 and September ((+5)) 16 through November 30. Salmon: Open only September ((+5)) 16 through December 31 except closed September 16 through September 30 from SW 43rd Street/South 180th Street Bridge to the South 277th Street

Bridge. Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook salmon.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: June 1 through July 31 and October 16 through March 15 season. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through March 15. Trout, minimum length fourteen inches. Wild steelhead may be retained July 1 through July 31 and October 16 through November 30. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through March 15 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. Wild steelhead may be retained July 1 through November 30. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

~~((Green River (Cowlitz County): Closed waters: All tributaries:~~

~~From mouth to 2800 Bridge: June 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All game fish: Release all fish except steelhead. Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon, except September 1 through November 30 the daily limit may contain 4 adult salmon. Release chum and wild coho. April 1 through July 31 release wild chinook. August 1 through November 30 release chinook.~~

~~From 2800 Bridge to source: Closed waters.))~~

Greenwater River (King County), from mouth to Greenwater Lakes: Selective gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release

wild cutthroat. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to Olympic National Park boundary below mouth of South Fork: June 1 through April 15 season. December 1 through April 15, from DNR Oxbow Campground Boat Launch to mouth of south fork, selective gear rules. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to DNR Oxbow Campground Boat Launch: Trout: Minimum length fourteen inches and one wild steelhead per day may be retained. Salmon: Open only May 16 through November 30 mouth to ~~((Morgan's Crossing Boat Launch and June 1 through August 31 from))~~ Willoughby Creek and October 16 through November 30 Willoughby Creek to Morgan's Crossing Boat Launch ((to Olympic National Park boundary below mouth of South Fork)). Daily limit 6 fish of which no more than 2 may be adult salmon except ~~((release wild adult chinook salmon May 16 through August 31 upstream from mouth to DNR Oxbow Campground, May 16 through October 15 release adult salmon from DNR Oxbow Campground to Morgan's Crossing Boat Launch and June 1 through August 31 release adult salmon from Morgan's Crossing Boat Launch upstream to Olympic National Park boundary below mouth of South Fork))~~ May 16 through August 31 from mouth to Willoughby Creek open Wednesday through Sunday only of each week and daily limit may contain no more than one adult salmon.

Hoh River South Fork (Jefferson County), outside Olympic National Park: June 1 through April 15 season. December 1 through April 15, selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): Trout, minimum length fourteen inches.

From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 15.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Fly fishing only. All species: Release all fish.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only ~~((September))~~ October 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to the abandoned flat car bridge downstream of the mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except ~~((the daily limit may contain no more than one wild adult coho and one))~~ release adult chinook. ~~((Release chum:))~~

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit five.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County), from mouth to forks: June 1 through last day in February season. (~~Non-buoyant lure restriction~~) Night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through (~~January 31~~) November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release (~~chum~~) adult chinook, and wild adult coho.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County): Non-buoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Mouth to Donkey Creek Road Bridge: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): From mouth to waterfall approximately 5 and three-quarters miles upstream: Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Issaquah Creek (King County): Closed waters.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30 from Highway 109 Bridge to Ocean Beach Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Johns Creek (Mason County): Closed waters.

Johns River, including North and South Forks (Grays Harbor County): June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 from mouth to Ballon Creek. Trout: Minimum length fourteen inches. Salmon: Open only (~~September~~) October 1 through November 30 from mouth to Ballon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except (~~the daily limit may contain no more than one wild adult coho and one~~) release adult chinook. (~~Release chum~~)

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from two hundred feet above to one thousand five hundred feet below the rack are closed waters. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to one thousand five hundred feet below the rack. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. Trout: Minimum length 20 inches. Salmon: Open year-round. Daily limit 6 fish of which no more than 2 may be adult salmon (~~except September 1 through December 31~~ daily limit 6 fish of which no more than 2 may be adult chinook). Release chum and wild coho. Release wild chinook January 1 through July 31. October 1 through December 31 release chinook upstream from natural gas pipeline crossing.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. Trout: Minimum length 14 inches.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. Trout: Minimum length 14 inches.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. Trout: Selective gear rules, minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kiwanas Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 season, except the inlet and outlet to first Weyerhaeuser spur are closed waters.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: May 1 through January 31 season. Game fish: Closed December 1 through January 31. Trout: Minimum length twelve inches. Steelhead and salmon: May 1 through May 31 daily limit one hatchery steelhead or one salmon. Salmon: June 1 through January 31 daily limit 6 fish of which no more than 2 may be adult salmon (~~except September 1 through January 31~~ daily limit 6 fish of which no more than 2 may be adult chinook).

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches.

Salmon: Open only (~~June~~) August 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. Daily limit 6 fish of which no more than 2 may be adult salmon (~~(, except June 1 through July 31 release adult salmon and September 1 through November 30 daily limit 6 fish of which no more than 2 may be adult chinook)~~). Additional December 1 through March 31 season. Whitefish gear rules apply.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than two over twelve inches in length.

Lemna Lake (Grant County): April 1 through September 30 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately

one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Minimum length twelve inches. Release wild cutthroat. Salmon: Open year-round. May 1 through July 31 daily limit (~~(one fish)~~) six fish of which not more than one may be an adult salmon. August 1 through April 30, daily limit of 6 fish of which no more than 2 may be adult salmon (~~(, except September 1 through December 31 daily limit 6 fish of which no more than 2 may be adult chinook)~~). Release chum and wild coho. Release wild chinook January 1 through July 31.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Fishing from a floating device prohibited from May 1 through July 31 from Johnson Creek to Colvin Creek. Nonbuoyant lure restriction and night closure April 1 through October 31 upstream from Johnson Creek. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open year-round. May 1 through July 31 daily limit (~~(one)~~) six fish of which not more than one may be an adult salmon. August 1 through April 30 daily limit 6 fish of which no more than 2 may be adult salmon (~~(, except September 1 through December 31 daily limit 6 fish of which no more than 2 may be adult chinook)~~). Release chum and wild coho. Release wild chinook January 1 through July 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: June 16 through September 30 and December 16 through April 30 season. Nonbuoyant lure restriction and night closure April 1 through October 31. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open only August 1 through September 30 and January 1 through April 30. Daily limit 6 fish of which no more than 2 may be adult salmon (~~(, except September 1 through September 30 daily limit 6 fish of which no more than two may be adult chinook)~~). Release chum and wild coho. Release wild chinook January 1 through (~~July 31~~) April 30.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse: Last Saturday in April through October 31 season. Fishing from any floating device prohibited. Trout: Daily limit 5 fish.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream.

Mouth to top boat ramp at Lewisville Park: Year-round season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained. Top boat ramp at Lewisville Park to 400 feet below Horseshoe Falls: June 1 through March 15 season. Selective gear rules. All fish: Release all fish except up to two hatchery steelhead per day may be retained.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only. Salmon: Landlocked salmon rules apply.

Lions Park Pond (Walla Walla County): Juveniles only.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from Buffalo Road to Crystal Falls: Selective gear rules, and all species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season. Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Friderger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March 15 season, except closed Wednesdays May 1 through May 31. Night closure and nonbuoyant lure restriction May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. May 1 through June 30 daily limit of two fish, of which two fish one or both may be hatchery steelhead or one or both may be chinook salmon. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and chinook salmon. Trout: July 1 through March 15 minimum size twelve inches. Release wild cutthroat. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon (~~except September 1 through December daily limit six fish of which not more than two may be adult chinook~~).

Lone Lake (Island County): Selective gear rules, except electric motors allowed. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Mason County): Last Saturday in April through October 31 season.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Ludlow Lake (Jefferson County): Last Saturday in April to October 31 season.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches. From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): Closed waters.

Mayfield Lake (Reservoir) (Lewis County): Salmon: Landlocked salmon rules apply.

McAllister Creek (Thurston County): Nonbuoyant lure restriction and night closure August 1 through November 30.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steilacoom Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

McLane Creek (Thurston County), from the south bridge on Highway 101 upstream: Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from a line 50 feet north of and parallel to Mud Bay Road Bridge to a line 100 feet upstream of and parallel to the south bridge on Highway 101. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. Gold Creek to Weeman Bridge: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31: From mouth upstream to the falls above Brush Creek. Additional season: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): June 1 through August 31 and November 1 through March 15 seasons. Trout: Minimum length fourteen inches. Release wild cutthroat.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to 9th St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except hatchery steelhead September 1 through April 15.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. Mainstem from Roosevelt Street Bridge to Panjab Bridge: Selective gear rules. Trout: Maximum length twenty inches. Upstream from Panjab Bridge: Closed waters.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum. All species: Release all fish except chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to outside the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Additional December 1 through March 31 season. Whitefish gear rules apply.

From Little Naches River upstream: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery attraction channel.

Mainstem: Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 downstream from North Fork. Downstream from the Crown Main Line Bridge fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon and of these 3 fish no more than 1 may be a wild adult coho and not more than 2 may be adult chinook or chum.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. All game fish: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of North Fork to source: Selective gear rules. All species: Release all fish.

South Fork, from mouth to Bean Creek: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All game fish: Release all fish. Additional November 1 through last day in February season. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Nason Creek Fish Pond (Chelan County): Juveniles and holders of disability licenses only.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road August 16 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules on Middle Nemah above DNR Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 on North and Middle Nemah and on South Nemah from mouth to confluence with Middle Nemah. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah. Salmon: Open only August 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah and October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Middle and South Nemah: Daily limit 6 fish of which no more than 2 may be adult salmon and of the two adult fish no more than one may be a wild adult coho. North Nemah: Daily limit 6 salmon of which not more than 3 may be adult salmon and of the adult fish no more than one may be a wild adult coho and no more than two may be adult chinook or adult chum.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork (Lewis County): June 1 through March 31 season. Night closure ~~((and nonbuoyant lure restriction))~~ and single point barbless hooks required August 16 through November 30 from mouth to Gheer Creek. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through last day in February ~~((28))~~ from mouth to Gheer Creek. Daily limit 6 fish of which no more than 2 may be adult salmon ~~((, except October 16 through November 30 the daily limit may contain no more than one wild adult coho))~~. Release ~~((chum and))~~ adult chinook. Release wild adult coho December 1 through last day in February ~~((28))~~.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

EXPEDITED

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure (~~(, nonbuoyant lure restriction)~~) and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Closed December 1 through January 31. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release pink salmon.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through last day in February season except closed June 1 through September 30 in mainstem from Mount Baker High School bus barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through last day in February. Nonbuoyant lure restriction and night closure August 1 through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 in mainstem from Lummi Indian Reservation boundary to Mount Baker High School bus barn. Open only October ~~((45))~~ 16 through December 31 in mainstem from the bus barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release chinook and wild coho.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through last day in February season. Selective gear rules. (~~(Nonbuoyant lure restriction and)~~) Night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October ~~((45))~~ 16 through December 31. Daily limit 2 salmon, except release chinook and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season. (~~(Nonbuoyant lure restriction and)~~) Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout.

Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

EXPEDITED

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season. Single point barbless hooks (~~(non-buoyant lure restriction)~~) and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. Above the confluence of the South and Middle Forks: Selective gear rules. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from the Highway 101 Bridge to the confluence of the South and Middle Forks.

Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.

Palmer Lake (Okanogan County): Burbot: Set line gear allowed.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From 500 feet below diversion dam to diversion dam: Closed waters.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon and of which not more than one may be an adult chinook salmon. Release pink salmon.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quillayute River (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 31. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed February 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Wall-eye: No minimum size. Daily limit 5 fish not more than one of which may be longer than 18 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Trout: Daily limit two. Sturgeon: Unlawful to fish for or retain sturgeon.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained November 1 through last day in February. Salmon: Open only September 1 through November 30 from mouth to Q 1000 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Nonbuoyant lure restriction and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas

Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: No more than two over fourteen inches in length. Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Closed to salmon fishing within 100 yards of the mouth of Issaquah Creek. Open only August 16 through November 30. Daily limit two salmon. Release sockeye.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. June 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, ~~((including all forks))~~ (Grays Harbor County): ~~((Nonbuoyant lure restriction))~~ Mainstem and East Fork single point barbless hooks and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park ~~((and on))~~. Middle and West forks ~~((upstream))~~ downstream from Cougar Smith Road nonbuoyant lure restriction and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road night closure and nonbuoyant lure restriction August 16 through October 31. All open periods: Trout: Minimum length fourteen inches.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season. ~~((Single point barbless hooks required August 16 through November 30.))~~ Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except ~~((that the daily limit may contain no more than one))~~ release adult chinook ~~((and one wild adult coho. Release ehum))~~.

~~((East Fork, from bridge at Schafer State Park upstream: Single point barbless hooks required August 16 through October 31.))~~

Middle Fork (Turnow Branch), from mouth to Cougar~~((-~~))Smith Road: Additional November 1 through last day in February season. West Fork, from mouth to Cougar~~((-~~))Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot

Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season.

Silver Lake, North (Spokane County): Fly fishing only. All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silvernail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Additional December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only (~~August 15~~) September 1 through December 31. Daily limit ((4)) 2 salmon (~~(of which no more than two may be coho or two may be chum)~~). Release chinook.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only (~~August 15~~) September 1 through December 31. Daily limit ((4)) 2 salmon (~~(of which no more than two may be coho or two may be chum)~~). Release chinook.

From Gilligan Creek to Bacon Creek: June 1 through March 15 season except closed June 1 through June 30 and August 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only ((July 1)) September 16 through ((July)) December 31 (~~(from Dalles Bridge to the Baker River, daily limit 2 sock~~

~~eye, and Dalles Bridge to Cascade River October 1 through October 31)) Gilligan Creek to the Cascade River, daily limit two ((~~coho~~)) salmon. Release chinook ((~~at all times~~)).~~

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 1 through November 30. June 1 through last day in February season. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through December 15 mouth to Highway 101 Bridge. Daily limit 1 salmon August 1 through September 30 and 6 salmon October 1 through December 15, except October 1 through December 15 the daily limit may contain no more than 4 adult fish and of these adults not more than one may be an adult chinook. August 1 through October 15 release chum salmon.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skookum Creek (Mason County): Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

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Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Single point barbless hooks (~~(;)~~) and night closure (~~((and non-buoyant lure restriction))~~) August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through last day in February. Daily limit 6 fish of which no more than 2 may be adult salmon, except (~~((October 16 through November 30 the daily limit may contain no more than one wild adult coho and))~~) December 1 through the last day in February release adult wild coho. Release (~~((chum and))~~) adult chinook.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of (~~((Sultan))~~) Wallace River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open June 1 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit 1 hatchery chinook. Open (~~((only))~~) September 1 through December 31. Daily limit 2 salmon. Release chinook and pink salmon.

From the mouth of the (~~((Sultan))~~) Wallace River to the forks: June 1 through last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing for game fish from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds August 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only (~~((November))~~) September 1 through December 31. Daily limit 2 ((chum)) salmon. Release chinook and pink salmon.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season. Single point barbless hooks, (~~((nonbuoyant lure restriction))~~) and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an adult wild coho. Release adult chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Snake River: Year-round season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than two over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon: Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained. Channel catfish: No daily limit.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): April 1 through September 30 season.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. Daily limit 2 salmon. Release chinook

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and pink salmon. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

Snoqualmie River (King County):

From mouth to the falls: June 1 through last day in February season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor allowed. Fishing for game fish from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release chinook and pink.

From Snoqualmie Falls, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: June 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Sol Duc River (Clallam County): June 1 through April 30 season. November 1 through April 30, selective gear rules from the concrete pump station at the Soleduck Hatchery to the Olympic National Park boundary. November 1 through April 30 from the Highway 101 Bridge downstream from Snider Creek to the Olympic National Park boundary unlawful to fish from a floating device and all species: Release all fish. Trout: Minimum length fourteen inches. December 1 through April 30, from mouth to the concrete pump station at the Soleduck Hatchery, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through August 31 season. September 1 through October 31 - night closure. Trout: Minimum length fourteen inches. Salmon: Open only October (~~(13)~~) 12 through October (~~(28)~~) 27 to fishing by juveniles only. Terminal gear restricted to one single hook. Daily limit two coho salmon.

Bridge near hatchery residence to Salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit five, no minimum length, no more than one over eighteen inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year-round season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating device equipped with a motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cut-throat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stettelle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Stevens Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Warm Beach-Stanwood Highway, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only (~~September 1~~) October 16 through December 31. Daily limit 2 chum salmon. (~~Release chinook and coho.~~)

From Warm Beach-Stanwood Highway to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Night closure August 1 through November 30. Selective gear rules June 1 through November 30 except fishing from a floating device equipped with a motor allowed June 1 through November 30. Trout: June 1 through November 30 release all fish except hatchery steelhead. Minimum length fourteen inches December 1 through last day in February. Salmon: Open only (~~September 1~~) October 16 through December 31. Daily limit 2 chum salmon. (~~Release chinook and coho. Minimum size 14 inches.~~)

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. March 1 through November 30: All species: Release all fish except hatchery steelhead. April 16 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suittle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with a motor is allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Tahuya River (Mason County): Mouth to Bear Creek-Dewatto Road crossing: June 1 through February 28 season. Game fish: Selective gear rules and release all fish. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Single point barbless hooks required. Daily limit 2 coho salmon.

Bear Creek-Dewatto Road crossing upstream: Selective gear rules and release all fish.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Last Saturday in April to October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Teaway River, including North Fork (Kittitas County): Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 15 except fishing from floating dock permitted.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Salmon: Open only June 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult fish (~~except October 1 through December 31 the daily limit may contain up to 4 adult salmon~~). Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Release all steelhead. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through April 15. Barbless

hooks required. All species: Release all fish except hatchery steelhead and brown trout.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except hatchery steelhead. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon (~~(, except September 1 through November 30 daily limit 6 fish)~~). Release chum and (~~(chinook. Release)~~) wild coho in mainstem. Release wild coho in North Fork. Release all chinook October 1 through November 30 in North Fork upstream from Kidd Valley Bridge.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County):

All species: Release all fish except sturgeon may be retained downstream from Highway 300 Bridge. From Highway 300 Bridge upstream to watershed boundary: Selective gear rules.

From Highway 300 Bridge to lower bridge on Old Belfair Highway: Closed waters August 16 through October 31.

From mouth to lower bridge on the Old Belfair Highway, additional November 1 through last day in February season.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish:

Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish and of the adult fish not more than one may be a wild adult coho. Release chum and adult chinook.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through last day in February season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From the mouth to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Release trout April 1 through May 31.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February: Release all steelhead and rainbow trout over twenty inches in length. March 1 through June 30: Minimum length twelve inches, and release all steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit two coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 seasons. Nonbuoyant lure restriction and night closure September 1 through October 31. Trout: Minimum length twelve inches. Release wild cutthroat. Salmon: Open only August 1 through March 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Upstream of Little Washougal River, release chinook October 1 through December 31.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. All species: Release all fish except hatchery steelhead.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Waughop Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenaha River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through December 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Nonbuoyant lure restriction and night closure August 1 through November 30. Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: July 1 through March 31 season. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through December 31 release chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season. Trout: Minimum length fourteen inches. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. November 16 through December 31 release chinook. Salmon and steelhead: Open April 1 through June 15, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Fork Creek: June 1 through March 31 season. Night closure and single point barbless hooks August 16 through November 30 mouth to Highway 6 Bridge. Nonbuoyant lure restriction, night closure and single point barbless hooks required August 16 through November 30 Highway 6 Bridge to Fork Creek. ~~((Fishers may not allow their line, lures or bait to remain stationary in the water August 16 through November 30.))~~ November 1 through March 31 fishing from any floating device prohibited from the bridge on Willapa Road to Fork Creek.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult chinook and not more than two may be chum.

Sturgeon: Open year-round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish.

South Fork: Nonbuoyant lure restriction and night closure August 16 through October 31. All species: Release all fish except up to two hatchery steelhead may be retained. Additional November 1 through last day of February season. Nonbuoyant lure restriction and night closure November 1 through November 30. All species: Release all fish except that up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season. Mouth to High Bridge: May 1 through June 30: Nonbuoyant lure restriction and night closure. Salmon and steelhead: Open May 1 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31 from mouth to

railroad bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. Night closure and nonbuoyant lure restriction. Salmon and steelhead: Daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Mouth to West Fork: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only ~~((September))~~ October 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon, ~~((except the daily limit may contain no more than one wild adult coho and one))~~. Release adult chinook. ~~((Release chum.))~~

From the West Fork to four hundred feet below outlet: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. ~~((Trout: Minimum length fourteen inches.))~~ Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except daily limit may contain no more than 1 wild adult coho December 1 through January 31. Release adult chinook.

7400 line bridge ~~((to barrier dam))~~ upstream: Additional December 1 through March 31 season. Selective gear rules. Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained. ~~((Salmon: Open only September 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult~~

~~salmon, except the daily limit may contain no more than 1 wild adult coho and 1 adult chinook. Release chum.))~~

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries.

From mouth to Prosser Dam: Chumming permitted. Channel catfish: No daily limit. Salmon: Open only September 16 through October 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to Highway 223 Bridge: Bass: No daily limit of bass under 12 inches in length. Release bass 12 to 17 inches in length. Unlawful to retain more than one bass per day greater than 17 inches in length.

From mouth to thirty-five hundred feet below Roza Dam: Year-round season. Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31. Thirty-five hundred feet below Roza Dam to four hundred feet below Roza Dam: December 1 through last day in February season. Whitefish gear rules apply.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Selective gear rules except bait and one single point barbed hook three-sixteenths or smaller point to shank may be used for whitefish December 1 through last day in February. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size from Lake Easton to Keechelus Dam.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

AMENDATORY SECTION (Amending Order 01-107, filed 6/21/01, effective 7/22/01)

WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the daily limit codes in WAC 220-56-180:

- (1) Catch Record Card Area 1:
 - (a) May 1 through May 24 - Closed.
 - (b) May 25 through June 16 - Daily limit of two chinook salmon ((not more than one of which may be a chinook salmon, except release wild coho salmon)).
 - (c) June 17 through July 6 - Closed.
 - (d) July 7 through August 15 - Open Sundays through Thursdays only((, July 1 through September 3 and seven days per week September 4 through September 30, except)) - Daily limit of 2 salmon, except release wild coho.
 - (e) August 16 through September 30 - Daily limit of two salmon, except release wild coho.
 - (f) October 1 through April 30 - Closed.
 - (g) Closed in the Columbia River Mouth Control Zone 1 during all open periods, see WAC 220-56-195.
- (2) Catch Record Card Area 2 and Catch Record Card Area 2-2 west of the Buoy 13 line:
 - (a) May 1 through May 24 - Closed.
 - (b) May 25 through June 16 - Daily limit of two chinook salmon ((only one of which may be a chinook salmon, except release wild coho salmon--)).
 - (c) June 17 through June 29 - Closed.
 - (d) June 30 through August 15 - Open Sundays through Thursdays only((, July 1 through September 30)). Daily limit 2 salmon except release wild coho.
 - (e) August 16 through September 8 - Daily limit 2 salmon except release wild coho.
 - (f) September 9 through April 30 - Closed.
- (3) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):
 - (a) ((July 1)) May 1 through May 24 - Closed.
 - (b) May 25 through August 31 - Open concurrent with Area 2 when Area 2 is open for salmon angling((;)).
 - ((b)) (c) September 1 through November 30 - Daily limit of six salmon, not more than two of which may be adult salmon except no more than one of which may be ((a wild)) an adult ((coho)) chinook.
 - (d) December 1 through April 30 - Closed.
 - (e) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open only August 16 through January 31 - Daily limit of six salmon not more than four of which may be adult salmon((-- August 16 through January 31)).
 - (4) Willapa Bay (Catch Record Card Area 2-1):
 - (a) ((July 1)) May 1 through May 24 - Closed.
 - (b) May 25 through August 15 - Open concurrent with Area 2 when Area 2 is open for salmon angling.
 - ((b)) (c) August 16 through January 31 - Daily limit of six salmon, not more than two of which may be adult salmon.
 - (d) February 1 through April 30 - Closed.
 - (5) Catch Record Card Area 3:

(a) May 1 through May 24 - Closed.

(b) May 25 through June 16 - Daily limit of two chinook salmon ((except no more than one of which may be a chinook and release wild coho salmon—)).

(c) June 17 through July 6 - Closed.

(d) July ((+) (7) through September ((23 in all Area 3 and September 24 through October 21 only in those waters outside the mouth of the Quillayute River and inside a line northwesterly from Teahwit Head to "Q" buoy, then to Cake Rock, then true east to shore)) 8 - Daily limit of 2 salmon except release wild coho.

(e) September 9 through April 30 - Closed.

(f) Notwithstanding the provisions of this subsection, waters inside a line from Teahwit Head to "Q" buoy and then to Calee Rock then east to shore open September 21 through October 6 - Daily limit two salmon except release wild coho.

(6) Catch Record Card Area 4:

(a) May 1 through May 24 - Closed.

(b) May 25 through June 16 - Daily limit of two chinook salmon ((except no more than one of which may be a chinook salmon and)).

(c) June 17 through July 6 - Closed.

(d) July 7 through September 8 - Daily limit of 2 salmon except release wild coho salmon, release chinook salmon caught east of the Bonilla-Tatoosh line, and release chum salmon August 1 through September ((30—July 1 through September 30)) 8.

(e) September 9 through April 30 - Closed.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, and for the species designated in this section and sizes as defined in WAC 220-56-180. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 232-28-620.

(1) Catch Record Card Area 5:

(a) May 1 through June 30 - Closed.

(b) July 1 through ((August 31)) September 30 - Daily limit of 2 salmon, except((;)) release chum and wild coho salmon. Release chinook ((retention will be prohibited when 2000 chinook quota is estimated to be reached)) July 1 through July 7. Daily limit may contain not more than one chinook July 8 through September 30.

((b) September) (c) October 1 through ((September 30)) October 31 - ((Daily limit of 2 salmon, except release chinook and chum)) Closed.

((e)) (d) November 1 through November 30 - Daily limit of 2 salmon of which no more than one may be a chinook salmon.

((d)) (e) December 1 through February 14 - Closed.

(f) February ((+6)) 15 through April 10 - Daily limit of 1 salmon.

(g) April 11 through April 30 - Closed.

(2) Catch Record Card Area 6:

(a) ((August)) May 1 through June 30 - Closed.

(b) July 1 through September 30 - Daily limit of 2 salmon, except release chinook, chum and wild coho salmon.

((b)) (c) October 1 through October 31 - Closed except Dungeness Bay inside a line from Dungeness Spit Light to the No. 2 red buoy and then to the Port Williams boat ramp ((open only October 1 through October 31)) - Daily limit of 2 coho salmon(, release all salmon except coho salmon)).

((e)) (d) November 1 through November 30 - Daily limit of 2 salmon of which no more than one may be a chinook salmon.

((d)) (e) December 1 through February 14 - Closed.

(f) February ((+6)) 15 through April 10 - Daily limit of 1 salmon.

(g) April 11 through April 30 - Closed.

(3) Catch Record Card Area 7:

(a) May 1 through June 30 - Closed.

(b) July 1 through July 31 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

((b)) (c) August 1 through September 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon, release chum and wild coho.

((e)) (d) October 1 through October 31 - Daily limit of 2 salmon, except release chinook salmon.

((d)) (e) November 1 through November 30 - Daily limit of 2 salmon, no more than one of which may be a chinook salmon.

((e)) (f) December 1 through January 31 - Closed.

(g) February ((+6)) 1 through ((April 10)) March 31 - Daily limit of one salmon.

((f)) (h) April 1 through April 30 - Closed.

(i) Notwithstanding the provisions of this subsection, during the period August 16 through October 31 the daily limit in Bellingham Bay and adjacent waters described in WAC 220-56-195(1) is 4 salmon, no more than ((+) 2 of which may be chinook.

(4) Catch Record Card Area 8-1:

(a) May 1 through July 31 - Closed.

(b) August 1 through ((September 30—Daily limit of 4 salmon, no more than two of which may be coho or chum, and release chinook.

(b) October 1 through)) October 31 - Daily limit 2 salmon, release chinook.

(c) November 1 through November 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(d) December 1 through January 31 - Closed.

(e) February ((+6)) 1 through ((April 10)) March 31 - Daily limit of one salmon.

(f) April 1 through April 30 - Closed.

(5) Catch Record Card Area 8-2:

(a) May 1 through July 31 - Closed.

(b) August 1 through ((September 30—Daily limit of 4 salmon, no more than two of which may be coho or chum, and release chinook.

(b) October 1 through)) October 31 - Daily limit 2 salmon, release chinook.

(c) ((Waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet of shore between pilings at Old Bower's Resort on the south and a fishing marker 1.4 miles northwest of Hermosa Point open only 12:01 a.m. each Friday through 11:59 a.m. the following

~~Monday, July 1 through September 30. Daily limit of 2 salmon not more than 1 of which may be a chinook salmon.~~

~~((d)) November 1 through November 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.~~

~~(d) December 1 through February 14 - Closed.~~

~~(e) February ((46)) 15 through April 10 - Daily limit of one salmon.~~

~~(f) April 11 through April 30 - Closed.~~

(g) Notwithstanding the provisions of this subsection, waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet of shore between pilings on Old Bowers Resort on the south and a fishing marker 1.4 miles northwest of Hermosa Point open Friday through 11:59 a.m. the following Monday of each week June 30 through September 30. Daily limit two salmon.

(6) Catch Record Card Area 9:

~~(a) ((August)) May 1 through June 30 - Closed.~~

~~(b) July 1 through September 30 - Daily limit of 2 salmon except release chinook and chum salmon.~~

~~((b)) (c) October 1 through October 31 - Daily limit of 2 salmon except release chinook.~~

~~((e)) (d) November 1 through November 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.~~

~~((d)) (e) December 1 through January 31 - Closed.~~

~~(f) February 1 through March 31 - Daily limit one salmon.~~

~~(g) April 1 through April 30 - Closed.~~

~~(h) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Edmonds fishing pier - Daily limit of 2 salmon not more than one of which may be a chinook salmon, release chum August 1 through September 30.~~

~~((e)) (i) Notwithstanding the provisions of this section, salmon fishing is permitted year-round from the Hood Canal Bridge Fishing pontoon - Daily limit of 2 salmon not more than one of which may be a chinook salmon, except release chinook July 1 through August 31 and release chum salmon August 1 through October 15.~~

~~((f) February 16 through April 10 - Daily limit of one salmon:))~~

(7) Catch Record Card Area 10:

~~(a) May 1 through June 30 - Closed.~~

~~(b) July 1 through October 31 - Daily limit of 2 salmon except release chinook salmon, release chum ((July)) August 1 through September 15, and:~~

~~(i) During the period July 1 through August 31, Elliott Bay east of a line from West Point to Alki Point is closed, except ((waters east of a line from Pier 91 to Duwamish Head open July 20 through July 22, July 27 through July 29, August 3 through August 5, and August 10 through August)) July 12 through August 18 - Open Friday through Sunday only of each week - Daily limit of 2 salmon ((not more than one of which may be a chinook salmon)), release chum August 1 through August 18.~~

~~(ii) During the period July 1 through August 31, Shilshole Bay east of a line from Meadow Point to West Point is closed.~~

~~(iii) During the period July 1 through September 15, it is lawful to retain chinook salmon in the daily limit in waters of~~

Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point and west of a line projected true south from Point White((~~Daily limit of 2 salmon, release chum July 1 through September 15~~)).

~~((b)) (c) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.~~

~~((e)) (d) December 1 through December 15 - Release all salmon. ((Only one single pointed hook allowed.~~

~~(d)) (e) December 16 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.~~

~~((e) March)) (f) January 1 through ((April 10)) last day in February - Daily limit of 1 salmon.~~

~~((f)) (g) March 1 through April 30 - Closed.~~

~~(h) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Elliott Bay public fishing pier at Terminal 86, Seacrest pier, Waterman pier, Bremerton boardwalk, and the Illahee State Park pier - Daily limit of 2 salmon not more than one of which may be a chinook salmon, release chum ((July)) August 1 through September 15.~~

~~((g)) (i) During ((a)) salmon openings in the Duwamish Waterway ((provided for in this section)) July 1 through October 31, it is unlawful to fish with terminal gear other than bait suspended above the bottom on a float. The Duwamish Waterway is defined as those waters downstream from the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island.~~

(8) Catch Record Card Area 11:

~~(a) ((June 1 through June 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon:)) May 1 through June 30 - Closed.~~

~~(b) July 1 through October 31 - Daily limit of 2 salmon((; release pink salmon)).~~

~~(c) November 1 through December 31 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.~~

~~(d) ((February 16)) January 1 through April 10 - Daily limit of one salmon.~~

~~(e) April 11 through April 30 - Closed.~~

~~(f) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Les Davis public fishing pier, Des Moines public fishing pier, Redondo public fishing pier, Dash Point Dock and the Point Defiance Boathouse Dock - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.~~

(9) Catch Record Card Area 12:

~~(a) May 1 through June 30 - Closed.~~

~~(b) July 1 through ((September 30)) October 15 in waters south of Ayock Point - Daily limit of 4 salmon, not more than two of which may be chinook salmon and release chum salmon.~~

~~((b) August 16 through October 15 in waters north of a true east-west line from Point Whitney to the Toandos Peninsula - Daily limit of 4 coho salmon only.~~

~~(e) September 1 through September 30 in the waters north of Ayock Point - Daily limit of 4 coho salmon only.~~

EXPEDITED

~~(d) October 1 through October 15—Daily limit of 4 coho only;~~ (c) July 1 through August 31 - Water north of Ayock Point - Closed.

(d) September 1 through October 15 - Water north of Ayock Point - Daily limit 4 coho salmon.

(e) ~~October 16 through ((November 30))~~ December 31 - Daily limit of ((2)) 4 salmon, ((release)) not more than one of which may be a chinook salmon.

(f) ~~((March 1 through March 31))~~ January 1 through February 14 - Closed.

(g) February 15 through April 10 - Daily limit of 1 salmon.

~~((g))~~ (h) April 11 through April 30 - Closed.

(i) Notwithstanding the provisions of this subsection, in those contiguous waters north of a line from Point Whitney due west to the Tonandos Peninsula, open only: August 16 through October 31 - Daily limit 4 coho salmon; November 1 through December 31 - Daily limit 4 salmon not more than one of which may be a chinook; and February 15 through April 10 - Daily limit one salmon.

(j) Waters of the Hoodspout Hatchery Zone are managed separately as provided for in WAC 220-56-124.

~~((h))~~ (k) The Hood Canal Bridge fishing pier is managed under Area 9.

(10) Catch Record Card Area 13:

(a) ~~May 1 through ((December 31))~~ June 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon ((May 1 through June 30 and November 1 through December 31 and release wild coho salmon July 1 through October 31)).

(b) July 1 through October 31 - Daily limit 2 salmon except release wild coho. Carr Inlet north of a line from Green Point to Penrose Point restricted to fly fishing gear only July 1 through July 31 with daily limit two coho, except release wild coho.

(c) November 1 through December 31 - Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(d) January 1 through February ((15)) 14 - Release all salmon. ((Only one single pointed hook allowed.

~~(e))~~ (e) February ((16)) 15 through April 10 - Daily limit of one salmon.

~~((d))~~ (f) April 11 through April 30 - Release all salmon. ((Only one single pointed hook allowed.

~~(e))~~ (g) Notwithstanding the provisions of this section, salmon fishing is permitted year-round from the Fox Island public fishing pier - Daily limit of 2 salmon, not more than one of which may be a chinook salmon and release wild coho salmon July 1 through October 31.

(11) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Additionally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, Budd Inlet, Titlow Beach and the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations.

WSR 02-10-132

EXPEDITED RULES

DEPARTMENT OF HEALTH

[Filed May 1, 2002, 11:20 a.m.]

Title of Rule: Chapter 246-333 WAC, Eye banks (Anatomical gifts—Corneal tissue).

Purpose: Chapter 246-333 WAC implements RCW 68.50.630 which states that corneal tissue may be provided by eye banks licensed by the secretary of health under rules promulgated by the Department of Health.

Other Identifying Information: The proposed rule repeals the chapter of the Washington Administrative Code which applies to this RCW.

Statutory Authority for Adoption: RCW 68.50.630.

Statute Being Implemented: RCW 68.50.630.

Summary: The 2002 legislature passed SB 6587, which repeals RCW 68.60.630, state regulation of eye banks.

Reasons Supporting Proposal: The existing rules are no longer necessary because the underlying statute has been repealed.

Name of Agency Personnel Responsible for Drafting: Yvette Lenz, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, (360) 705-6661; Implementation: Byron Plan, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, (360) 705-6780; and Enforcement: Gary Bennett, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, (360) 705-6651.

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 rule repeals chapter 246-333 WAC, Eye banks (Anatomical gifts—Corneal tissue). The rules are being repealed as a result of SB 6587, which passed in the 2002 legislative session. This bill repealed RCW 68.50.630, which stated that corneal tissue may be provided by eye banks licensed by the secretary of health under rules promulgated by the Department of Health. The passage of this bill removed statutory authority for these rules. There is currently only one eye bank licensed by the Department of Health. They are also regulated by the Federal Food and Drug Administration; state deregulation would not have a negative impact on public health.

Proposal Changes the Following Existing Rules: The proposed rule repeals chapter 246-333 WAC.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Yvette Lenz, Department

EXPEDITED

of Health, P.O. Box 47852, Olympia, WA 98504-7852, AND
RECEIVED BY July 1, 2002.

April 30, 2002
Mary C. Selecky
Secretary

REPEALER

The following chapter of the Washington Administrative
Code is repealed:

- | | |
|-----------------|-------------------------------------|
| WAC 246-333-010 | Definitions. |
| WAC 246-333-020 | Approval process. |
| WAC 246-333-030 | HIV/AIDS education and
training. |
| WAC 246-333-040 | Records. |

EXPEDITED



WSR 02-10-002
PERMANENT RULES
GAMBLING COMMISSION

[Order 412—Filed April 18, 2002, 4:01 p.m., effective July 1, 2002]

Date of Adoption: April 12, 2002.

Purpose: In the past, qualification reviews for Groups III, IV and V organizations were conducted once a year. Furthermore, Group VI and V reviews were presented to the commission each year. Staff will continue to perform reviews each year on Group III, IV and V organizations; however, the amendment reduces formal commission presentations of Group IV and V organizations from once a year, to once every three years. Furthermore, organizations with pending administrative actions will not come before the commission for a qualification review until the action has been resolved.

Citation of Existing Rules Affected by this Order: Amending WAC 230-08-255 and 230-04-064.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 02-06-037 on February 26, 2002.

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: July 1, 2002.

April 17, 2002

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 358, filed 7/15/98, effective 1/1/99)

WAC 230-04-064 Certification ((~~procedure—All~~) of new licenses—Formal commission approval. The commission shall review and make a determination regarding the qualification of all persons or organizations requesting to operate gambling activities authorized by chapter 9.46 RCW. The following review procedures apply to applicants for a license:

~~((1) Charitable and nonprofit organizations—To ensure that only bona fide charitable or nonprofit organizations are granted the privilege of raising funds from authorized gambling activities, the commission shall annually review the qualifications of each organization requesting a license to conduct such activities. As a part of this process, each organization shall clearly demonstrate that progress has been made~~

in meeting its purpose(s) by submitting required information and answering such inquiries as deemed necessary by commission staff. The certification process shall be completed as follows:

~~(a) All organizations requesting to be certified to conduct any gambling activities in Group I, II, or III shall be reviewed by commission staff and forwarded to the commission for review and approval at a public meeting. Provided, That for any organization requesting to be certified to conduct gambling activities in Group III, the director may direct the staff to prepare a summary of qualifications, as required by subsection (1)(b) of this section, and provide such to the commission for review;~~

~~(b) Any organization requesting to be certified to conduct gambling activities in Group IV or V shall be reviewed by commission staff and a summary of the organization's qualifications shall be prepared and provided to the commission for review and approval. At the request of the director, at least one representative from the organization shall be present at the public meeting at which the summary of their qualification is presented;~~

~~(c) In addition, any organization requesting approval or an upgrade to conduct gambling activities in Group V shall be scheduled for formal review as a condition of licensure and periodically thereafter as determined by the director or the commission. The formal review shall be at a scheduled open meeting of the commission and, when possible, held in the general area which encompasses the organization's service area. The review will cover the organization's most recent annual financial report as required by WAC 230-08-122. If an organization desires to submit additional information, it must be submitted at least twenty days prior to the date of its scheduled review. The organization must be represented by at least three members of its board of directors, its chief executive officer, and the primary gambling manager. The organization may solicit testimony from clients, local social and welfare providing agencies, public agencies, and other charitable or nonprofit organizations. The commission may solicit information from the public or any other interested parties and shall notify local law enforcement agencies of the time and location of the review. The formal review will include a brief session for the organization to inform the commission on the progress made during its previous fiscal year in achieving its purposes, including the extent to which gambling income was used for charitable as opposed to nonprofit services and planned uses for any gambling income remaining from the previous fiscal year;~~

~~(d) At the conclusion of the review of qualifications for a charitable or nonprofit organization, the commission will approve the organization requested or:~~

~~(i) Require the organization to submit additional information;~~

~~(ii) Return the application to the staff for further investigation; or~~

~~(iii) Grant a temporary or conditional license;~~

~~(2) Commercial, individual and all other applicants—After the staff has completed its review of an application, a recommendation shall be made to the commission. The commission shall review each application at a public meeting. Each applicant found to be qualified will be issued the license~~

requested. If the commission does not approve the application, it shall be returned to commission staff for further investigation;

~~(3) If an organization is currently licensed and the commission does not approve the application, the application shall be returned to commission staff for further investigation. A temporary or conditional license will be issued pending completion of the review process.))~~ **Procedures.**

(1) To determine if an individual, organization, and all other applicants for a gambling license are qualified to hold a license, staff shall:

- (a) Investigate the qualifications of each applicant;
- (b) Prepare a recommendation for the commission; and
- (c) Present the recommendation to the commission at a public meeting.

Additional requirements for charitable organizations.

(2) As part of the review process, bona fide charitable or nonprofit organizations shall clearly demonstrate that progress has been made in meeting its stated purpose(s) in order to be granted the privilege of raising funds from authorized gambling activities.

Formal commission approval.

(3) The commission shall review each application at a public meeting. Each qualified applicant shall be issued the license requested. If the commission does not approve the application, it shall be returned to staff for further investigation.

AMENDATORY SECTION (Amending Order 393, filed 11/17/00, effective 12/31/00)

WAC 230-08-255 Bona fide charitable or nonprofit organizations—Qualification review—Significant progress required(~~—Procedures~~)—Exception. A charitable or nonprofit organization requesting to be certified to conduct gambling activities must demonstrate it has made significant progress toward its stated purposes during the period under review. The following definitions and procedures will apply:

Progress toward stated purpose.

(1) An organization will be deemed to have made progress toward its stated purposes when it:

- (a) Complies with all requirements set forth in its bylaws and articles of incorporation;
- (b) Actively engages in providing services to the public or its members during the entire period under consideration, and such services directly relate to the stated purposes of the organization;
- (c) Has held elections to select officers at least once in the previous two years; and
- (d) Has held a general membership meeting to conduct the business of the organization at least once in the previous two years.

Available resources for stated purpose.

(2) An organization's progress towards its stated purpose will be deemed significant when a substantial portion of its available resources are used for providing program services during the period under review.

For purposes of this section, available resources:

- (a) Include the income generated by or from the following sources for the period under review:
 - (i) All net fund-raising activities, including net gambling income;
 - (ii) Grants, gifts, and contributions from private sources; and
 - (iii) Public support.
- (b) Does not include:
 - (i) Funds generated in periods other than the period under review;
 - (ii) Funds that are raised or contributed from outside the organization for purposes of purchasing land or capital assets or to endow future operations when such funds are specifically identified by the board or contributors as restricted and separately recorded in the organization's records;
 - (iii) Fees paid by members or the public to receive services or to participate in specific activities. Such fees shall be classified as a reduction to both program service and supporting service expenses on a pro rata basis and as a reduction to resources available for providing services in the current period; or
 - (iv) Net income from the sale of assets.

Groups IV and V - Significant progress.

(3) In addition to the criteria outlined above, any organization requesting to be certified to operate gambling activities at Group IV or V levels, as defined in WAC 230-12-076, shall demonstrate it has made significant progress by providing evidence that:

- (a) It has expended at least sixty percent of net gambling income earned in the organization's most recently completed fiscal year on functional expenses to operate the organization's programs. Functional expenses consist of both program and supporting services; and
- (b) Available resources were utilized in an efficient manner during the period. Available resources will be deemed to be utilized in an efficient manner when no more than thirty-five percent of total functional expenses are utilized to provide supporting services as defined by WAC 230-02-279: Provided, That if more than fifty percent of total program services expenses was utilized to provide program services through indirect methods (those which are external to the organization) such as grants, contributions, and/or scholarships, then supporting services expenses shall not exceed twenty percent of functional expenses.

Groups III, IV, and V - Formal qualification review.

(4) Any organization requesting to be certified to conduct gambling activities in:

- (a) **Group IV or V** - shall be reviewed by commission staff and every three years a summary of the organization's qualifications shall be prepared and provided to the commission for review at a public meeting. At least one representative from the organization shall be present at the public meet-

ing when the summary of their qualification review is presented; and

(b) Group III - may be reviewed by commission staff at the request of the director. A summary of the organization's qualifications, as required by this subsection, may be prepared by staff and provided to the commission for review.

Gambling income not separate from other income.

~~((4))~~ (5) When an organization does not keep gambling income separate from all other income of the organization, the amount of net gambling income required to provide functional expenses in the year under review shall be the pro rata portion of net gambling income compared to the total net revenue from all sources.

Waivers.

~~((5))~~ (6) An organization that is unable to demonstrate it has made significant progress by complying with the financial standards and procedures set forth elsewhere in this section may request the director to waive all or portions of the requirements. The following requirements and procedures shall be used to evaluate waivers:

(a) In determining whether to grant such a waiver, the director may consider the following:

- (i) Whether the organization's inability to comply is temporary and due to unusual circumstances;
- (ii) Whether the organization is reserving funds to start or expand specific programs in the future;
- (iii) Whether the organization utilizes a substantial amount of capital assets that are not subject to depreciation or amortization to provide program services. Examples are: Fully depreciated building or equipment; fully amortized leasehold improvements; assets which are not normally depreciated such as land used for athletic fields, riding areas, parks, etc.; and

(iv) Whether the organization conducts a substantial portion of its services through volunteers.

(b) In order for the director to consider a waiver, the organization shall meet the following requirements:

(i) The organization's board shall acknowledge in writing that they are aware of the circumstances, have taken steps to correct the situation which prevented compliance, and have approved a plan that addresses delivery of program services in the future; and

(ii) The organization must expend at least twenty-five percent of its net gambling income to provide program services in the current period; however, the purchase of nondepreciable assets for program purposes may be considered as part of this percentage.

(c) The director will provide the licensee a hearing pursuant to WAC 230-50-010(6), if a waiver will be denied.

Purpose: The following amendments were made: (1) Manufacturers holding a delinquent distributor account must now notify staff and other manufacturers of the delinquency, rather than staff distributing the notice. Sales to the delinquent distributor will be on a basis only until the account is brought current. After the account is brought current, the manufacturer will provide notification of such; (2) allows for special pricing transactions to be made over a period of seven consecutive days; and (3) clarifies that merchandise prizes must be numbered consecutively, in order of value.

Citation of Existing Rules Affected by this Order: Amending WAC 230-12-240, 230-12-330, and 230-30-106.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 02-06-038 on February 26, 2002.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, 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 1, 2002.

April 17, 2002

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-08-011, filed 3/18/98, effective 7/1/98)

WAC 230-12-330 Availability of gambling equipment and related products and services—Prices—Contracts—Discounts—Restrictions—Exceptions. Manufacturers and distributors shall make their products and services available to all licensees without discrimination. Except as authorized by this section, gambling equipment, devices, related paraphernalia or supplies, and services shall be offered to any licensee wishing to purchase such, for the same price and terms. The following restrictions, procedures, and exceptions apply to prices and terms related to sales of gambling-related products or services:

~~((What are the restrictions on prices of gambling products and services?))~~ **Pricing shall be consistent - exceptions.**

(1) **Discriminatory prices are prohibited.** Prices are considered discriminatory when identical or similar items or services are offered to different persons for a different price or under different terms or conditions: Provided, That prices set under the following criteria shall not be considered discriminatory:

WSR 02-10-003

PERMANENT RULES

GAMBLING COMMISSION

[Order 411—Filed April 18, 2002, 4:03 p.m., effective July 1, 2002]

Date of Adoption: April 12, 2002.

PERMANENT

(a) **Prices that are established in advance** and available for review by the commission and customers prior to accepting a sales order utilizing such. For purposes of this section, prices are deemed to be established and available when they have been mailed or transmitted by facsimile to the commission at least forty-eight hours prior to completing sales transactions or accepting orders for products or services;

(b) **Separate and different price schedules** established by manufacturers or distributors for transactions conducted with licensees at different marketing levels when such prices are progressively lower at each marketing level above the operator level;

(c) **Prices that are based upon the delivery location** of an item or service. If the price of an item or service is based upon "free on board" (FOB) terms at a specific location, such price may be varied based upon delivery at a different location, if such is justified by objective evidence. The burden of proof regarding such price differentiation is borne by the seller. Such prices are subject to all other requirements of this section; and

(d) **Short-term price reductions or "sales"** by manufacturers or distributors are authorized when every licensee is afforded an opportunity to participate. For purposes of this section licensees will be deemed to have been afforded an opportunity to participate when:

(i) All prices and terms are clearly posted at all sales outlets for the benefit of operators and provided to all customers serviced by mobile sales representatives;

(ii) Manufacturers provide full details of the sale to all licensed distributors, including prices and terms, at least forty-eight hours prior to accepting orders for products or services being offered at a sale price. Such notice shall be by mail or telephone facsimile; and

(iii) Any limitations or conditions of the sale are clearly stated in advertisements or notices for such sale.

~~((Can licensees enter into contracts that either require or restrict use of gambling-related products or services?))~~ **Contracts restricting sales not allowed.**

(2) Except as set forth in WAC 230-12-230, licensees shall not enter into contracts that directly or indirectly restrict the distribution or use of gambling equipment, devices, paraphernalia, supplies, or services: Provided, That holders of proprietary rights to products or services that have been gained through patents, copyrights, trademarks, or other similar rights bestowed by state or federal law or by courts shall be allowed to enter into license agreements with manufacturers that restrict the ability to manufacture or distribute products or services if all other requirements of this section are met. The following transactions are prohibited:

(a) An operator or distributor shall not agree to deal in, purchase, sell, lease, or operate any particular brand or brands of gambling device or equipment to the exclusion of any other brand of gambling device or equipment;

(b) A manufacturer or distributor, or licensed representative or employee thereof, shall not sell or offer to sell, lease, or loan any gambling-related product, service, or merchandise if such is contingent upon the purchase or order of another product, service, or merchandise; and

(c) Except as set forth in this subsection, no person shall enter into any agreement, express or implied, that prohibits a person from selling or providing any gambling-related product or service within a particular geographic area: Provided, That -

(i) Licensed manufacturers, distributors, and service suppliers may enter into such agreements with its licensed representative; and

(ii) An operator may enter into an agreement with a licensed service supplier that is supplying only management or consulting services when such agreement only restricts the service supplier from supplying the same or similar services to other operators within a specified geographic area.

~~((Are discounts allowed?))~~ **Discounts.**

(3) Manufacturers and distributors may offer discounts of base prices that are authorized by this section when such discounts are nondiscriminatory. For purposes of this title, discounts will be deemed to be nondiscriminatory when:

(a) Offered to all licensees on the same terms;

(b) The scheme upon which the discount is based is in writing and submitted to the commission at least forty-eight hours prior to being offered;

(c) The discount applies ~~((only to a single sales transaction and does not relate to a level of sales made over a period of time))~~ to:

(i) A single sales transaction; or

(ii) Multiple sales transactions, which are made over a period of time not to exceed one week. For purposes of this section, one week shall be defined as seven consecutive days; and

(d) The level of a discount is based only upon any of the following criteria:

(i) The amount of product sold or the dollar value of the sale;

(ii) Whether the purchaser makes full payment in cash at time of sale;

(iii) Whether the purchaser makes final payment for a transaction within a predetermined time period for sales made under "trade account" terms; and

(iv) Any other structure or terms, subject to preapproval by the director. The manufacturer shall pay for the approval process and any additional requirements necessary to assure compliance with this section.

~~((Can manufacturers or distributors elect to limit their sales to a specific market level?))~~ **Limiting sales to specific market levels.**

(4) A licensed manufacturer or distributor may elect to limit sales of products and services to licensees at any marketing level. For purposes of this section, marketing levels are defined as manufacturer, distributor, and operator. If a manufacturer or distributor elects to make sales to any licensee at a marketing level, sales must be made to all licensees at the same level: Provided, That if the distributor is in violation of WAC 230-12-340, the manufacturer shall not be required to make sales to that distributor: Provided further, That transactions between a manufacturer and distributor, when both are owned and operated by the same persons, are

considered internal to that business. For purposes of this section, internal transactions are not considered sales at a different marketing level. All other restrictions of this section apply to such sales. For example:

(a) A licensed manufacturer may elect to sell or provide products and services only to distributors; or

(b) A licensed distributor may elect to sell or provide products and services only to operators.

~~((Can manufacturers or distributors establish minimum purchase requirements?))~~ **Minimum purchasing requirements not allowed - exceptions.**

(5) Manufacturers or distributors shall not set minimum purchase requirements for any product or service, except as authorized below:

(a) Minimum purchase requirements are not allowed for purchases made under prepaid or cash on delivery (COD) terms: Provided, That manufacturers may establish and charge a reasonable fee for services to handle an order for products or services below a specified level, if such policy is in writing and provided to distributors prior to accepting orders;

(b) Minimum purchase restrictions may be set for transactions between manufacturers and distributors that are conducted using trade account terms, as authorized by WAC 230-12-340;

(c) Discounts may be set based upon a minimum purchase amount as authorized by subsection (3) of this section; and

(d) Minimum purchase restrictions may be placed on products being offered for a bargain or "sale" price if a bargain or "sale" price is established for any and all levels of purchases under such terms.

~~((Are there restrictions on the sale of nongambling products or services sold to licensees by manufacturers or distributors?))~~ **Sales of nongambling products and services.**

(6) A manufacturer or distributor shall not grant licensees, nor shall such licensees accept, more favorable prices, credit terms, or other arrangements than those extended to nonlicensed persons purchasing identical or similar nongambling goods or services. The price of nongambling goods or services sold to licensees shall be in conformity with the open market price in the locality where sold. The terms of such sales shall not exceed those normally granted in accordance with the customary business practice of the particular trade in the locality where such sales are made.

~~((Do the restrictions set forth in this section apply to class III transactions?))~~ **Transactions with tribal casinos.**

(7) This section shall not apply to transactions conducted with tribal governments operating class III casinos under tribal/state compacts or with management companies operating such casinos on the behalf of tribal governments.

AMENDATORY SECTION (Amending Order 365, filed 10/9/98, effective 1/1/99)

WAC 230-12-340 Sale of gambling equipment, devices, supplies, paraphernalia, and related services—Credit prohibited—Exceptions. The use of credit in the sale of gambling equipment, devices, related supplies or paraphernalia, and services is prohibited. Except as authorized by this section, all sales of such shall be transacted on a cash basis. The following definitions, restrictions, and procedures apply to this section:

(1) ~~((For purposes of this section,))~~ All licensed manufacturers and distributors may sell gambling equipment such as dispensers, bingo blowers, roulette wheels, etc., and gambling-related support equipment through capital lease agreements or other financing arrangements to operators subject to the following conditions and requirements:

(a) The cost of a single item, or group of similar and related items included in the sale, exceeds one thousand dollars;

(b) The term of the contract does not exceed forty-eight months;

(c) All terms of the contract are in writing and copies of such agreements are provided to the commission within thirty days of execution;

(d) The manufacturer or distributor retains only a security interest in the item sold and cannot obtain any ownership interest in the licensee, or exercise any control over the use of the item in the licensed activity;

(e) The amount of payments is not based on the size or level of gambling activity and is determined by use of a standard amortization schedule for the term and stated interest rate;

(f) The interest rate charged by the contract is set at the time of sale and does not vary during the term of the contract; and

(g) The contract does not require the purchaser to directly or indirectly purchase any other products or services from the seller.

Definitions.

(2) The following definitions only apply to subsections (3) through (9) of this section:

(a) "Manufacturers and distributors" refers only to the manufacturers and distributors of pull-tabs, punch boards, and bingo supplies.

(b) A "cash basis" means full payment is received by the seller on or before actual delivery of the product or service to the purchaser;

~~((b))~~ (c) A "trade account" is a payment system that allows distributors to place orders for inventory or services from manufacturers or distributors and to make payment for such within a specific period of time after shipment of the product or completion of the service;

~~((e))~~ (d) "Prescribed time period" is the maximum period of time a distributor has to pay for purchases of goods or services made under trade account terms prior to being restricted to cash basis terms. The time period begins when a product is shipped or service completed and ends on the date

payment is actually delivered to the manufacturer or distributor, or if delivered by the U.S. mail, the U.S. postmark date of the envelope containing the payment. For purposes of this section, prescribed time period means no later than sixty days after shipment of the products or completion of the services ~~((for all sales made on or after January 1, 1998)).~~

Authorized transactions.

~~((2))~~ (3) For purposes of this WAC title, the following transactions are authorized and shall not be deemed as credit or loans of money when applicable requirements are met:

(a) Purchases of goods and services from manufacturers or distributors when paid for by checks that meet the requirements of WAC 230-12-350;

(b) Purchases of goods or services by distributors from manufacturers or other distributors when utilizing trade account terms and the requirements of subsection ~~((3))~~ (4) of this section are followed;

(c) Promissory notes between manufacturers and distributors for payment of debts incurred prior to the effective date of this section ~~((when such notes are issued under the conditions set forth in this section));~~

(d) Purchases made under capital lease agreements when the requirements of this section are followed;

(e) All transactions between manufacturers or distributors and tribal governments or companies certified to manage class III gambling activities operated under a tribal/state compact are exempt from all provisions of this section;

(f) Charitable or nonprofit organizations licensed to conduct bingo may purchase bingo cards and bingo supplies from distributors and/or manufacturers and receive such without making immediate payment if payment is made, by check or cash, no later than thirty days after delivery of the product. If the distributor or manufacturer does not receive payment within thirty days, they must immediately restrict the licensee to sales on a cash on delivery basis until payment is received. Licensees paying for bingo supplies on terms other than a cash basis must document on the purchase invoice the date paid and the check number; and

(g) The sales of nongambling equipment, fixtures, supplies, or commodities to licensees are exempt from all provisions of this section when the requirements of WAC 230-12-330 are met.

Trade account conditions.

~~((3))~~ (4) Manufacturers and distributors may allow distributors to establish "trade accounts" to purchase gambling-related inventory or services without making immediate payment under the following conditions:

(a) Trade account terms, if offered to any distributor, shall be made available to all distributors without discrimination: Provided, That trade accounts may be restricted to distributors that:

(i) Meet objective credit criterion established by a manufacturer or distributor. Such criterion must be in writing, available to the commission for review, and provided to any distributor upon request. A manufacturer or distributor may include a distributor's payment history as a part of the trade account approval criterion;

(ii) Meet minimum purchase requirements established by the manufacturer: Provided, That the minimum purchase requirement shall not be greater than five hundred dollars per transaction;

(b) Trade account terms shall not allow a manufacturer or distributor to gain any ownership or financial interest in a licensee. This section is not intended to prohibit or restrict a manufacturer or distributor from gaining a security interest in inventory sold for credit, as authorized by the Uniform Commercial Code: Provided, That this section shall not allow a manufacturer to obtain an interest in inventory sold by any other manufacturer under trade account terms;

(c) A distributor shall make full payment for all goods or services purchased under trade account terms within the prescribed time period. Failure to pay within the prescribed time period may be deemed solicitation of credit by the distributor.

Procedures for past due accounts - notification and sales restrictions.

~~((4))~~ (5) When a distributor fails to pay for goods or services purchased under trade account terms within the prescribed time period, the creditor manufacturer or distributor shall comply with the procedures set forth below. Failure to comply with these procedures may result in the manufacturer or distributor being deemed to have extended credit to the distributor. The following procedures must be followed when a distributor fails to make required payments:

(a) Notify the delinquent distributor ~~((and the commission))~~ of failure to pay by telephone no later than the end of the next business day;

(b) Restrict sales of all goods and services to the delinquent distributor no later than the end of the third business day after the default: Provided, That sales may be made to a delinquent distributor on a cash basis only;

(c) Notify the commission and all licensed manufacturers and distributors in writing by letter, facsimile or e-mail no later than the end of the fifth business day after default. Written notification shall include at least the following:

(i) The distributor's name;

(ii) The invoice or shipping order numbers involved in the transaction;

(iii) ~~((The dollar amount of the delinquent account;~~

~~((iv)))~~ The date the item was shipped or service was provided; and

~~((v))~~ A statement of whether the distributor has filed a complaint regarding billings and whether the amount owed is in dispute;

~~((vi))~~ Any agreements between the parties to clear the debt, including terms, payment schedule, and any third party guarantors of the debt;

~~((vii))~~ The interest rate or service charge, if such is charged;

~~((viii))~~ Whether a security interest in the inventory or any other assets of the licensed distributor or individual owners of the distributor has been obtained or is in effect; and

(ix) Any other information requested by the commission.

(5) If the director does not receive notice that the debtor distributor has corrected the conditions which caused the default prior to the end of the seventh business day after ini-

tial notice was received, all licensed manufacturers and distributors will be notified that such distributor has been restricted to cash basis terms. Initial notification shall be by telephone or facsimile on the next business day, followed by written notification within ten days. The manufacturer or distributor shall immediately notify the commission by telephone or facsimile upon receipt of payment. If notified prior to the end of the seventh business day after initially notifying the commission, the director will stop all proceedings and allow the reporting manufacturer or distributor to continue trade account terms without taking further action.

(6) Upon receipt of notification from the commission that a distributor has been restricted, manufacturers and distributors shall immediately cease sales, shipments of products, and providing of services to the delinquent distributor on other than a cash basis.

(7) Any distributor that has been restricted by the director under this section shall remain restricted until all delinquent accounts with any reporting manufacturer or distributor are current and the director has been notified of such. The director shall utilize the following guidelines and procedures for removing trade account sales restrictions:

(a) First delinquent payment within a calendar year. The director shall notify all manufacturers by telephone or facsimile no later than the next business day after receiving notification that a delinquent distributor is current and that trade account sales may continue. Written notification shall be made within ten days; or

(b) Second and subsequent violations within a calendar year. The director may restrict a distributor to a cash basis for a period not to exceed sixty days beginning on the date of notification that a delinquent distributor is current. In this event, the director shall notify the delinquent distributor and all manufacturers and distributors in writing of the date when trade account terms may be continued.

(8) Gambling related products or services purchased by distributors prior to January 1, 1998, shall be paid in full no later than March 31, 1998. Any distributor failing to comply with this requirement shall be restricted to making purchases on a cash basis until all such accounts are paid in full. The director shall utilize the procedures set forth in subsections (5), (6), and (7) of this section to impose or remove restrictions imposed under this subsection: Provided, That creditor manufacturers and distributors may convert amounts owed by distributors at January 1, 1998, into a promissory note utilizing the procedures and restrictions set forth in this section.

(9) Manufacturers and distributors who elect to convert amounts owed from distributors at the effective date of this section to a promissory note shall utilize the following procedures and restrictions:

(a) Written notification of conversion to a promissory note, including a copy of such note, must be received by the commission no later than March 31, 1998;

(b) The promissory note shall not grant the manufacturer the ability to influence the management of the distributor's business: Provided, That in the case of legal bankruptcy, the terms and conditions of a bankruptcy order shall govern;

(c) The promissory note shall amortize the balance owed over a certain period that does not exceed sixty months;

(d) Manufacturers or distributors electing to grant promissory notes authorized by this section shall make such provisions available to all distributors with outstanding balances at the effective date of this section under the same conditions and terms;

(e) Terms of the promissory note shall require the following:

(i) Minimum monthly payment of the principal;

(ii) Interest rate, if any is imposed;

(iii) Full description of all collateral; and

(iv) Adequate details of the procedures to be followed for late payments and/or default;

(f) (iv) Any other information requested by the commission.

Cash only sales to delinquent distributors.

(6) Upon receipt of notification from the manufacturer that a distributor has a delinquent account, manufacturers and distributors shall immediately cease sales, shipments of products, and providing services to the delinquent distributor on other than a cash basis.

Notification of payment on past due accounts.

(7) The manufacturer shall notify the commission and all manufacturers and distributors in writing by letter, facsimile or e-mail, no later than the next business day after receiving payment from the delinquent distributor for the outstanding account. Trade account sales may then resume with all manufacturers.

(8) The distributor that was placed on a credit hold shall notify the commission in writing by letter, facsimile or e-mail, no later than the next business day after payment has been made to the manufacturer in which they were delinquent.

Failure to pay promissory notes.

(9) A creditor manufacturer or distributor shall immediately notify the commission if a distributor fails to abide by the terms of the promissory note and the process being pursued to correct the situation. ((The director may, depending upon circumstances, impose restrictions set forth in subsections (5), (6), and (7) of this section on purchases under trade account terms for the delinquent distributor.

(10) Licensed manufacturers and distributors may sell gambling equipment such as dispensers, bingo blowers, roulette wheels, etc., and gambling related support equipment through capital lease agreements or other financing arrangements to operators subject to the following conditions and requirements:

(a) The cost of a single item, or group of similar and related items included in the sale, exceeds one thousand dollars;

(b) The term of the contract does not exceed forty eight months;

(c) All terms of the contract are in writing and copies of such agreements are provided to the commission within thirty days of execution;

(d) The manufacturer or distributor retains only a security interest in the item sold and cannot obtain any ownership

interest in the licensee, or exercise any control over the use of the item in the licensed activity;

~~(e) The amount of payments is not based on the size or level of gambling activity and is determined by use of a standard amortization schedule for the term and stated interest rate;~~

~~(f) The interest rate charged by the contract is set at the time of sale and does not vary during the term of the contract; and~~

~~(g) The contract does not require the purchaser to directly or indirectly purchase any other products or services from the seller.)~~

AMENDATORY SECTION (Amending Order 402, filed 6/19/01, effective 7/20/01)

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) 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.

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.

(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.))~~ The substitute flare shall be constructed as follows:

(i) Winning numbers shall be selected from the flare made by the manufacturer, or from the manufacturer's designated winning numbers on the punch board;

(ii) The highest valued prize(s) shall be assigned to the lowest available winning number(s); and

(iii) The second highest valued prize(s) shall be assigned to the next lowest available winning number(s) and shall be repeated until all prizes are consecutively assigned winning numbers, based on their value: Provided, That if the substitute flare is made by a licensed distributor, the winning numbers may be selected sequentially from the original flare made by the manufacturer.

Happy hour pull-tab games.

(7) In addition to prizes established by manufacturers, pull-tab licensees may increase prizes or add additional prizes to punch boards or pull-tab series under the following conditions:

(a) Such prizes 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;

(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 02-10-006

PERMANENT RULES

LIQUOR CONTROL BOARD

[Filed April 19, 2002, 3:40 p.m.]

Date of Adoption: April 17, 2002.

Purpose: The purpose of the rule making is to revise subsection (3) of WAC 314-60-040 to update the dates and times of the Liquor Control Board's regular board meetings. The board now intends to hold its regular board meetings on the first and third Wednesdays of the month, as opposed to each Wednesday. The rule continues to explain that the board publishes its meeting schedule with the Office of the Code Reviser and on its web site.

Citation of Existing Rules Affected by this Order: Amending 1 [WAC 314-60-040].

Statutory Authority for Adoption: RCW 66.08.030, 43.30.070.

Adopted under notice filed as WSR 02-04-111 on February 6, 2002.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

April 18, 2002

Merritt D. Long
Chair

AMENDATORY SECTION (Amending WSR 99-16-119, filed 8/4/99, effective 9/4/99)

WAC 314-60-040 Operations and procedure. The general course and method by which the operations of the board are channeled and determined are illustrated by the following:

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(1) An organizational chart is available from the board's public records office which illustrates the general structure and composition of the board's operations.

(2) Board procedures relating to hearings involving alleged violations of the liquor act and/or revised rules and regulations of the board are covered in chapter 314-04 WAC and in chapter 314-08 WAC Practice and procedure.

(a) General information pertaining to formal hearings is available from the board's public records office.

(b) Forms of notice of board action proposing to suspend a liquor license are available from the board's public records office.

(3) Pursuant to the requirements of the Open Public Meetings Act (chapter 42.30 RCW) all determinations and business of the board, except matters which are exempt from the act under RCW 42.30.140, or properly conducted in executive session, pursuant to RCW 42.30.110, will be made and conducted in meetings open to the public. The board holds ((R))regular meetings ((of the board will be on Wednesday at 9:00 a.m. Meetings of the board may be held on Monday, Tuesday, Thursday, and Friday of each week, except on holidays, beginning at 8:00 a.m. or as soon thereafter as a quorum is assembled)) as published with the office of the code reviser per RCW 43.30.075 and as published on the board's Internet site at www.liq.wa.gov. Generally, the board's regular meetings are held on Wednesdays. It is the board's intent to hold its regular board meetings on the first and third Wednesdays of the month. Unless notice is otherwise given, meetings of the board will be held at its offices in the board room at 3000 Pacific Avenue Southeast, Olympia, Washington. For scheduling purposes, it is the board's intent to ((conduct staff meetings and work sessions at its Tuesday and Thursday meetings, and to)) schedule petitions, take public testimony, take rule making actions, and ((adoption of)) adopt resolutions at its regular Wednesday board meetings((; however, so long as proper legal notice is given, the board may accept petitions, take public testimony and adopt resolutions on any day when a regular meeting may be scheduled under this rule. In addition to legal notice published pursuant to chapter 42.30 RCW, meeting notices will be published on the Internet at www.liq.wa.gov and information about meeting times and agendas will be available in the board office during regular office hours)).

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 02-10-013
PERMANENT RULES
DEPARTMENT OF LICENSING**

[Filed April 22, 2002, 10:52 a.m.]

Date of Adoption: April 19, 2002.

Purpose: Meet critical supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-201, 308-96A-207, and 308-96A-208.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.070, 46.16.135.

Adopted under notice filed as WSR 02-05-057 on February 15, 2002.

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 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 19, 2002
Thao Manikhoth
for Nancy Kelly
Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 99-01-133, filed 12/21/98, effective 1/21/99)

WAC 308-96A-201 Purchasing gross weight—Expiration dates. (1) What would the gross weight expiration date be if I purchase twelve thousand pounds or less?

The gross weight license expiration date must be the same as the registration expiration date. Gross weight fees must be paid for the same number of months as the registration.

(2) What would the gross weight expiration date be if I purchase fourteen thousand pounds or more?

You, the owner, have two options:

(a) If you choose to purchase twelve months gross weight, the expiration date of the gross weight is the same as the expiration date of the vehicle registration; or

(b) If you choose to purchase one to eleven consecutive months, the expiration date of the gross weight is the same day of the month as the expiration date of the vehicle registration. For example: If the vehicle registration expires March 9, monthly gross weight licenses will expire April 9, May 9, etc. Monthly gross weight may not be purchased beyond the vehicle registration expiration date.

(3) When renewing the registration((s)) and purchasing monthly gross weight, what is the effective date of my gross weight license?

The effective date of the gross weight license must be the first month the new registration is effective. Example: If the vehicle expiration is March 9, and the vehicle registration is purchased prior to April 9, the effective date is March ((9)) 10. If the registration is purchased June 15, the effective date is June ((9)) 10, etc. When there is a partial month between

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the requested effective date of the gross weight license and the expiration date of the gross weight license, gross weight fees shall be charged for a full month.

(4) **If the vehicle registration expiration date is the thirty-first day of the month, what is the expiration date of the gross weight for those months having fewer than thirty-one days?**

If the vehicle registration date is the thirty-first, the monthly gross weight will expire on the last calendar day of those months having fewer than thirty-one days.

AMENDATORY SECTION (Amending WSR 99-01-133, filed 12/21/98, effective 1/21/99)

WAC 308-96A-207 Gross weight—Changing from a farm use class to a nonfarm use class. (1) **When would I need to change my vehicle registration from a farm use class to a nonfarm use class?**

You need to change your vehicle registration from a farm to nonfarm use class when the vehicle is no longer being used solely for farm purposes as defined in RCW 46.16.090.

(2) **What would the gross weight expiration date be when I change my vehicle registration from a farm use class to a nonfarm use class? The expiration date of the gross weight license would remain the same as the current gross weight license.**

~~((a) If the declared gross weight is twelve thousand pounds or less, the gross weight expiration date will be the same as your vehicle registration expiration date; or~~

~~(b) If the declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.))~~

(3) **What will be the start date of the gross weight license with the nonfarm use class?**

The new gross weight license start date is the first day of the current registration month, as described in WAC 308-96A-201 (2)(b), or any subsequent registration month of the current gross weight license period.

(4) **How many months gross weight must I purchase when I change my vehicle registration from farm to nonfarm?** You must purchase at least as many months as are remaining on the current gross weight license. Credit will be given as provided in subsection (5) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, and additional gross weight fees in addition to all other fees required to license the vehicle.

(5) **Will I receive credit for gross weight fees that I have already paid?**

You will receive dollar value credit for the number of months ~~((from the start date of the new gross weight license to the expiration of the current gross weight license and))~~ remaining on the current gross weight license. The credit will be given at the rate of the declared gross weight ~~((of the current gross weight license.))~~; however, you must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must

sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

~~((5) **How many months gross weight fees will I be charged when I change my vehicle registration from farm to nonfarm?**~~

~~You will be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of new declared gross weight amount and use class. Credit will be given as provided in subsection (4) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, in addition to all other fees required to license the vehicle.))~~

AMENDATORY SECTION (Amending WSR 99-01-133, filed 12/21/98, effective 1/21/99)

WAC 308-96A-208 Gross weight—Changing from a nonfarm use class to a farm use class. (1) **When may I change my vehicle registration from a nonfarm use class to a farm use class?**

You may change your vehicle registration from a nonfarm to farm use class when the vehicle is being used solely for farm purposes as defined in RCW 46.16.090.

(2) **When is the best time to change my vehicle registration from a nonfarm use class to a farm use class?**

The best time to change your vehicle registration from a nonfarm to a farm use class is at the time you are purchasing gross weight ~~((, because))~~. Changing use class from nonfarm to farm results in a forfeiture of gross weight fees paid ~~((, unless))~~. You ~~((are increasing))~~ may increase your declared gross weight ~~((enough))~~ to make up the difference between the nonfarm and the farm gross weight fees if the increased gross weight does not exceed the maximum legal limit of the vehicle.

(3) **What would the gross weight expiration date be when I change my vehicle registration from a nonfarm use class to a farm use class? The expiration date of the gross weight license would remain the same as the current gross weight license.**

~~((a) If the declared gross weight is twelve thousand pounds or less, the gross weight expiration date will be the same as your vehicle registration expiration date; or~~

~~(b) If the declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.))~~

(4) **What will be the ~~((effective))~~ start date of the gross weight license ~~((with the))~~ be when I change my vehicle registration from nonfarm use class to a farm use class? The start date of the gross weight license would remain the same as the current gross weight license.**

~~((The effective date will depend upon the date of application. If the application for a change in use class is made on the first day of a gross weight license month, the owner has the option of making the effective date of the change the day~~

of application, or the first day of any gross weight license month already purchased. If the application for change in use class is made other than on the first day of the gross weight license month, the owner has the option of making the effective date the first day of any gross weight license month already purchased. The effective date may not be prior to the date of application.)

(5) How many months gross weight must I purchase when I change my vehicle registration from nonfarm to farm?

You will need to purchase the number of months remaining on the current gross weight license. Credit will be given as provided in subsection (6) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, in addition to all other fees required to license the vehicle.

(6) Will I receive credit for gross weight fees that I have already paid?

You will receive dollar value credit for the number of months and at the rate of the declared gross weight previously purchased for the period between the effective date of the change in use class and the expiration date of the previously issued gross weight license. At the time of application for change of use class from ~~((commercial))~~ nonfarm to farm, any excess credit accrued as a result of such change may be applied toward the payment of gross weight license fees for the gross weight license months between the ~~((commercial))~~ nonfarm gross weight license expiration date and the registration expiration date. Credit may not be carried over to the next registration year and any credit still remaining after purchasing gross weight license to the registration expiration date shall be forfeited. You must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

~~((6))~~ How many months gross weight fees will I be charged when I change my vehicle registration from nonfarm to farm?

~~You will be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of new declared gross weight amount and use class. Credit will be given as provided in subsection (5) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, in addition to all other fees required to license the vehicle.)~~

**WSR 02-10-018
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)**

[Filed April 22, 2002, 3:33 p.m.]

Date of Adoption: April 19, 2002.

Purpose: Amending WAC 388-523-0100 and adopting new WAC 388-523-0110, 388-523-0120, and 388-523-0130 on medical extensions. The proposed rules implement the establishment of premiums in the second six month period of medical extension benefits.

Citation of Existing Rules Affected by this Order: Amending WAC 388-523-0100.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: ESSB 6153, Subsection 209.

Adopted under notice filed as WSR 02-06-097 on March 4, 2002.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-523-0120 (6)(d), deleted "under" and replaced with "equal to or less than"; WAC 388-523-0120 (7), (8), and (9), changed the cross-reference from (6)(c) to (6)(d); and WAC 388-523-0130(2), deleted "significant."

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 3, 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 3, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 19, 2002

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 388-523-0100 Medical extensions—Eligibility.

(1) A family who received temporary assistance for needy families (TANF) ~~((or)),~~ state family assistance (SFA) cash ~~((or related medical assistance)),~~ or family medical program in any three of the last six months in the state of Washington is eligible for extended medical benefits when they ~~((are))~~ become ineligible for ~~((TANF/SFA related))~~ their current medical program because the family receives:

(a) ~~((They receive))~~ Child or spousal support, which exceeds the payment standard described in WAC ~~((388-478-0020))~~ 388-478-0065, and they are not eligible for any other categorically needy (CN) medical program; or

(b) ~~((Their earnings))~~ Increased earned income, resulting in income exceeding the ~~((TANF/SFA payment))~~ CN income standard described in ~~((subsection (1)(a)))~~ WAC 388-478-0065.

(2) A family ~~((described in subsection (1)(a)))~~ is eligible to receive ~~((four months of))~~ extended medical benefits beginning the month after termination from ~~((cash or~~

~~TANF/SFA related medical assistance, provided the family includes a child as defined in WAC 388-404-0005.~~

~~(3) A family described in subsection (1)(b) is eligible to receive six months of extended medical benefits when:~~

~~(a) They continue to meet the eligibility requirements of a TANF/SFA related medical program, other than income; and~~

~~(b) The family includes a child.~~

~~(4) A family described in subsection (3) will not receive extended medical benefits for any family member who has been found ineligible for cash assistance because of fraud in any of the six months prior to the extended medical period.~~

~~(5) A family receiving extended medical benefits described in subsection (4) of this section is eligible for up to an additional six calendar months of extended medical benefits as long as:~~

~~(a) The family continues to include a child; and~~

~~(b) The family's gross earned income, after child care deductions in the preceding three months averages less than one hundred eighty five percent of the Federal Poverty Level (FPL), as described in WAC 388-478-0075; and~~

~~(c) A caretaker relative has had earnings in each of the three previous months, prior to the month of request for the second six month extension; and~~

~~(d) The family reports to the department family earnings and child care costs relating to employment by the twenty-first day of the:~~

~~(i) Fourth month of the initial six month extension period; and~~

~~(ii) First month of the second six month extension; and~~

~~(iii) Fourth month of the second six month extension.~~

~~(6) Certain circumstances may prevent a family from meeting the requirements in subsection (5)(b), (c) and (d) of this section. If that occurs, good cause may exist and the family remains eligible for the additional six month medical extension. Reasons for good cause include, but are not limited to:~~

~~(a) Illness, mental impairment, injury, trauma, or stress; or~~

~~(b) Lack of understanding the reporting requirement due to a language barrier; or~~

~~(c) Transportation problems; or~~

~~(d) Payment for work in each month of the reporting period was paid in a different month than it was earned; or~~

~~(e) The client expected to be able to meet the family medical needs, but could not; or~~

~~(f) The client was given incorrect information about the reporting requirements.~~

~~(7) Postpartum and family planning extensions are described in WAC 388-462-0015)) TANF/SFA cash or family medical program for:~~

~~(a) Four months for a family described in subsection (1)(a) of this section; or~~

~~(b) Up to twelve months, in two six-month segments, for a family described in subsection (1)(b) of this section. For the purposes of this chapter, months one through six are the initial six-month extension period. Months seven through twelve are the second six-month extension period.~~

(3) A family member is eligible to receive six months of medical extension benefits as described in subsection (2)(b) of this section unless:

(a) The individual family member:

(i) Moves out of state;

(ii) Dies;

(iii) Becomes an inmate of a public institution;

(iv) Leaves the household; or

(v) Does not cooperate, without good cause, with the division of child support or with third party liability requirements.

(b) The family:

(i) Moves out of state;

(ii) Loses contact with the department or the department does not know the whereabouts of the family; or

(iii) No longer includes a child as defined in WAC 388-404-0005(1).

(4) A family member is eligible to receive the second six months of medical extension benefits as described in subsection (2)(b) of this section unless:

(a) The family is no longer eligible for the reasons described in subsection (3)(a) or (b); or

(b) The individual family member is the caretaker adult who:

(i) Stops working or whose earned income stops;

(ii) Does not, without good cause, complete and return the completed medical extension report or otherwise provide the required income and child care information; or

(iii) Does not, without good cause, pay the billed premium amount for one month.

(5) A family described in subsection (3) will not receive medical extension benefits for any family member who has been found ineligible for TANF/SFA cash because of fraud in any of the six months prior to the medical extension period.

NEW SECTION

WAC 388-523-0110 Medical extensions—Reporting requirements. (1) The family must report family income and employment-related child care costs the family pays by the twenty-first day of:

(a) Month four of the extension period, for months one, two, and three; and

(b) Month seven of the extension period, for months four, five, and six.

(2) Circumstances may prevent a family from meeting the reporting requirements in subsection (1) of this section. The family remains eligible for the medical extension when good cause exists. Reasons for good cause include, but are not limited to:

(a) Illness, mental impairment, injury, trauma, or stress;

(b) Lack of understanding the reporting requirement due to a language barrier;

(c) Transportation problems;

(d) Payment for work in each month of the reporting period was paid in a different month than it was earned;

(e) The client expected to be able to meet the family medical needs, but could not; or

(f) The client was given incorrect information about the reporting requirements. Refer to WAC 388-422-0020 (4) and (5).

NEW SECTION

WAC 388-523-0120 Medical extensions—Premiums.

(1) **"Countable income"** means, for the purposes of determining the premium amount described in this chapter, all earned and unearned income of the adult family members except SSI cash assistance, minus the amount of employment-related child care paid for by the family. The earned and unearned income of an adult, living in the household, who is financially responsible for other members of the assistance unit is included, whether or not the person is an eligible member of the assistance unit.

(2) For a family whose first month of medical extension benefits occurs on or after February 2002, the department requires the family pay premiums for medical coverage provided during the second six-month medical extension period. The premium amount is one percent of the family's countable income per person/per month. This amount is rounded down to the nearest whole dollar.

(3) The premiums for:

(a) Months seven, eight, and nine are based solely on the average countable income received in months one, two and three of the medical extension period; and

(b) Months ten, eleven, and twelve are based solely on the average countable income received in months four, five, and six of the medical extension period.

(4) A subsequent change in income does not effect the premium amount described in subsection (2) and (3) of this section.

(5) When a family's premium is one month in arrears, the family is ineligible for the balance of the medical extension period unless good cause exists. Reasons for good cause include, but are not limited to:

(a) Illness, mental impairment, injury, trauma, or stress;

(b) Lack of understanding the premium payment requirement due to a language barrier;

(c) Transportation problems;

(d) The client did not pay the premium because they expected to be able to meet the family medical needs, but could not; or

(e) The client was given incorrect information or did not receive advance and adequate notice about the premium payment requirements. Refer to WAC 388-422-0020 (4) and (5).

(6) The department exempts individual family members from the premium requirements, as follows:

(a) Children;

(b) Pregnant women;

(c) American Indians and Alaska Natives; and

(d) Caretaker adults in a family whose countable income is equal to or less than one hundred percent of the Federal Poverty Level based on family size as described in WAC 388-478-0075(2).

(7) When determining the exemption described in (6)(d), the department shall include in the household size an unborn child and a person who is financially responsible for other members of the assistance unit, whether or not the person is

an eligible member of the assistance unit. A person receiving SSI cash assistance is not included when determining the household size.

(8) The department determines a family's exemption from the premium requirement as described in subsection (6)(d) for:

(a) Months seven, eight and nine based solely on information available to the department at the time the premium for these months is calculated; and

(b) Months ten, eleven, and twelve based solely on information available to the department at the time the premium for these months is calculated.

(9) Any income change resulting in an individual meeting the exemption criteria in subsection (6)(d) after the establishment of the premium amount for months seven, eight and nine is used to calculate the premium amount for months ten, eleven, and twelve.

NEW SECTION

WAC 388-523-0130 Medical extension—Redetermination. (1) When the department determines the family or an individual family member is ineligible during the medical extension period, the department must determine if they are eligible for another medical program.

(2) When a family reports a reduction of income, the family may be eligible for a family medical program instead of medical extension benefits.

(3) Postpartum and family planning extensions are described in WAC 388-462-0015.

WSR 02-10-021

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed April 23, 2002, 10:46 a.m.]

Date of Adoption: April 23, 2002.

Purpose: To update the agency's central and field office descriptions.

Citation of Existing Rules Affected by this Order: Amending WAC 468-06-040.

Statutory Authority for Adoption: RCW 47.01.031.

Adopted under notice filed as WSR 01-21-108 on October 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 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 Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 22, 2002

P. J. Hammond

Chief of Staff

AMENDATORY SECTION (Amending WSR 99-07-013, filed 3/8/99, effective 4/8/99)

WAC 468-06-040 Description of central and field organization of the Washington state department of transportation. (1) The department of transportation is a statutorily created agency of the state of Washington. The central office of the department of transportation is located in the Transportation Building, Olympia, WA 98504.

(2) The department of transportation is headed by a secretary who is the executive head of the department and is appointed by the Washington state transportation commission.

(a) Serving directly under the secretary are the (~~deputy secretary for operations, deputy secretary for policy~~) chief of staff, audit office, equal opportunity office ((and the ombudsman)), engineering and regional operations division, northwest Washington division, Washington state ferries division and administration and support division. There are also assistant attorney generals assigned to the department who provide legal services in department matters.

(b) Reporting directly to the (~~deputy secretary for operations~~) chief of staff are the following offices: Communications (~~and public involvement~~), governmental liaison office, (~~human resources office and Q2000 office~~) ombudsman, freight strategy and policy, highways and local programs, public transportation and rail, aviation and transportation economic partnerships.

(c) (~~The following service centers report to the deputy secretary for operations depending upon their needs: Environmental and engineering, field operations support, finance and administration, planning and programming and transit. Also reporting to the deputy secretary are the aviation division, transportation economic partnerships division, highways and local roadways division, public transportation and rail division and Washington state ferries.~~

(~~d~~) The department field functions are carried out by six regions which are each headed by a region administrator (~~and report directly to the deputy secretary for operations~~). The central regional office locations are: Seattle, Wenatchee, Tumwater, Vancouver, Yakima, and Spokane. The regions have various project and maintenance area offices which are headed by a supervisor. The region administrators for Seattle and Tumwater report directly to the assistant secretary for the northwest Washington division. The region administrators for Wenatchee, Vancouver, Yakima and Spokane report directly to the assistant secretary for the engineering and regional operations division.

WSR 02-10-022

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed April 23, 2002, 12:09 p.m.]

Date of Adoption: April 23, 2002.

Purpose: Adopt the term or duration of the temporary licensing and certification privileges granted under the provision of WAC 308-125-085.

Citation of Existing Rules Affected by this Order: Amending WAC 308-125-085 Temporary practice.

Statutory Authority for Adoption: RCW 18.140.030(1), 18.140.155(2).

Adopted under notice filed as WSR 02-04-083 on February 4, 2002.

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.

Effective Date of Rule: Thirty-one days after filing.

March 22, 2002

Alan E. Rathbun

Assistant Director, BPD

AMENDATORY SECTION (Amending WSR 97-02-004, filed 12/20/96, effective 1/20/97)

WAC 308-125-085 Temporary practice. (1) A real estate appraiser from another state who is licensed or certified by another state may apply for registration to receive temporary licensing or certification in Washington by paying a fee, providing a license history, and filing an application with the department on a form provided by the department.

(2) Licensing and certification privileges granted under the provisions of this section shall expire (~~ninety days~~) six months from issuance. Licensing or certification shall not be renewed (~~, nor shall an applicant receive more than two registrations within any twelve month period. The twelve month period begins at the time of the first issuance~~). However, an applicant may receive an extension of a temporary practice permit to complete an assignment, provided that a written request is received by the department prior to the expiration date, stating the reason for the extension.

(3) Persons granted temporary licensing or certification privileges under this section shall not advertise or otherwise hold themselves out as being licensed or certified by the state of Washington.

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(4) Persons granted temporary licensure or certification are subject to all provisions under this chapter. A temporary permit issued under this section allows an appraiser to perform independent appraisal services required by a contract for appraisal services submitted to the department with the application for temporary permit.

WSR 02-10-023
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-79—Filed April 23, 2002, 1:57 p.m.]

Date of Adoption: April 12, 2002.

Purpose: Amend rules on handling viable salmon eggs.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-74-020.

Statutory Authority for Adoption: RCW 77.100.060.

Adopted under notice filed as WSR 02-06-109 on March 5, 2002.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

April 22, 2002

Debbie Nelson

for Russ Cahill, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 79-75, filed 9/7/79)

WAC 220-74-020 Priorities. (1) It is the duty of the department to assure that egg requirements for state hatcheries (~~and natural spawning escapements~~) are satisfied. Once these requirements have been met, eggs surplus to these requirements will be provided (~~to voluntary cooperative salmon culture programs under the supervision of the department, to qualified transferees and to qualified exchangees. Once these requirements are satisfied, the eggs may be made available for sale under chapter 220-74 WAC.~~

~~Qualified transferees are governmental hatcheries in Washington and Oregon or hatcheries of federally approved tribes in Washington to whom eggs are moved, not sold, under the Interlocal Cooperation Act, chapter 39.34 RCW,~~

~~for release or experiments designed to benefit the citizens of the state and private or other governmental laboratories to whom eggs are moved, not sold, for experiments designed to benefit the citizens of the state. Qualified exchangees are governmental entities who are provided eggs by the department and from whom the department obtains eggs on a mutually agreeable basis and for the benefit of the citizens of the state)) as per RCW 77.95.210.~~

(2) Prioritized schedule for salmon production. Annually the department shall:

(a) Determine the salmon production capacity of department hatcheries;

(b) Determine the allowable numbers of hatchery-origin salmon that will be allowed to spawn naturally, by location;

(c) Make estimates of the number of adult salmon returning to department facilities;

(d) Solicit requests for viable salmon eggs from the following entities: Volunteer salmon rearing cooperatives established under chapter 77.100 RCW, regional fisheries enhancement groups established under chapter 77.95 RCW, lead entities for salmon recovery as established under chapter 77.85 RCW, government hatcheries in Washington, Oregon and Idaho, and hatcheries of federally recognized Indian tribes in Washington, Oregon and Idaho;

(e) Compile and submit for review by Indian tribes with treaty fishing rights a plan for replenishing fish runs through the use of available viable salmon eggs, including transfers to the entities listed in this subsection; and

(f) Offer an appeal mechanism to any entity denied a transfer of viable salmon eggs.

(3) The department will prioritize projects that utilize surplus viable salmon eggs and outplanting of adult fish. In such prioritization, the department will evaluate all proposed projects in terms of potential benefits and risks. In considering projects that involve placing adult, juvenile or eggs into a body of water, the biological factors that will be considered include, but are not limited to:

(a) Expected salmon recovery benefits;

(b) Effect on ongoing research and monitoring projects;

(c) Nutrient benefit;

(d) Habitat carrying capacity;

(e) Interspecies interactions;

(f) Disease risk;

(g) Ability to monitor effects of introduction;

(h) Biodiversity significance of the wild population;

(i) Genetic similarity of introduced and wild stocks;

(j) Status of populations under the Endangered Species Act or the salmonid stock inventory; and

(k) The proportional mix of hatchery-origin and wild fish.

(4) All projects will be evaluated consistent with documented department protocols and procedures, recovery plans and management agreements, including, but not limited to:

(a) The WDFW Genetics Manual;

(b) The WDFW Spawning Guidelines;

(c) The WDFW Stock Transfer Guidelines;

(d) The WDFW Fish Health Manual;

(e) The Co-Managers Fish Disease Control Policy;

(f) The WDFW Wild Salmonid Policy;

(g) WDFW hatchery and genetics management plans;

(h) WDFW fishery management and evaluation plans;

(i) Rules developed under section 4(d) of the Endangered Species Act; and

(j) Take permits issued under sections 7 and 10 of the Endangered Species Act.

(5) Prioritized schedule for egg sales. To encourage the use of surplus live salmon eggs available for sale for the optimum benefit of the citizens of the state, the following priorities will be followed, within practical limitations, in distributing surplus live salmon eggs resulting from returns to artificial production facilities:

(a) Sales to in-state aquaculturists when the eggs would be hatched, the resulting fry reared, by a person or corporation engaged in the fish industry in this state.

(b) Sales to private Oregon sea ranchers where fish are to be released for migration from Oregon sites to the Pacific Ocean and thus subject to the public capture fisheries of the state of Washington.

(c) Sales to the hatcheries located in California and Alaska where the fish are to be released at sites located in those states for migration to the Pacific Ocean for harvest by public capture fisheries and thus subjected to public capture by fishermen of the state of Washington.

(d) Sales to other state, federal and private aquaculture programs (~~(which neither qualify as qualified transferees or exchangees nor meet the requirements of the first three priorities)~~).

(e) Sales to foreign governmental entities (~~(which are not qualified transferees or exchangees and to other foreign entities (corporations))~~).

WSR 02-10-065
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Optometry)
 [Filed April 26, 2002, 12:38 p.m.]

Date of Adoption: March 22, 2002.

Purpose: Updates and clarifies rules related to continuing education including correcting references to professional literature. Updates equipment requirements for licensees. Deletes unnecessary language and corrects references to gender related to practicing on a commercial location, proper identification, and titles of licensees. Updates language related to contact lens prescriptions. The changes are intended to clarify existing language without changing the effect of the rule.

Citation of Existing Rules Affected by this Order: Amending WAC 246-851-150, 246-851-160, 246-851-250, 246-851-300, 246-851-310, 246-851-330, and 246-851-520.

Statutory Authority for Adoption: RCW 18.54.070(2).

Adopted under notice filed as WSR 02-04-090 on February 4, 2002.

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 7, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, 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 7, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 22, 2002

Ben H. Wong

Chair, Board of Optometry

AMENDATORY SECTION (Amending WSR 97-12-088, filed 6/4/97, effective 7/5/97)

WAC 246-851-150 Credit for individual research, publications, and small group study. (1) Subject to approval by the board, continuing education credit may be granted for:

(a) Participation in formal reviews and evaluations of patient care such as peer review and case conferences;

(b) Participation in small group study or individual research;

(c) Scholarly papers and articles whether or not the articles or papers are published.

Requests for credit for papers or articles should include a copy of the article (~~(, date of acceptance or publication,)~~) and the number of hours requested.

(2) Licensees must submit requests for credit (~~(must be submitted)~~) to the board at least sixty days prior to the end of the reporting period.

(3) No more than ten credit hours will be granted under this section to any licensee in any two-year reporting period.

AMENDATORY SECTION (Amending WSR 97-12-088, filed 6/4/97, effective 7/5/97)

WAC 246-851-160 Credit for reports. (1) Continuing education credit will be granted for reports on professional optometric literature. Licensees must submit requests for credit (~~(must be submitted)~~) at least sixty days prior to the end of the reporting period. The request (~~(should)~~) must include a copy of the article, including publication source, date and author. The report (~~(should)~~) must be typewritten and include at least ten descriptive statements from the article.

(2) Professional literature approved for (~~(such)~~) these reports are:

(a) American Journal of Optometry and Physiological Optics;

(b) American Optometric Association News;

(c) Contact Lens (~~(Forum)~~) Spectrum;

(d) (~~Contacto~~;

- ~~(e)~~ Insight;
- ~~(f)~~ International Contact Lens Clinic;
- ~~(g)~~) Journal of American Optometric Association;
- ~~((h))~~ ~~(e)~~ Journal of Optometric Education;
- ~~((i))~~ ~~(f)~~ Journal of Optometric Vision Development;
- ~~((j))~~ ~~OEP Monthly~~;
- ~~(k))~~ ~~(g)~~ Optometric Management;
- ~~((l))~~ ~~Optometric Monthly~~;
- ~~(m)~~ ~~Optometric World~~;
- ~~(n))~~ ~~(h)~~ Review of Optometry;
- ~~((o))~~ ~~(i)~~ 20/20 Magazine; and
- ~~((p))~~ ~~(j)~~ Other literature as approved by the board.

(3) Each report qualifies for one credit hour. No more than ten credit hours will be granted under this section to any licensee in any two-year reporting period.

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-250 Minimum equipment requirements. (1) ~~((At the minimum, every))~~ Licensed optometrists must have ~~((immediate))~~ direct access on the premises to the following equipment and accessories, all of which must be in working condition:

- (a) Adjustable examining chair;
- (b) Phoropter/refractor;
- (c) Retinoscope;
- (d) Ophthalmoscope;
- (e) Pupillary distance measuring device;
- (f) Projector and screen; or illuminated test cabinet, or chart for distant vision testing;
- (g) Nearpoint vision testing equipment;
- (h) Lensometer ~~((=vertometer))~~;
- (i) Tonometer;
- (j) Biomicroscope/slit lamp;
- (k) A clinically accepted visual field testing instrument or equipment.

(2) ~~((In addition to the equipment and accessories listed in subsection (1) above, if a))~~ Licensed optometrists who prescribe ~~((s))~~ contact lenses ~~((he))~~ must have ~~((in his office))~~ direct access on the premises to the following equipment, all of which must be in working condition:

- (a) Diameter gauge;
- (b) Thickness gauge;
- (c) Cobalt or black light instrument;
- (d) ~~((Magnifier, which may separate or part of cobalt or black light instrument;~~
- ~~(e))~~ Radiuscope/contactogauge type measuring instrument;
- ~~((f))~~ ~~(e)~~ Thickness tables;
- ~~((g))~~ ~~Diopter to millimeter conversion tables;~~
- ~~(h)~~ ~~Ophthalmometer/P.E.K. corneal measurement type instrument--))~~ (f) Corneal measurement instrument that quantifies corneal curvature.

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-300 Renting space from and practicing on premises of commercial (mercantile) concern.

Where a doctor of optometry rents or buys space from and practices optometry on the premises of a commercial or mercantile concern:

(1) The practice must be owned by the doctor of optometry solely or in conjunction with other licensed doctors of optometry, and in every phase be under the exclusive control of the doctor(s) of optometry. The prescription files ~~((must be))~~ are the sole property of the doctor(s) of optometry.

(2) The space must be definite and distinct from space occupied by other occupants of the ~~((premises and by the))~~ commercial or mercantile concern ~~((itself))~~.

(3) The doctor(s) of optometry must be clearly identified to the public. Such identification must include the name of the doctor(s) of optometry and the term "doctor of optometry" or "independent doctor of optometry" or other similar phrase.

(4) All signs, advertising and display must be separate and distinct from that of the other occupants and of the commercial or mercantile concern ~~((itself, and have the name of the doctor(s) of optometry and the words "doctor of optometry" prominently displayed in connection therewith))~~. ~~((Any verbal or spoken))~~ All optometric practice advertisements or announcements ~~((advertising an optometrist))~~ on the premises of a commercial or mercantile concern shall not make references which could reasonably convey the impression that the optometric practice is controlled by or part of the commercial or mercantile concern.

~~((4))~~ There must be displayed on any part of the premises occupied by the doctor of optometry or in any advertising of such doctor of optometry no legends such as "optical department," "optical center," "optometrical department," or any others which could reasonably convey the impression that the optometric practice is controlled by or part of the commercial or mercantile concern.

(5) In any written advertisement or announcement which uses the name of a commercial or mercantile concern to indicate the location of an optometric practice, the name(s) of the licensed doctor(s) of optometry owning the practice must be in larger type than the name of the commercial or mercantile concern.

~~(6)~~ A written notice, of a size and type reasonably expected to attract the attention of the public, shall be put in a conspicuous place where the public will be exposed to it before professional services have been contracted for; this notice shall, in plain and simple terms, explain the relationship between the doctor of optometry and the commercial concern. The notice must express that the doctor of optometry is not controlled by the commercial concern in his professional practices, and must clearly describe the amount of responsibility that the commercial concern takes for the professional services rendered by the doctor of optometry.

Examples follow; these are not exhaustive:

~~John Smith, O.D., is a lessee, not an employee, of the store. He is solely responsible for his professional activities.~~

~~The store accepts no responsibility for the actions of John Smith, O.D., its lessee.~~

~~John Smith, O.D., is a lessee of the store, not an employee. As a part of the lease, he has agreed to follow the store's policy of "guaranteed satisfaction or your money back." (Obviously, only if this is true.)~~

PERMANENT

~~Washington law prohibits the store from controlling or owning the practice of a licensed doctor of optometry. Accordingly, the store can assume no responsibility for Dr. Smith's professional services.~~

~~The store is responsible for filling your optical prescription. It is not responsible for the professional services of Dr. Smith, its lessee. (If the store operates the optical dispensary.))~~

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-310 Proper identification of licensees.

Each person licensed (~~pursuant to~~) under chapter 18.53 RCW must be clearly identified to the public as a doctor of optometry at (~~every establishment in which he is engaged in the practice of optometry~~) all practice locations. (~~Such~~) The identification must include the name of the licensee (~~in letters at least two inches high~~) and the term "doctor of optometry" or "independent doctor of optometry" or other similar phrase, at or near the entrance to the licensee's office.

~~((If an owner of all or part of a practice does not engage in optometry on a regular basis at that location, his name and address in letters at least two inches high must be clearly visible to patients at or near the entrance to the location. To engage in optometry "on a regular basis" means to practice at a particular location at regular, periodic intervals, information of which is readily available to the public.))~~

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-330 Misleading titles or degrees. An optometrist shall not use misleading (~~nor nonhealth related~~) or unrelated degrees or titles in connection with the professional practice of optometry. The use of an optometric designation such as "optometrist" or "doctor of optometry" or other similar phrase shall not be used in connection with a business or activity that is not related to optometric care. (~~Degrees, titles or professional identifications may not be used which have not been specifically granted to an optometrist by an approved school or college.~~)

AMENDATORY SECTION (Amending Order 308B, filed 9/30/92, effective 10/31/92)

WAC 246-851-520 Contact lens prescription defined. (~~An optometric~~) A contact lens prescription is a written, signed order from an optometrist to another optometrist, physician, or dispensing optician describing optical and physical characteristics of the contact lenses to be dispensed. It shall be based upon a comprehensive vision and eye health examination, followed by a diagnostic or trial evaluation, and a final evaluation of the contact lens on the eye by (~~the~~) a prescribing doctor.

WSR 02-10-067

PERMANENT RULES

BELLEVUE COMMUNITY COLLEGE

[Filed April 26, 2002, 1:28 p.m.]

Date of Adoption: April 24, 2002.

Purpose: This rule amends the existing section WAC 132H-106-030 to more accurately reflect the regular meeting schedule of the board of trustees.

Citation of Existing Rules Affected by this Order: Amending WAC 132H-106-030.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 02-05-052 on February 15, 2002.

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 9, 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.

March 7, 2002

Elise J. Erickson

Rules Coordinator

AMENDATORY SECTION (Amending WSR 92-13-093, filed 6/17/92)

WAC 132H-106-030 Meetings of the board of trustees. Meetings may be held upon request by the chair or by a majority of the members of the board.

The board of trustees customarily holds a regular meeting (~~on the second Tuesday of each month~~) at such time and place as it may designate approximately every six weeks from January through June and from September through December. Exact board meeting dates may be found in the Washington State Register or by contacting the president's office at (425) 564-2302.

(1) All regular and special meetings of the board of trustees shall be announced and held in accordance with chapter 42.30 RCW (the Open Public Meetings Act).

(2) No official business shall be conducted by the board of trustees except during a regular or special meeting.

(3) The board of trustees may convene in executive session whenever it is deemed necessary pursuant to RCW 42.30.110.

PERMANENT

WSR 02-10-068
PERMANENT RULES
BELLEVUE COMMUNITY COLLEGE

[Filed April 26, 2002, 1:29 p.m.]

Date of Adoption: April 24, 2002.

Purpose: This rule establishes an environmental protection policy for Community College District VIII.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 02-05-053 on February 15, 2002.

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 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, 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.

March 7, 2002

Elise J. Erickson
Rules Coordinator

NEW SECTION

WAC 132H-450-010 Implementation of State Environmental Policy Act. (1) It shall be the policy of Bellevue Community College District VIII that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and 132-24 WAC.

(2) The president of the district or designee shall be responsible for administering and implementing this policy.

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 02-10-069
PERMANENT RULES
BELLEVUE COMMUNITY COLLEGE

[Filed April 26, 2002, 1:34 p.m.]

Date of Adoption: April 24, 2002.

Purpose: The purpose of this filing is to amend the WAC sections listed below to correct typographical and unclear errors.

Citation of Existing Rules Affected by this Order: Amending WAC 132H-120-030, 132H-120-050, 132H-120-200, 132H-120-220, 132H-120-350, 132H-120-410, 132H-120-420, 132H-120-440, and 132H-120-450.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 02-03-106 on January 22, 2002.

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 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, 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.

March 7, 2002

Elise J. Erickson
Rules Coordinator

AMENDATORY SECTION (Amending WSR 92-19-047, filed 9/10/92)

WAC 132H-120-030 Definitions. As used in this Student Code of Community College District VIII the following words and phrases shall mean: (1) "Assembly" means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or groups of persons.

(2) "Board" means the Board of Trustees of Community College District ~~((No-))~~ No. VIII, state of Washington.

(3) "College" means Bellevue Community College located within Community College District ~~((No-))~~ No. VIII, state of Washington.

(4) "College facilities" means and includes any and all real and personal property owned or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(5) "College personnel" refers to any person employed on a full-time or part-time basis, except those who are faculty members, by Bellevue Community College.

(6) "Complaint" means any expression of dissatisfaction with the performance of a college employee or procedure.

(7) "Disciplinary action" means and includes expulsion, suspension, or any lesser sanction of any student by the ~~((dean of student services,))~~ dean of student services, the College Discipline Committee, the President, or the Board of Trustees for the violation of any of the provisions of the ~~((student code))~~ student code for which sanctions may be imposed.

(8) "District" means Community College District VIII, State of Washington.

(9) "Faculty member(s)" means any employee of Bellevue Community College who is employed on a full-time or

part-time basis as a teacher, counselor, librarian, or other position for which the training, experience, and responsibilities are comparable as determined by the appointing authority, including administrative appointment.

(10) "President" means the duly appointed chief executive officer of Bellevue Community College, state of Washington, or in his/her absence, the acting chief executive officer.

(11) "Recognized student organization" shall mean and include any group or organization composed of students which is formally recognized by the Associated Students of Bellevue Community College.

(12) ((A)) "(s) Sponsored event or activity" shall mean any activity that is scheduled by the college and supervised and controlled by the college's faculty members, librarians, counselors, or other college personnel. Such "sponsorship" shall continue only as long as the event is supervised and controlled by the college faculty member, librarian, counselor or other college personnel. When the sponsored event or activity is of prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of the activity shall be deemed to a non-sponsored activity.

(13) "Student," unless otherwise qualified, means any person who is enrolled for classes or has been accepted for admission to the college.

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

AMENDATORY SECTION (Amending WSR 93-12-008, filed 5/19/93)

WAC 132H-120-050 Student rights and freedoms.

The following enumerated rights and freedoms are guaranteed to each student within ~~((the))~~ the limitations ~~((of statutory law and college policies that))~~ of statutory law and college policies that are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed rights of free inquiry, expression and peaceful assembly upon and within college facilities that are generally open and available to the public. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operation of the college.

(b) Students ~~((shall))~~ shall have the right of ~~((assembly))~~ assembly as defined in WAC 132H-120-030 upon college facilities that are generally available to the public: Provided, That such assembly shall:

(i) Be conducted in an orderly manner; and

(ii) Not unreasonably interfere with vehicular or pedestrian traffic; or

(iii) Not unreasonably interfere with classes, schedules, meetings, or ceremonies, or with the educational functions of the college; ~~((and))~~

(iv) Not unreasonably interfere with college functions ~~((:))~~; and

(v) Not cause damage or destruction to college property or private property on the college campus.

(c) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW ~~((26B.50.090 (3)(b) [28B.50.090 (3)(b)-f]))~~ 28B.50.090 (3)(b).

(d) Students shall be protected from academic evaluation which is arbitrary, prejudiced or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(e) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.

(2) Due process.

(a) The right ~~((s))~~ of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this student code is entitled, upon request, to procedural due process as set forth in this chapter.

(3) Distribution and posting. Students may distribute or post printed or published material subject to official procedures printed and available in the dean of student service's office. All free publications not in violation of state and/or federal laws such as books, magazines, newspapers, handbills, leaflets, or similar materials may be distributed on campus. The college may restrict the distribution of any publications where such distribution unreasonably interferes with college operations. Such materials may be distributed from authorized public areas in the student center and at any outdoor area on campus consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college affairs. Any person desiring to distribute such publications shall first register with the director of student programs so that reasonable areas and times can be assured and the activities of the institution will not be unduly interfered with. All handbills, leaflets, newspapers, and similarly related matter must bear identification as to the publishing agency and distributing organization or individual.

(4) Off campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the ~~((administrative office))~~ campus operations office.

(5) Incidental sales. Students have the right to engage in incidental sales of personal property in a private transaction provided college facilities are not explicitly used for this purpose.

(6) Commercial activities. The use of college grounds or facilities for commercial or private gain purposes is prohibited except where commercial activity such as sale of books, instructional supplies, or food contribute to the operation of the instructional program or where limited sale is specifically

authorized by the dean of student services for the benefit of the approved activity.

(7) Fund raising. Students have the right to engage in fund-raising activities for nonprofit organizations as recognized by the Internal Revenue Service. All fund raising activities must be approved by the dean of student services.

(8) Sale of merchandise. All merchandise offered for commercial sale may be sold only through the college bookstore or college food services except when approved by the dean of student services.

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

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

AMENDATORY SECTION (Amending WSR 93-12-008, filed 5/19/93)

WAC 132H-120-200 Student responsibilities. Any student shall be subject to disciplinary action as provided for in this chapter, who either as a ~~((principal))~~ ~~((principal))~~ principal ~~((actor or aide or abettor))~~ actor~~((t))~~, aider, abettor or accomplice as defined in RCW 9A.08.020:

(1) Materially and substantially interferes with the personal rights or privileges of others or the ~~((educational))~~ educational process of the college:

(2) Violates any provisions of this chapter; or

(3) Commits any of the following acts which are hereby prohibited:

(a) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of liquor or alcoholic beverage except as a participant of legal age in a student program, banquet or educational program which has the special written authorization of the college president or his/her designee.

(b) Controlled substances. Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in ~~((chapter 69.50 RCW 101))~~ RCW 69.50.101 as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation~~((t))~~, "sale" shall include the statutory meaning defined in ~~((RCW 69.50.410) [RCW 69.04.005])~~ RCW 69.04.005 as now law or hereafter amended.

(c) ~~((Illegal entry))~~ Illegal entry. Entering any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(d) Forgery or alteration of records. Forgery, as defined in RCW 9A.60-010 - 9A.60.020 as now law or hereafter amended or any district record of instrument or tendering any forged record of instrument to any employee or agent of the district acting in his/her official capacity as such.

(e) Illegal assembly. Participation in an assembly which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educa-

tional and administrative functions of the college, or the private rights and privileges of others.

(f) Malicious mischief. Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(g) Failure to follow instructions. Failure to comply with directions of properly identified college officials acting in performance of their duties.

(h) Physical abuse. Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(i) Assault. Assault, reckless endangerment, intimidation or interference upon another person in the manner set forth in RCW 9A.36.010 - 050 or 28B.10.570 - 572 as now or hereafter amended.

(j) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior that interferes with the rights of others or which obstructs or disrupts teaching, research, or administrative functions.

(k) Weapons. Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities ~~((on))~~ on the college campus, except for authorized college purposes or for law enforcement officers, unless written approval has been obtained from the dean of student services or any other person designated by the president.

(l) Lewd conduct. Engaging in lewd, indecent, or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(m) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm or other device established for the safety of individuals and/or college facilities.

(n) Cheating and plagiarism. Engaging in cheating, stealing, plagiarizing, knowingly furnishing false information to the college, or submitting to a faculty member any work product that the student fraudulently represents as his or her own work for the purpose of fulfilling or partially fulfilling any assignment or task required as part of a program of instruction.

(o) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior knowingly offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(p) Theft or robbery. Theft or robbery from the district or ~~((from))~~ from another as defined in RCW 9A.56.010 - 9A.56.050 and 9A.56.100 as now law or hereafter amended.

(q) Unauthorized use of property. Converting college equipment, supplies or other property without proper authority.

(r) Refusal to provide identification. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(s) Smoking. Smoking in any classroom or laboratory, the library, or in any college facility or office posted "no

smoking" or any other smoking not complying with chapter 70.160 RCW.

(t) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

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

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

AMENDATORY SECTION (Amending WSR 93-12-008, filed 5/19/93)

WAC 132H-120-220 Responsibility ~~((f))~~ of college discipline committee. The dean of student ~~((programs and personnel))~~ services is the college administrator responsible for student discipline. All discipline procedures will be initiated by the dean, who shall have the authority to administer the disciplinary action prescribed in this chapter and to convene the college discipline committee. The composition of the college discipline committee shall be as follows: The committee shall be established each fall. It will be composed of the following persons:

(1) A faculty member appointed by the president of the college.

(2) A member of the faculty, appointed by the president of ~~((the))~~ the Bellevue Community College Association of Higher Education.

(3) Two representatives ~~((selected))~~ selected by the student services cabinet.

(4) ~~((Three students. The))~~ Three students ~~((will be))~~ appointed by the president of the associated students of Bellevue Community College.

None of the above-named persons shall sit in any case in which he/she has a conflict of interest, is a complainant or witness, has a direct or personal interest, or has acted previously in an advisory capacity. Decisions in this regard, including the selection of alternates, shall be made by the college discipline committee as a whole.

The college discipline committee chair will be elected by the members of the college discipline committee.

There shall be a list of alternates provided in the same manner and number in which membership was obtained.

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

AMENDATORY SECTION (Amending WSR 93-12-008, filed 5/19/93)

WAC 132H-120-300 Discipline committee procedure. (1) The discipline committee shall conduct a hearing within twenty calendar days after disciplinary action has been referred to the committee.

(2) When a person is charged with an offense punishable by suspension, or dismissal of his or her relationship with the institution, and where the person

(a) Waives the opportunity for a brief adjudicative proceeding, or

(b) By his/her conduct in the judgment of the hearing officer makes it impossible to conduct a brief adjudicative proceeding, or

(c) Is dissatisfied with the results of the brief adjudicative proceeding; that person is entitled to an adjudicative proceeding according to the provisions of RCW 34.05.410 and the guidelines of this chapter. Where an adjudicative proceeding is neither required by law nor requested by the student or the college, the matter may be resolved informally. Brief adjudicative proceedings before the discipline committee shall be conducted in any manner which will bring about a prompt, fair resolution of the matter.

(3) Written notice of the time and place of his hearing before the college discipline committee, shall be given to the student by personal service or certified mail not less than twenty calendar days in advance of the hearing. The notice shall be issued by the dean of student services and shall contain:

(a) A statement of the time, place and nature of the disciplinary proceedings;

(b) A statement of the charges including reference to the particular sections of the student code involved; and

(c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(4) The student shall be entitled to:

(a) Hear and examine the evidence against him or her and be informed of the identity of its source; ~~((he shall be entitled to))~~

(b) Present evidence in his or her own behalf and to cross-examine witnesses testifying on behalf of the college as to factual matters.

(c) Take depositions upon oral examination or written interrogatories. Discovery shall be done according to the rules of civil procedure or by a less formal method where all parties agree.

(5) The student shall have all authority possessed by the college to obtain information he/she specifically describes, in writing, and tenders to the dean ~~((of))~~ of student services no later than three days prior to the hearings, or request the presence of witnesses or the production of other evidence relevant to the issues of the hearings.

(6) The student shall have the right to dismiss a member of the college discipline committee on prejudicial grounds if notice is tendered in writing to the dean ~~((of))~~ of student services at least three days prior to the scheduled hearing.

(7) The student may be represented by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney as his or her counsel, he or she must tender at least seven calendar days' notice thereof to the dean of student services ~~((development)))~~.

(8) In all disciplinary proceedings the college may be represented by the dean ~~((of))~~ of student services or his or her designee who shall present the ~~((college's))~~ college's case to the college discipline committee. ~~((The))~~ The dean ~~((of))~~ of student services may elect to have the college represented by an assistant attorney general.

~~((9))~~ (9) An adequate record of ~~((the))~~ the hearing shall be maintained and shall include:

- (a) All documents, motions, and intermediate rulings;
- (b) Evidence received and considered;
- (c) A statement of matters noticed; and
- (d) Questions and offers of proof, objections and rulings thereon.

(10) The chair of the college discipline committee shall preside at the disciplinary hearing and shall be considered the presiding officer.

(11) The dean of student services shall designate a recorder to take notes during the hearing and to prepare a written summary of all evidence, facts and testimony presented to the college discipline committee during the course of the hearing.

~~((12))~~ (12) Hearings conducted by the college discipline committee generally will be held in closed session, provided that the accused student may request the hearing to be held in open session.

(13) If at any time during the conduct of a hearing visitors disrupt the proceedings, the chair of the committee may exclude such persons from the hearing room.

(14) Any student attending the college discipline committee hearing who continues to disrupt the proceedings after the chair of the committee has asked him or her to cease or to leave the hearing room shall be subject to disciplinary action.

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

AMENDATORY SECTION (Amending WSR 92-19-047, filed 9/10/92)

WAC 132H-120-350 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))~~ by the president before readmission is granted. The president shall render a decision in writing to the student.

AMENDATORY SECTION (Amending WSR 92-19-047, filed 9/10/92)

WAC 132H-120-410 Permission to enter or remain on campus.

During the summary suspension period, the suspended student shall not enter any campus of District No. VIII other than to meet with the dean ~~((of))~~ of student services or to attend the hearing. However, the dean ~~((of))~~ of student services or the college president may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for a probable cause hearing.

AMENDATORY SECTION (Amending WSR 92-19-047, filed 9/10/92)

WAC 132H-120-420 Notice of summary suspension proceedings. (1) When the president or his/her designee exercises the authority to summarily suspend a student, he/she shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student.

(2) The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the student code of Bellevue Community College District VIII or the law involved; and

(b) That the student charged must appear before the dean ~~((of))~~ of student services at a time specified in the notice for a hearing as to whether probable cause exists to continue the summary suspension~~((-))~~. The hearing shall be held as soon as practicable after the summary suspension.

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

AMENDATORY SECTION (Amending WSR 92-19-047, filed 9/10/92)

WAC 132H-120-440 Decision by the dean ~~((of))~~ of student services. If the dean ~~((of))~~ of student services, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

(1) The student against whom specific violations of law or of provisions of this chapter are alleged has committed one or more of such violations upon any college facility; and

(2) That summary suspension of said student is necessary for the protection of the student, other students or persons on college facilities, college property, the educational process, or to restore order to the campus, and

(3) Such violation or violations of the law or of provisions of this chapter constitute grounds for disciplinary action, then the dean ~~((of))~~ of student services may, with the written approval of the president, continue to suspend such student from the college and may impose any other disciplinary action appropriate.

AMENDATORY SECTION (Amending WSR 92-19-047, filed 9/10/92)

WAC 132H-120-450 Notice of suspension. (1) A student who is suspended or otherwise disciplined pursuant to the above rules shall be provided with a written copy of the dean of student service's findings of fact and conclusions, as expressly concurred in by the president, which constituted probable cause to believe that the conditions for summary suspension existed.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail to said student's last known address within three working days following the conclusion of the summary suspension hearing.

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((3)) (3) The notice of suspension shall state the duration of the suspension or nature of other disciplinary action and the conditions under which the suspension may be terminated.

WSR 02-10-070
PERMANENT RULES
BELLEVUE COMMUNITY COLLEGE

[Filed April 26, 2002, 1:34 p.m.]

Date of Adoption: April 24, 2002.

Purpose: This rule establishes that student records are confidential and can be released only with written permission of the student except for information that is considered to be directory information.

Statutory Authority for Adoption: RCW 28B.50.140.

Other Authority: 20 U.S.C. and 1232g, 34 C.F.R. and 99.

Adopted under notice filed as WSR 02-03-107 on January 22, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 11, 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.

March 7, 2002

Elise J. Erickson
Rules Coordinator

Chapter 132H-410 WAC

Family Education Rights and Privacy Act

NEW SECTION

WAC 132H-410-010 Family Education Rights and Privacy Act—General policy. Bellevue Community College implements policy contained in this chapter in compliance with Public Law 93-380, the Family Educational Rights and Privacy Act of 1974 ("FERPA"). This law establishes that the education records of students attending or having attended the college are confidential and can be released only with written permission of the student. The Family Educational Rights and Privacy Act also authorizes the college to release so-called "directory information" without that prior written permission.

The college has adopted procedures to implement the Family Educational Rights and Privacy Act. Questions pertaining to the procedures and their implementation should be directed to the Associate Dean of Enrollment Services.

NEW SECTION

WAC 132H-410-020 Definitions. For the purposes of this policy, the following definitions apply:

(1) Student. Any person who attends or has attended Bellevue Community College.

(2) Education records. Any record (in handwriting, print, tapes, film, computer, e-mail, or other medium) maintained by Bellevue Community College or an agent of the college which is directly related to a student, except:

(a) A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.

(b) Records created and maintained by campus security for law enforcement purposes.

(c) An employment record of an individual whose employment is not contingent on the fact that he or she is a student (work-study employment is not an exception), provided that the record is used only in relation to the individual's employment.

(d) Records made or maintained by the student health center or the human development center, if the records are used only for treatment of a student and are made available only to those persons providing the treatment

(e) Alumni records which only contain information about a student after he or she is no longer in attendance at the college and which information does not relate to the person as a student.

(3) Directory Information. Directory information is that information routinely released without the student's permission. This includes: name of student, student's email address, degree or certificate awarded, dates of attendance, athletic statistics, scholarships received, membership or office in BCC student government or honor society, part-time or full-time student status, and previous schools attended.

NEW SECTION

WAC 132H-410-030 Annual notification of rights. Bellevue Community College will provide students annual notification of their rights as defined by FERPA by publication in the student handbook and college catalog and by posting information in the student services building.

NEW SECTION

WAC 132H-410-040 Primary rights of students. The primary rights of students under FERPA are:

- (1) To inspect and review their education records;
- (2) To request amendment of their education records; and
- (3) To have some control over the disclosure of information from their education records.

NEW SECTION

WAC 132H-410-050 Inspection of education records.

Students may inspect and review their education records upon written request to the associate dean of enrollment services identifying the record(s) the student wishes to inspect.

The associate dean of enrollment services will make the needed arrangements for access within forty-five days from the receipt of the student's written request. If the requested records are not maintained by the office of the associate dean, then the associate dean shall forward the request to the appropriate college official. If the requested records contain information about more than one student, the student may inspect and review only the records or portions of records which relate to him or her.

NEW SECTION

WAC 132H-410-060 Limitation on right of access.

Bellevue Community College reserves the right to refuse to permit a student to inspect the following records:

- (1) The financial statement of the student's parents;
- (2) Letters and statements of recommendation for which the student has waived his or her right of access, or which were maintained before January 1, 1975;
- (3) Records connected with an application to attend Bellevue Community College or a component unit of BCC if that application was denied; and
- (4) Those records which are excluded from the FERPA definition of education records.

NEW SECTION

WAC 132H-410-070 Refusal to provide copies. Bellevue Community College reserves the right to deny copies of records, including transcripts, not required to be made available by FERPA in any of the following situations:

- (1) The student has an unpaid financial obligation to the college.
- (2) There is an unresolved disciplinary action against the student.
- (3) The education record requested is an exam or set of standardized test questions.

NEW SECTION

WAC 132H-410-080 Types, locations, and custodians of education records. The following is a list of the types, locations, and custodians of education records the college maintains. The length of time the records are kept is indicated in parentheses. Requests for specific education records should be sent to the custodian and location indicated, at Bellevue Community College, 3000 Landerholm Circle SE, Bellevue, WA, 98007.

Type (retention period)	Location	Custodian
Admissions records (1 year after last date of attendance)	Admissions Office	Associate Dean of Enrollment Services
Cumulative academic transcript (75 years after last date of attendance)	Records Office	Associate Dean of Enrollment Services

Disciplinary records (5 years after resolution of disciplinary action)	Student Services Office	Dean of Student Services
Financial aid records (5 years after last date of attendance)	Financial Aid Office	Director of Financial Aid & Student Employment
Financial records (3 years after last date of attendance)	Finance Office	Director of Finance
Student employment records (1 year after last date of attendance)	Student Employment Office	Director of Financial Aid & Student Employment

NEW SECTION

WAC 132H-410-090 Disclosure of education records.

The college will disclose information from a student's education records only with the written consent of the student except that records may be disclosed without consent when the disclosure is:

- (1) To school officials who have a legitimate educational interest in the records.
 - (a) A school official is:
 - (i) A person employed by the college in an administrative, supervisory, academic or research, or support staff position, including health center staff.
 - (ii) A person appointed to the board of trustees.
 - (iii) A person employed by or under contract to the college to perform a special task, such as an attorney or auditor.
 - (iv) A person who is employed by campus security.
 - (v) A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks.
 - (b) A school official has a legitimate educational interest if the official is:
 - (i) Performing a task that is specified in his or her position description or contract agreement.
 - (ii) Performing a task related to a student's education.
 - (iii) Performing a task related to the discipline of a student.
 - (iv) Providing a service or benefit relating to the student or student's family, such as health education, counseling, advising, student employment, financial aid, or other student service related assistance.
 - (v) Maintaining the safety and security of the campus.
- (2) To school officials of another school, upon request by that school, in which a student seeks or intends to enroll.
- (3) To certain officials of the U.S. Department of Education, the comptroller general, and to state and local educational authorities, in connection with audit or evaluation of certain state- or federally-supported education programs.
- (4) In connection with a student's request for or receipt of financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
- (5) To state and local officials or authorities if specifically required by a state law that was adopted before November 19, 1974.
- (6) To organizations conducting certain studies for or on behalf of the college.
- (7) To accrediting organizations to carry out their functions.

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(8) To parents of an eligible student who is claimed as a dependent for income tax purposes.

(9) To comply with a judicial order or a lawfully-issued subpoena.

(10) To appropriate parties in a health or safety emergency.

(11) To individuals requesting directory information so designated by the college.

(12) The results of any disciplinary proceeding conducted by the college against an alleged perpetrator of a crime of violence to the alleged victim of that crime.

NEW SECTION

WAC 132H-410-100 Directory information. Bellevue Community College designates the following items as directory information, which may be disclosed without the student's prior written consent, unless the student notifies the college to the contrary in writing by September 15 of the academic year:

- (1) Name of student
- (2) Student's email address
- (3) Degree or certificate awarded
- (4) Dates of attendance
- (5) Athletic statistics
- (6) Scholarships received
- (7) Membership or office in BCC student government or honor society
- (8) Part time or full time student status
- (9) Previous schools attended

NEW SECTION

WAC 132H-410-110 Correction of education records. Students have the right to ask that records be corrected if they believe those records are inaccurate, misleading, or in violation of their privacy rights. The following procedures are in place for correcting education records.

(1) The student must formally ask the associate dean of enrollment services to amend a record. The request should identify the specific record, the part or the record to be amended, and the reason why the student believes it is inaccurate, misleading, or in violation of his or her privacy rights.

(2) The college decides whether or not to comply with the student's request.

(a) If the college decides that the information is indeed inaccurate, misleading, or in violation of the student's privacy rights, it will amend the record and notify the student in writing that it has done so.

(b) If the college decides to deny the request, the college will notify the student of that decision and advise the student of his or her further rights:

(i) The student has the right to place in the record a statement commenting on the challenged information and/or a statement of the student's reasons for disagreeing with the college's decision. This statement will be maintained as part of the student's education record as long as the contested portion is maintained. If BCC discloses the contested portion of the record, it must also disclose the student's statement.

(ii) The student has the right to request a hearing to challenge the information which the student believed to be inaccurate, misleading, or in violation of privacy rights.

(3) If the student so requests, the college will arrange a hearing and notify the student reasonably in advance of the date, place, and time of the hearing.

(4) The hearing will be conducted by a hearing officer who is a disinterested party. This hearing officer may be a college official. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend an education record. The student may be assisted at the hearing by one or more individuals, including an attorney.

(5) The hearing officer will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.

WSR 02-10-083

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

(Apprenticeship and Training Council)

[Filed April 29, 2002, 1:24 p.m., effective June 1, 2002]

Date of Adoption: April 26, 2002.

Purpose: Chapter 296-05 WAC, Apprenticeship rules. The purpose of this rule making is to address an inconsistency that now exists in the rules as a result of the recent rule changes that were adopted on October 31, 2001. The inconsistency is between WAC 296-05-007 and 296-05-300. Clarification changes are necessary to ensure that the Washington State Apprenticeship and Training Council has the discretion to either adjudicate matters (i.e. objections to apprenticeship standards or proposed amendments to apprenticeship standards) themselves or refer them to the Office of Administrative Hearings. In addition, the responsibility for an apprenticeship sponsor to ensure that safety and health training is provided to apprentices in WAC 296-05-316(8) was eliminated as this is the employer's responsibility. Lastly, a minor technical amendment was done to WAC 296-05-402 to correct an error in the flowchart.

Citation of Existing Rules Affected by this Order: Amending WAC 296-05-007, 296-05-300, 296-05-316, and 296-05-402.

Statutory Authority for Adoption: RCW 49.04.010 and chapter 204, Laws of 2001 (SHB 1234).

Adopted under notice filed as WSR 02-04-004 on January 18 [23], 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

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Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Effective Date of Rule: June 1, 2002.

April 26, 2002

Pete Crow, Vice-Chair

Apprenticeship and Training Council

AMENDATORY SECTION (Amending WSR 01-22-055, filed 10/31/01, effective 1/17/02)

WAC 296-05-007 Rules of procedure. All hearings and adjudication, under chapter 49.04 RCW and these rules, shall be conducted according to chapter 34.05 RCW, the Administrative Procedure Act and chapter 10-08 WAC, Model Rules of Procedure. The chair (or vice-chair in the chair's absence) is the presiding officer for adjudicative proceedings, held before the WSATC. The WSATC may either adjudicate matter(s) themselves or refer ((a)) matter(s) to the office of administrative hearings for initial adjudication. ~~((When an affected person(s) files an objection in a timely manner to proposed standards or a proposed amendment of existing standards, the initial adjudication of the objection shall be referred to the office of administrative hearings.))~~

If the initial adjudication is before the WSATC, the WSATC will enter a final order. If the initial adjudication has been held at the office of administrative hearings, the administrative hearings judge shall issue an initial order. The WSATC, upon review of the initial order shall enter the final order. An initial order shall become final without further WSATC action five working days after the next regular quarterly meeting unless:

(1) The WSATC upon its own motion determines that the initial order should be reviewed; or

(2) A party to the proceedings files a petition for review of the initial order.

The WSATC may appoint a person to review the initial order and prepare and enter the final WSATC order.

AMENDATORY SECTION (Amending WSR 01-22-055, filed 10/31/01, effective 1/17/02)

WAC 296-05-300 Apprenticeship and training programs—Approval. The WSATC is the body responsible for matters concerning apprenticeship and training in the state of Washington. The principal function of the WSATC is to approve, register, and regulate apprenticeship and training agreements. Persons or organizations desiring to institute an apprenticeship or training program must follow these steps:

(1) Organize an apprenticeship and training committee according to WAC 296-05-303 and file affidavits with the WSATC requesting that the committee be recognized.

(2) Once the committee is recognized, it must propose standards conforming to these rules and to chapter 49.04 RCW. In addition, the standards must include the composi-

tion of the committee and general rules that it will follow in administering the program. (The apprenticeship supervisor and department apprenticeship coordinators are available to give assistance drafting standards.)

(3) These standards must be presented to the supervisor at least forty-five days before the regular quarterly meeting at which the WSATC is requested to consider such proposed standards.

(4) At the regular quarterly meeting, the proposed standards will be considered by the WSATC. The WSATC will:

(a) Approve;

(b) Approve provided the sponsor accepts the changes recommended by the WSATC; or

(c) Disapprove.

At the regular quarterly meeting, the WSATC will allow changes to correct clerical errors. The addition of standard language will be allowed if authorized representatives of the sponsor are present and authorized to accept changes. At the regular quarterly meeting, the WSATC will not accept changes to the format, language, or provisions of the submitted program standards which are not reasonably consistent with previously approved program standards.

If the WSATC disapproves the standards, it shall direct the department to inform the sponsor in writing the reason for disapproval.

(5) Once the WSATC approves the program standards the committee is authorized to function and perform its duties as described in WAC 296-05-316.

(6) If a competitor objects to the proposed standards or proposed amendment(s) to existing standards, the WSATC may either adjudicate the objection(s) with the proposed standards or refer the objection(s) with the proposed standards or proposed amendment(s) to existing standards to an administrative hearing as described in WAC 296-05-007. For purposes of this subsection "competitor" means a competing apprenticeship program in a similar or subset of the trade, craft, or occupation within the geographic area served.

AMENDATORY SECTION (Amending WSR 01-22-055, filed 10/31/01, effective 1/17/02)

WAC 296-05-316 Apprenticeship agreements—Standards requirements. The WSATC shall have the authority to develop, administer, and enforce program standards for the operation and success of an apprenticeship and training program.

The sponsor's proposed program standards must include a list of duties and responsibilities of the program sponsor reasonably consistent with other approved program standards.

All apprenticeship agreements must comply with the approved program standards, chapter 49.04 RCW, and these rules. The standards of apprenticeship agreements must include the following:

(1) A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which must not be less than two thousand hours of reasonably continuous employment.

(2) A statement identifying the program sponsor, establishing the apprenticeship committee and enumerating the

sponsor's and committee's duties and responsibilities. This statement must include provisions to:

(a) Elect a chair and a secretary from employer and employee representatives of the committee.

EXCEPTION: This provision is not necessary for a plant program.

(b) Convene at least three annual regular meetings of the program sponsor and apprenticeship committee. The meetings shall be at least three times per year, be attended by a quorum of committee members (as defined in the approved program standards), be documented with minutes which must be periodically submitted to the department and made available to the WSATC upon request. Conference call meetings may be conducted in lieu of regular meetings but must not exceed the number of attended meetings and no disciplinary action shall be taken at conference call meetings.

(c) Determine need for apprentices in the area covered by the apprenticeship standards established under these rules. (Statistical analysis of workload projections, demographics, and information relating to expected workload growth are examples of ways the sponsor may demonstrate that the need for apprentices exists.)

(d) Establish minimum standards of education and skilled occupational experience required of apprentices.

(e) Rotate apprentices in the various processes of the skilled occupation to assure a well-rounded, competent worker.

(f) Determine the adequacy of an employer to furnish proper on-the-job training in accordance with the provisions of the approved standards.

EXCEPTION: This does not apply to plant programs.

(g) Recommend competent instructors and related/supplemental instruction in accordance with local vocational requirements.

(h) Recommend a course outline for related/supplemental instruction, as well as coordinate related/supplemental instruction with on-the-job work experience.

(i) Hear and adjust all complaints of violations of apprenticeship agreements.

(j) Adopt, as necessary, program rules to administer the apprenticeship program in compliance with its standards, chapter 49.04 RCW, and these rules.

(k) Periodically review and evaluate apprentices before advancement to the apprentice's next wage progression period.

(l) Maintain apprenticeship records and records of the administrative program as may be required by the WSATC, chapter 49.04 RCW, and these rules. (See WAC 296-05-318.)

(3) The following Equal Employment Opportunity Pledge:

"The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, sex, color, religion, national origin, age, disability or as otherwise specified by law. The sponsor shall take positive action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required by the rules of the Washington State Apprenticeship and Training Council and Title 29, Part 30 of the Code of Federal Regulations."

(4) When applicable, an affirmative action plan and selection procedures.

(5) A numeric ratio of apprentices to journey-level workers may not exceed one apprentice per journey-level worker. It must be consistent with proper supervision, training, safety, continuity of employment, and applicable provisions in collective bargaining agreement, if any. The ratio must be described in the program standards and shall be specific and clear as to application in terms of job site, work group, department, or plant. An exception to this requirement may be granted by the WSATC.

(6) A statement of the related/supplemental instruction including content, format, hours of study per year (which shall be a minimum of one hundred forty-four hours per year).

(7) An attendance policy which includes a provision that if the apprentice fails to fulfill the related/supplemental instruction obligations, the sponsor may withhold the apprentice's periodic wage advancement, suspend or cancel the apprenticeship agreement. A provision that time spent in related/supplemental instruction classes shall not be considered as hours of work and the apprentice is not paid for the classroom time. A provision that the hours of actual attendance by the apprentice in related supplemental instruction classes must be reported to the department on a quarterly basis for industrial insurance purposes.

(8) A provision to ensure that the sponsor provides for instruction of the apprentice during the apprentice's related/supplemental instruction in safe and healthful work practices in compliance with the Washington Industrial Safety and Health Act, and applicable federal and state regulations. ~~((Also, the sponsor must ensure that the employer provides the necessary instruction in safe and healthful work practices in compliance with the Washington Industrial Safety and Health Act, and applicable federal and state regulations to the apprentice for the on-the-job training portion of the apprenticeship.))~~

(9) A provision for a formal agreement between the apprentice and the sponsor and for registering that agreement with the department.

(10) A provision for the timely notice to the department of all requests for disposition or modification of apprenticeship agreements including:

- Certificate of completion;
- Additional credit;
- Suspension;
- Military service;
- Reinstatement;
- Cancellation; and
- Corrections.

(11) A provision for advancing an apprentice's standing based on previous experience in the skilled trade or in some other related capacity.

(12) A provision for the transfer of an apprentice from one training agent to another training agent or the sponsor in order to provide as much as possible, continuous employment and diversity of training experiences for apprentices.

(13) A provision for the amendment of the standards or deregistration of the program. This provision must comply

with chapter 49.04 RCW, these rules, and WSATC policies and procedures.

(14) An apprenticeship appeal procedure in compliance with chapters 49.04, 34.05 RCW, and these rules.

(15) A statement of the processes in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process.

(16) A statement of the number of hours to be spent by the apprentice in work and the number of hours to be spent in related/supplemental instruction which instruction shall be not less than one hundred forty-four hours per year.

(17) A statement of the minimum qualifications for persons entering the apprenticeship program including the age of the apprentice which may not be less than sixteen years of age. All exceptions to minimum qualifications, if any, must be clearly stated and applied in a nondiscriminatory manner.

(18) Provision that the services of the supervisor and the WSATC may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or as required by the established trade procedure.

(19) Provision that if an individual training agent is unable to fulfill its obligation under the apprenticeship agreement, it will transfer the obligation to the program sponsor.

(20) Such additional standards as may be prescribed in accordance with the provisions of this chapter.

(21) Disciplinary procedures and criteria for apprentices. The procedures may include a committee-imposed disciplinary probation during which the committee may according to expressed criteria:

- Withhold periodic wage advancements;
- Suspend or cancel the apprenticeship agreement;
- Take further disciplinary action; or
- The disciplinary procedures must include a notice to the apprentice that the apprentice has the right to file an appeal, of the committee's action, to the WSATC.

(22) A provision for an initial probation which the WSATC or the supervisor of apprenticeship may terminate an apprenticeship agreement at the written request by any affected party. The initial probation must not exceed twenty percent of the term of apprenticeship unless an exemption has been granted for longer probationary periods as specified by Civil Service or law. The initial probationary period must be expressed in hours of employment. During the initial probationary period, the apprenticeship agreement may be terminated by the sponsor or the apprentice without a hearing or stated cause. An appeal process is available to apprentices who have completed the initial probationary period.

(23) Provisions prohibiting discrimination on the race, sex, color, religion, national origin, age, disability or as otherwise specified by law during all phases of apprenticeship.

(24) Provisions to ensure adequate records of the selection process are kept for a period of at least five years and are available to the WSATC or its representative on request. ("Adequate records" means at least a brief summary of any interviews and the conclusions reached on each of the specific factors which are part of the total judgment concerning each applicant.)

(25) Provisions to ensure that local committee rules and regulations be consistent with these rules and the applicable apprenticeship agreement.

(26) Provisions to ensure any proposed standards for apprenticeship are reasonably consistent with any standards for apprenticeship already approved by the WSATC for the industry, craft or trade in question taking into account the WSATC's determination of the apprenticeship needs of the trade and geographic area. (Statistical analysis of workload projections, demographics, and information relating to expected workload growth are examples of ways the sponsor may demonstrate that the need for apprentices exists.) The goal is to achieve general statewide uniformity of standards in each industry, trade or craft. Proposed standards for a new program shall be considered consistent if they are equal to or exceed the minimum number of hours approved by the United States Department of Labor for a trade, craft, or occupation. If the United States Department of Labor has not established a minimum number of hours for a trade, craft, or occupation, the WSATC may utilize its discretion to determine the minimum number of hours that must be achieved. In addition, the course content and delivery method must be designed to achieve the same levels of skills as existing standards within the state for that industry, trade, or craft.

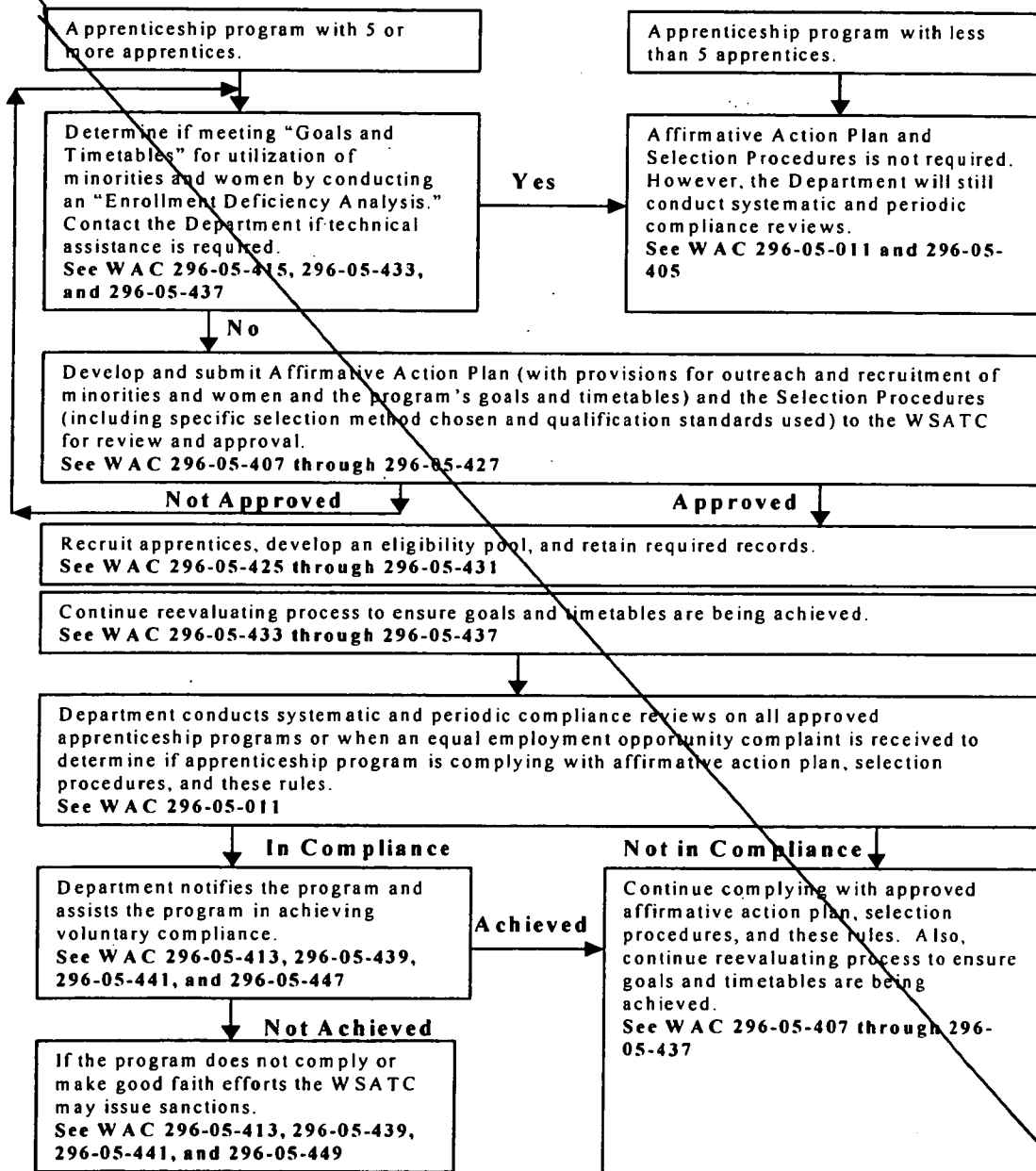
(27) A provision to ensure that the progressively increasing wage scales based on specified percentages of journey-level wage, which must be submitted, at least annually, to the WSATC. These may be submitted on a form provided by the department.

A sample apprenticeship agreement and a standard form for program standards are available from the supervisor.

AMENDATORY SECTION (Amending WSR 01-22-055, filed 10/31/01, effective 1/17/02)

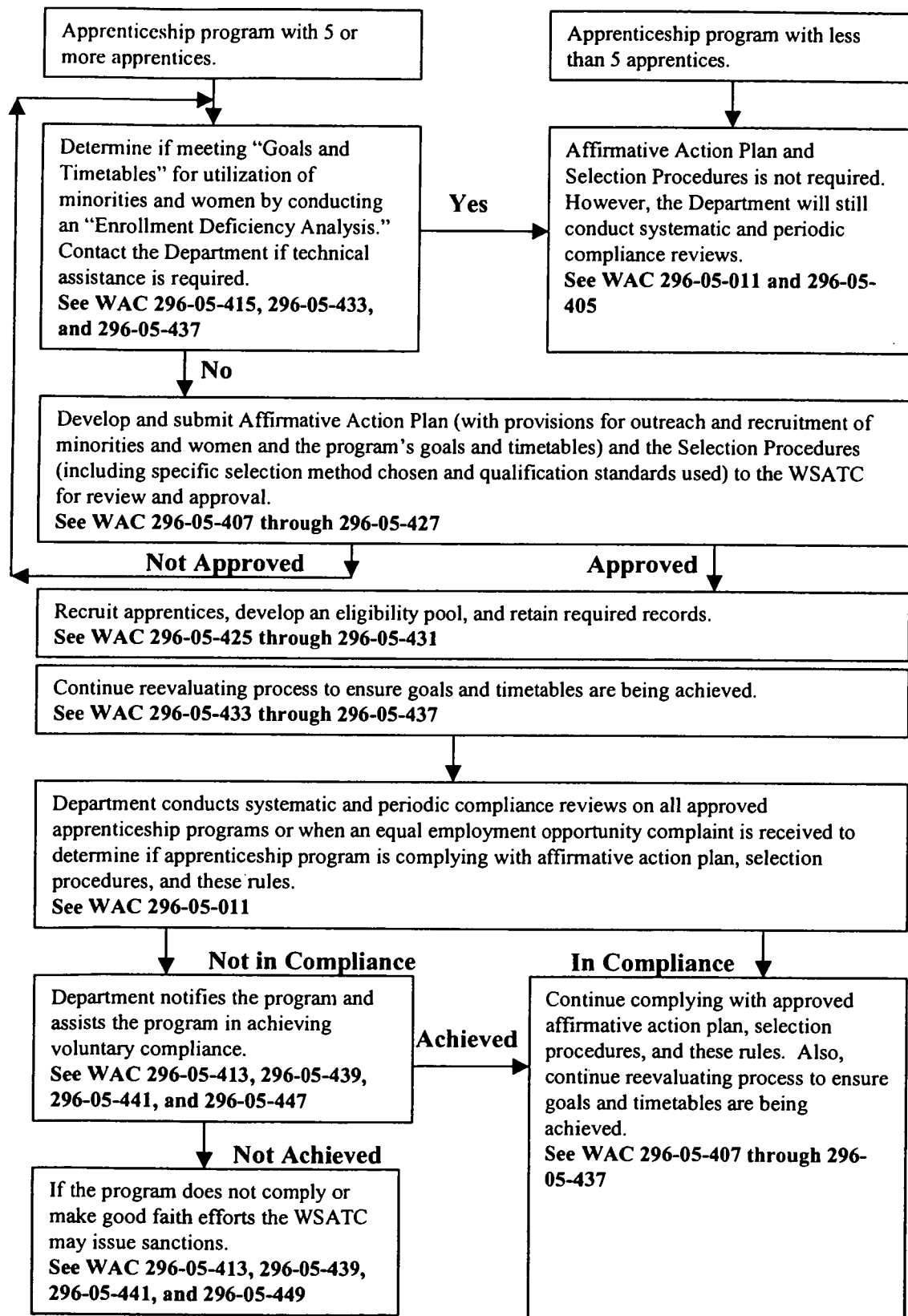
WAC 296-05-402 Equal employment opportunity process.

Equal Employment Opportunity Process



PERMANENT

Equal Employment Opportunity Process



PERMANENT

WSR 02-10-090
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed April 29, 2002, 2:54 p.m.]

Date of Adoption: April 26, 2002.

Purpose: Chapter 16-157 WAC sets standards for the certification of organic producers, processors, and handlers. The rule provides the application, inspection, sampling, fee schedule and certification criteria for obtaining organic and transitional certification. The rule adopts the 2001 National Organic Program subparts A, C, D, E, sections 205.102 through 205.105, and sections 205.600 through 205.606.

Citation of Existing Rules Affected by this Order: Repealing chapters 16-154, 16-156, 16-158, 16-162, and 16-164 WAC.

Statutory Authority for Adoption: Chapter 15.86 RCW.

Adopted under notice filed as WSR 02-07-117 on March 20, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 17, Amended 0, Repealed 65; 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.

April 29, 2002

William E. Brookreson
 Director

Chapter 16-157 WAC

ORGANIC FOOD STANDARDS AND CERTIFICATION

**PART I
 GENERAL PROVISIONS**

NEW SECTION

WAC 16-157-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to adopt rules establishing a certification program for producers, processors and handlers of organic and transitional food.

NEW SECTION

WAC 16-157-020 Adoption of the National Organic Program. The 2001 National Organic Program final rule, subparts A, C, D, E, sections 205.102 through 205.105, and sections 205.600 through 205.606 is adopted by reference as Washington state standards for the production and handling of organic crops, livestock and processed food products. The applicable sections of the 2001 National Organic Program final rule may be obtained from the department.

NEW SECTION

WAC 16-157-030 Definitions. As used in this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his or her duly authorized representative.

(3) "Distribute" means to offer for sale, hold for sale, sell, barter, deliver, or supply materials in this state.

(4) "Facility" includes, but is not limited to, any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food is prepared, handled, or processed in any manner for resale or distribution to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer.

(5) "Growing medium" means the material utilized by fungi as a substrate for growth.

(6) "Growing medium amendment" means a nutritional supplement added to the growing medium to enhance vigor and yields.

(7) "Handle" means to sell, arrange the sale of, represent, process, distribute or package organic food products.

(8) "Handler" means any person who sells, arranges the sale of, represents, processes, distributes, or packs organic food products.

(9) "Label" means all written, printed, or graphic material on the immediate container or accompanying or representing the product.

(10) "Labeling" means all labels and other written, printed, or graphic matter (a) upon any article or any of its containers or wrappers, or (b) accompanying or representing such article.

(11) "New applicant" means any person that applies for organic certification for the first time, or when previous certification status has expired for at least one year.

(12) "Organic food product" means any agricultural product, including fruit, vegetable, meat, dairy, beverage and grocery, that is marketed using the term organic or any derivative of the term organic in its labeling or advertising, including using the term organic on the principal display panel, ingredients list or other locations on the label.

(13) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

(14) "Principal display panel" means that portion of the package label that is most likely seen by the consumer at the time of purchase.

(15) "Processor" means any handler engaged in the canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, slaughtering or otherwise processing organic food.

(16) "Producer" means any person or organization who or which grows, raises or produces an agricultural product.

(17) "Prohibited" means any material or practice which does not meet the required criteria or standards for use in the production or handling of organic or transitional agricultural products.

(18) "Renewal applicant" means any person that has received organic certification from the department in the previous year.

(19) "Retail facility" means any facility, in whole or in part, that sells organic food products directly to consumers.

(20) "Retailer" means any handler that sells organic food products directly to consumers.

(21) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

(22) "Site" means a defined field, orchard, block, pasture, paddock, garden, circle, plot or other designated area.

(23) "Spawn" means a medium that has been colonized with the desired fungal mycelia. It is used to inoculate growing medium.

(24) "Transitional food product" means any agricultural product that (a) is marketed using the term transitional in its labeling and advertising and (b) satisfies all of the requirements of organic food except that it has had no applications of prohibited substances within one year prior to the harvest of the crop.

PART II

ORGANIC PRODUCTION AND HANDLING STANDARDS

NEW SECTION

WAC 16-157-100 Land requirements. In order to meet the requirements of the National Organic Program section 205.202 producers of organic crops must comply with the following requirements.

(1) Buffer zones: Crops harvested and marketed as "organic," "organically grown," or "transitional" shall be grown, raised, or produced within the meaning of RCW 15.86.030 at least twenty-five feet from the nearest application of prohibited materials. Crops grown in the buffer zone may not be marketed as "organic" or "transitional."

(2) Boundaries of site: The boundaries of each site in organic or transitional production must be clearly and unambiguously identified along all borders. Identification may consist of flagging, fences, posts, signs, roads or other markers.

(3) Roadside and right of way vegetation management: Nonchemical vegetation management agreements must be established with road departments, railroads, irrigation dis-

tricts, and other rights of way that are in proximity to organic and transitional food production, or, where no agreement is possible, adequate buffer zones must be established.

(4) Notification: Producers of organic and transitional crops must notify owners and/or managers of adjoining land that they are producing organic and/or transitional crops. The notification must state the location of the sites in organic and transitional food production. Notification must be made on an annual basis.

(5) Transitional requirements: Organic crops must have had no applications of prohibited materials to the crops or land for three years prior to the harvest of the organic crop. Transitional crops must have had no applications of prohibited materials to the crops or land for one year prior to the harvest of the transitional crop.

NEW SECTION

WAC 16-157-110 Records. In order to meet the requirements of the National Organic Program section 205.103 the following records must be maintained.

(1) Organic crop production records. All producers of organic and transitional crops shall keep accurate records of:

(a) The location of the acreage used for growing such products;

(b) The materials applied, excluding water, made to the soil or applied to the plant or added to irrigation water. The records of materials applied shall include the date the material was applied, the quantity of the material applied, the application rate and the name of the material applied. Brand name materials must be identified by the complete brand name. Unbranded materials must be identified by type of material (e.g., chicken manure) and source (e.g., XYZ poultry farm);

(c) Sales of all certified organic and transitional crops produced and sold;

(d) Yield records for all organic and transitional crops sold in the wholesale market or to processors.

(2) Organic livestock production records. All organic livestock must be ear tagged or individually marked with the exception of poultry, which may be identified by flock. All producers of organic livestock shall keep accurate records of:

(a) All disease and pest management materials administered including dates administered, material type, dosages, and sources;

(b) All feed purchased including dates received, quantities received, and a copy of organic certificates;

(c) The weight of slaughter animals at slaughter and weight of post-slaughter animal products; and

(d) Sales records of all organic animal products sold.

(3) Organic handler records.

(a) Handlers must maintain records that track organic food products from receiving through distribution, shipping or sale. Such records may include the following: Invoices, bills of lading, date and quantity of product handled, repack data, and production run reports.

(b) All handlers must have available copies of organic food certificates for all organic food products. Organic food certificates must be current and correspond to the organic food products handled by the facility. All organic food cer-

tificates must be issued by a certification agency recognized by the director.

(c) All records associated with organic food products must clearly indicate that the product is an organic food product.

(d) Identification: All organic food products must be clearly identified at all times with appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products.

(4) Inadequate recordkeeping may constitute cause for the director to prohibit labeling products as organic.

(5) Such records shall be retained for five years.

NEW SECTION

WAC 16-157-120 Organic mushroom standard. (1)

The producer must maintain a production environment that prevents contact between organically produced mushrooms and prohibited substances throughout the entire growing cycle, harvesting and post-harvesting process. The producer must not use lumber treated with arsenate or other prohibited materials for new installations or replacement purposes in contact with the growth substrate.

(2) Organic and nonorganic production must be in separate facilities and have separate ventilation systems.

(3) The producer must use organically produced spawn.

(4) The producer may use nonorganic agar medium that may contain antibiotics not to exceed 1/25th of a gram per liter of agar mix.

(5) Agricultural materials including grain and straw that are used in production substrate must be organically produced. Sawdust, logs or other materials derived from wood used as a growth substrate must originate from trees that have been grown in areas free of prohibited materials for at least three years, and must not have been treated with a prohibited substance after tree harvest. Producers may include nonsynthetic, nonagricultural materials in substrate used to produce mushrooms.

(6) All growing medium amendments must be certified organic.

(7) Manure and any nonorganic agricultural material used as a growth substrate must be from an organic source. Compost used as a growth substrate must consist of certified organic feedstocks.

PART III

ORGANIC CERTIFICATION

NEW SECTION

WAC 16-157-200 Application for certification. (1)

All producers, processors and handlers of organic food products must be certified by a National Organic Program accredited certification agency except for:

(a) Producers who sell no more than five thousand dollars annually in value of agricultural products directly to consumers; and

(b) Retailers that do not process organic food products.

(2) Retailers and exempt producers of organic food products may be certified under this chapter.

(3) Applications for organic certification must be accompanied by the appropriate fee and must be submitted annually to the department on forms furnished by the department.

(4) The application must include an organic production or handling system plan.

NEW SECTION

WAC 16-157-210 Confidentiality. Except for applications and laboratory analyses submitted for certification under this chapter, the department keeps confidential any business-related information obtained under this chapter. All business-related information submitted to the department under this chapter is exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310.

NEW SECTION

WAC 16-157-220 Producer fee schedule. Producers who wish to apply for the organic food certification program must apply to the department each year.

(1) The cost per application shall be based on the following fee schedule.

(a) Renewal applicants -

Application fees are based on the previous calendar year's sales of organic food. In the event that the current calendar year's sales exceed the previous year's sales, the department may bill the producer for the additional fee. In the event that the current calendar year's sales are less than the previous year's sales, the producer may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1, shall pay a late fee of fifty dollars. Renewal applicants that are adding additional sites to their organic certification must pay a new site fee of fifty dollars for each additional site.

(b) New applicants -

Application fees shall be based on an estimate of the current year's sales of organic food. In the event that the current calendar year's sales exceed the estimate, the department may bill the producer for the additional fee. In the event that the current calendar year's sales are less than the estimate, the producer may request a refund for the reduced fee. In addition, new applicants pay a seventy-five dollar new applicant fee. New applicants that are seeking organic certification for more than one site must pay a site fee of fifty dollars for each additional site. The fee shall accompany the application.

SALES		ANNUAL FEE	
\$ 0 -	\$ 12,000	.....	\$ 165
\$ 12,001 -	\$ 15,000	.....	\$ 200
\$ 15,001 -	\$ 20,000	.....	\$ 220
\$ 20,001 -	\$ 25,000	.....	\$ 275
\$ 25,001 -	\$ 30,000	.....	\$ 330
\$ 30,001 -	\$ 35,000	.....	\$ 385
\$ 35,001 -	\$ 42,500	.....	\$ 465
\$ 42,501 -	\$ 50,000	.....	\$ 550
\$ 50,001 -	\$ 65,000	.....	\$ 660
\$ 65,001 -	\$ 80,000	.....	\$ 825

PERMANENT

SALES		ANNUAL FEE
\$ 80,001 -	\$100,000	\$ 990
\$100,001 -	\$125,000	\$1,100
\$125,001 -	\$150,000	\$1,150
\$150,001 -	\$175,000	\$1,320
\$175,001 -	\$200,000	\$1,375
\$200,001 -	\$240,000	\$1,540
\$240,001 -	\$280,000	\$1,595
\$280,001 -	\$325,000	\$1,650
\$325,001 -	\$375,000	\$1,720
\$375,001 -	\$425,000	\$2,200
\$425,001 -	\$500,000	\$2,300
\$500,001 -	\$750,000	\$2,750
\$750,001	and up	\$2,000 plus 0.10% of gross organic sales

(2) Transitional acreage fee - In addition to the producer application fee, each applicant shall pay a fee of five dollars per acre for the land for which they are requesting transitional certification.

NEW SECTION

WAC 16-157-230 Processor fee schedule. Processors who wish to apply for the organic food certification program must apply to the department each year.

(1) Application fee.

(a) **Renewal applicants** - Application fees are one hundred fifty dollars per facility. In addition, renewal applications postmarked after March 1, pay a late fee of fifty dollars.

(b) **New applicants** - Application fees are one hundred fifty dollars per facility. In addition, new applicants pay a seventy-five dollar new applicant fee.

(2) **Certification fee** - A certification fee based on the following fee schedule must accompany the application. Certification fees are assessments on the organic products in each category. New applicants must base certification fees on an estimate of sales in each category. Renewal applicants base certification fees on the previous calendar year's sales in each category. Applicants may have food products in more than one category.

Category I - Organic food products: Products labeled as "organic" or "one hundred percent organic" are assessed at 0.275% of the previous calendar year's sales for the first million dollars and 0.10% for sales above one million dollars.

Category II - Made with organic food products: Products labeled as "made with organic ingredients" are assessed 0.175% of the previous calendar year's sales for the first million dollars and 0.06% for sales above one million dollars.

Category III - Food products with organic ingredients: Products packaged for retail sales that limit their organic claims to the information panel are assessed 0.10% of the previous calendar year's sales for the first million dollars and 0.30% for sales above one million dollars.

Category IV - Custom organic food products: Products produced by processors who charge a service fee to organic manufacturers for processing organic food are assessed at 0.35% of the previous calendar year's service fees

received for processing organic food for the first million dollars and 0.10% for service fees above one million dollars.

In the event that the current calendar year's sales (or service fees) exceed the previous year's sales (or service fees) or estimate of sales, the department may bill the applicant for the additional certification fee. In the event that the current calendar year's sales (or service fees) are less than the previous year's gross sales (or service fees) or estimate of sales, the applicant may request a refund for the reduced certification fee.

NEW SECTION

WAC 16-157-240 Handler fee schedule. Handlers who wish to apply for the organic food certification program must apply to the department each year. Handlers that process organic food products must apply for organic certification under WAC 16-157-230. All other handlers of organic food products may apply for organic certification under this section.

(1) **Renewal applicants.** Application fees must be based on the previous calendar year's sales of organic food. In the event that the current calendar year's sales exceed the previous year's sales, the department may bill the handler for the additional fee. In the event that the current calendar year's sales are less than the previous year's sales, the producer may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1 must pay a late fee of fifty dollars.

(2) **New applicants.** Application fees must be based on an estimate of the current year's sales of organic food. In the event that the current calendar year's sales exceed the estimate, the department may bill the handler for the additional fee. In the event that the current calendar year's sales are less than the estimate, the handler may request a refund for the reduced fee. In addition, new applicants must pay a seventy-five dollar new applicant fee.

(3) The cost per facility must be based on the following fee schedule. The appropriate fee must accompany the application.

ORGANIC SALES		FEE
Sales under	\$ 25,000	\$ 75
\$ 25,001 -	\$ 50,000	\$ 150
\$ 50,001 -	\$ 75,000	\$ 225
\$ 75,001 -	\$ 100,000	\$ 300
\$ 100,001 -	\$ 200,000	\$ 400
\$ 200,001 -	\$ 300,000	\$ 500
\$ 300,001 -	\$ 400,000	\$ 600
\$ 400,001 -	\$ 500,000	\$ 700
\$ 500,001 -	\$ 750,000	\$ 900
\$ 750,001 -	\$ 1,000,000	\$ 1,000
\$1,000,001 -	\$ 1,250,000	\$ 1,250
\$1,250,001 -	\$ 1,500,000	\$ 1,500
\$1,500,001 -	\$ 2,000,000	\$ 2,000
\$2,000,001 -	\$ 2,500,000	\$ 2,500
\$2,500,001 -	\$ 3,000,000	\$ 3,000
\$3,000,001 -	\$ 4,000,000	\$ 3,500
\$4,000,001 -	\$ 5,000,000	\$ 4,000

PERMANENT

ORGANIC SALES		FEE
\$5,000,001 -	\$ 6,000,000	..... \$ 5,000
\$6,000,001 -	\$ 7,000,000	..... \$ 6,000
\$7,000,001 -	\$ 8,000,000	..... \$ 7,000
\$8,000,001 -	\$ 9,000,000	..... \$ 8,000
\$9,000,001 -	\$10,000,000	..... \$ 9,000
over	\$10,000,001	..... \$10,000

NEW SECTION

WAC 16-157-250 Inspections. The director shall make at least one inspection and any additional inspections deemed necessary to each applicant each year to determine compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW. This inspection may entail a survey of required records, examination of fields, facilities and storage areas, and any other information deemed necessary by the requirements of this chapter.

Two inspections within the state of Washington are provided for under the application and certification fees. Additional inspections, if necessary or requested, will be charged to the applicant at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management. Out-of-state inspections, if necessary or requested, shall be at the rate of \$30/hr. plus transportation costs.

NEW SECTION

WAC 16-157-255 Sampling. A representative sample of the product may be tested for pesticide or other contaminants whenever the director deems it necessary for certification or maintenance of certification. One sample analysis is provided under the application and certification fee. Additional samples, if required for certification or maintenance of certification by the director, or requested by the applicant, will be charged to the applicant at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it will be charged at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

NEW SECTION

WAC 16-157-260 Organic and transitional producer certification. (1) The conditions for obtaining organic and transitional producer certification are the following:

(a) Inspection of the applicant by the department of agriculture showed no use of prohibited materials or practices as defined in chapter 15.86 RCW or rules adopted thereunder; and

(b) Recordkeeping practices meet the requirements specified in rules adopted under chapter 15.86 RCW; and

(c) Analysis of samples taken by the department of agriculture showed no prohibited substance usage or contamination; and

(d) No application of prohibited substances, as defined in chapter 16-154 WAC, has been applied to the site being certified for:

- At least three years prior to the harvest of organic food; or
- At least one year prior to the harvest of transitional food.

Organic producers certified under this chapter may use the attached organic producer logo to identify organic food products.

Transitional producers certified under this chapter may use the attached transitional producer logo to identify transitional food products.

(2) For each site, the director must review the application, inspection report and results of any samples collected to determine that the producer has complied with the conditions for organic or transitional food certification on that site. For each site, a certificate will be issued when the director determines that the producer has complied with the conditions for organic or transitional food producer certification on that site.

(3) In no event shall organic food products be distributed or sold prior to the issuing of an organic food certificate by the department of agriculture for that year. New applicants and new sites must be inspected by the department before an organic food certificate is issued.

(4) Beginning in the year 2002, each site must meet the following conditions prior to the issuance of an organic food producer certificate for that site:

(a) The site must have been previously certified as organic; or

(b) The site must have been certified as second year transitional in the previous year; or

(c) The producer has documentation that verifies that the site was in pasture or not being farmed during the previous two years; or

(d) The department determines that the site was producing organic crops in the previous year and the producer was exempted from certification under RCW 15.86.090 (2)(b).

(5) Beginning in the year 2003, prior to the issuance of a second year transitional food producer certificate:

(a) The site must have been certified as first year transitional in the previous year; or

(b) The producer has documentation that verifies that the site was in pasture or not being farmed during the previous year; or

(c) The department determines that the site was producing first year transitional crops in the previous year and the producer was exempted from certification under RCW 15.86.090 (2)(b).

NEW SECTION

WAC 16-157-270 Organic food processor and handler certification. (1) The conditions of organic food processor and handler certification are the following:

(a) Inspection of the processor or handler by the department of agriculture showed no use of prohibited materials or practices as defined in chapter 15.86 RCW or rules adopted thereunder; and

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(b) Recordkeeping practices meet the requirements specified in rules adopted under chapter 15.86 RCW; and

(c) Analysis of samples taken by the department of agriculture showed no prohibited substance usage or contamination.

(2) The director must review the application, inspection report and results of any samples collected to determine that the processor or handler has complied with the conditions for organic food certification. An organic food certificate will be issued when the director determines that the processor or handler has complied with the conditions for organic food certification.

(3) In no event shall organic food products be processed or handled by a facility prior to the issuing of an organic food certificate by the department of agriculture for that year. New applicants must be inspected by the department before an organic food certificate is issued.

(4) Processors certified under this chapter may use the attached organic processor logo to identify organic food products processed by the facility.

(5) Handlers certified under this chapter may use the attached organic handler logo to identify organic food products handled by the facility.

NEW SECTION

WAC 16-157-275 Organic and transitional certification logos.



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NEW SECTION

WAC 16-157-280 Decertification. Whenever the director finds that a producer, processor or handler who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;
- (2) Filed an application for certification which is false or misleading in any particular;
- (3) Violated any of the provisions of this chapter;
- (4) Failed to provide records as required under chapter 15.86 RCW or any rules adopted under chapter 15.86 RCW; or
- (5) Failed to allow inspection to take place.

The director may issue an order denying, suspending, or revoking that producer, processor, or handler's certification under this program. The director may also issue an order directing the producer, processor or handler to take other appropriate action to correct the violation. If appropriate action is taken, the producer, processor or handler may be returned to its previous status under the program.

Any producer, processor, or handler who has received notice that its certification may be denied, suspended, or revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 16-157-290 Export and transaction certificates. (1) Organic export and transaction certificates are issued to verify that a specific shipment of organic food prod-

ucts has been produced, processed, and handled in accordance with chapter 15.86 RCW and rules adopted thereunder.

(2) Applications for export and transaction certificates must be submitted on forms furnished by the department. The applicant must furnish all information requested on the application. A separate application must be made for each export and transaction certificate.

(3) The fee for export and transaction certificates shall be thirty dollars per application.

**WSR 02-10-100
PERMANENT RULES
HORSE RACING COMMISSION
[Filed April 30, 2002, 8:37 a.m.]**

Date of Adoption: April 24, 2002.

Purpose: Enable associations to offer a wager to patrons that would allow them to participate in wagering contests future wager contests.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 02-05-028 on February 12, 2002.

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 1, 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.

April 29, 2002

Patty Sorby

Secretary Supervisor

NEW SECTION

WAC 260-48-930 Future wager pool. (1) The future wager requires selection of the first-place finisher in a specified contest.

(2) The association shall apply in writing to the Washington horse racing commission for approval to offer the future wager on the specified contest and shall not offer the wager until the commission approval has been granted. The written application shall include the date and time for the pool to be opened and closed, a description of the system for compiling the pool and calculating odds and payout prices, and the time interval for displaying the odds.

(3) The association, or in the case of interjurisdiction common pool wagering the host track, shall name the contes-

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tants included in each betting interest on which future wagers may be made and shall assign a program number to each betting interest.

(4) The amount wagered on the betting interest which finishes first in the specified race is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered in the future pool on that betting interest.

(5) The net future pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(a) To those whose selection finished first; but if there are no such wagers, then

(b) To those whose selection finished second; but if there are no such wagers, then

(c) To those whose selection finished third; but if there are no such wagers, then

(d) The entire pool shall be refunded on future pool wagers for that contest.

(6) If there is a dead heat for first involving:

(a) Contestants representing the same betting interest, the future pool shall be distributed as if no dead heat occurred.

(b) Contestants representing two or more betting interests, the future pool shall be distributed as a profit split.

(7) No refund shall be issued for future wager pool wagers on betting interests that do not start or finish the race. If the association becomes aware or is notified that a betting interest is ineligible or unable to start the race and the pool is still open, the association shall immediately close betting on that betting interest.

(8) The entire future wager pool shall be refunded if:

(a) The situation described at subsection 5(d) occurs; or

(b) The specified race is declared no contest by the judges/stewards having jurisdiction over the specified race; or

(c) The specified race does not occur; or

(d) For whatever reason, the future wager pool cannot be determined and the payout price cannot be calculated.

WSR 02-10-101

PERMANENT RULES

HORSE RACING COMMISSION

[Filed April 30, 2002, 8:37 a.m.]

Date of Adoption: April 24, 2002.

Purpose: Amend rule to allow for temporary licensing of personnel during peak times at the racing facilities.

Citation of Existing Rules Affected by this Order: Amending WAC 260-36-040.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 02-05-029 on February 12, 2002.

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

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

April 29, 2002

Patty Sorby

Secretary Supervisor

AMENDATORY SECTION (Amending Order 89-03, filed 6/9/89)

WAC 260-36-040 Registration of personnel other than owners, trainers and jockeys—Fee. (1) Any person acting in an official capacity or any person employed on a race track shall be licensed or issued a temporary permit by the Washington horse racing commission for one year and the fee shall be \$5.00.

(2) Upon application by an association the Washington horse racing commission may issue a temporary permit for employment on the race track of a temporary employee. Such temporary permit shall be valid for employment in a non-restricted area of the race track for a period not to exceed three days during a licensed live race meet or simulcast period in any calendar year. No temporary employee may work without a temporary work permit.

(a) A racing association shall provide to the Washington horse racing commission licensing department the name, date of birth and social security number of the temporary employee. The particular job or area where the temporary employee is to be assigned shall also be provided.

(b) Should an association desire to employ a temporary employee after the maximum three days allowed by the temporary permit such employee shall be required to obtain a regular occupational license issued by the Washington horse racing commission.

~~((2)) (3) ((All employees of the Washington horse racing commission shall be exempt from any license fees but shall be issued a photo identification badge which shall be displayed in the same manner as all other licensees while in the performance of their duties at the track.))~~ Members and employees of the Washington horse racing commission shall be exempt from any license. Employees of the Washington horse racing commission shall be issued official and distinctive credentials, which shall include name, photograph and job identification or position. The identification or credentials issued to members or employees of the Washington horse racing commission shall bear the signature of the chairperson of the commission or such other person as may be designated by said chairperson. Identification credentials of

members or employees of the Washington horse racing commission shall be displayed when required for entry to secured areas of the race track and at any other time official recognition is necessary or required.

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

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

WSR 02-10-102
PERMANENT RULES
HORSE RACING COMMISSION

[Filed April 30, 2002, 8:37 a.m.]

Date of Adoption: April 24, 2002.

Purpose: Common drug name of Lasix is being replaced with Salix.

Citation of Existing Rules Affected by this Order:
Amending WAC 260-70-650.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 02-05-030 on February 12, 2002.

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.

April 29, 2002

Patty Sorby

Secretary Supervisor

AMENDATORY SECTION (Amending WSR 96-10-001, filed 4/17/96)

WAC 260-70-650 Furosemide (~~Lasix~~) (Salix).

(1) Furosemide (~~Lasix~~) (Salix) may be administered intravenously to a horse which is entered to compete in a race. Except under the instructions of the official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a urine sample, furosemide (~~Lasix~~) (Salix) shall be permitted only after the official veterinarian has placed the horse on the bleeder list.

(2) The use of furosemide (~~Lasix~~) (Salix) shall be permitted under the following circumstances:

(a) Furosemide (~~Lasix~~) (Salix) shall be administered on the grounds of the association, no less than four hours prior to post time for the race for which the horse is entered.

(b) The furosemide (~~Lasix~~) (Salix) dosage administered shall not exceed 500 mg. Nor be less than 150 mg.

(c) The trainer of the treated horse shall cause to be delivered to the official veterinarian or his/her designee no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the commission:

(i) The racetrack name, the date and time the furosemide (~~Lasix~~) (Salix) was administered to the entered horse;

(ii) The dosage amount of furosemide (~~Lasix~~) (Salix) administered to the entered horse; and

(iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide (~~Lasix~~) (Salix).

(d) Failure to administer furosemide (~~Lasix~~) (Salix) in accordance with these rules may result in the horse being scratched from the race by the stewards.

WSR 02-10-103
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

(Securities Division)

[Filed April 30, 2002, 10:19 a.m.]

Date of Adoption: April 26, 2002.

Purpose: Federal judicial opinions construing Section 10(b) and SEC Rule 10b-5, which is substantially identical to RCW 21.20.010, have found section 10(b) liability when a person purchases or sells a security on the basis of material nonpublic information concerning the security or issuer. Rule 10b5-1(c) sets forth affirmative defenses under which a person's purchase or sale of securities will not be deemed to have been made on the basis material nonpublic information. There is a concern among securities law practitioners that absent a rule, there may be liability under RCW 21.20.010 for transactions that comply with Rule 10b5-1(c). The proposed rule would clarify that a purchase or sale that complies with Rule 10b5-1(c) would also be protected from liability under RCW 21.20.010.

Statutory Authority for Adoption: RCW 21.20.450.

Adopted under notice filed as WSR 02-07-027 on March 12, 2002.

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 1, 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: No rule may be made unless the director of the Department of Financial Institutions finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW. The director hereby makes such a finding with respect to this proposal.

Effective Date of Rule: Thirty-one days after filing.

April 29, 2002

Mark Thomson

Acting Director

NEW SECTION

WAC 460-12A-010 Certain insider trading deemed not to violate RCW 21.20.010. The purchase or sale of a security of any issuer on the basis of material nonpublic information about that security or issuer in breach of a duty of trust or confidence that is owed directly, indirectly, or derivatively, to the issuer of that security or the shareholders of that issuer, or to any other person who is the source of the material nonpublic information, will be deemed not to violate RCW 21.20.010 if the person making the purchase or sale complies with Rule 10b5-1(c) of the Securities Exchange Act of 1934.

**WSR 02-10-116
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed April 30, 2002, 4:33 p.m.]**

Date of Adoption: April 24, 2002.

Purpose: To adopt increased federal standards for the one-person medically needy income level, for the medically indigent program, and for the SSI-related categorically needy income level.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0070 and 388-478-0080.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500.

Other Authority: 42 U.S.C. 1396r-5.

Adopted under notice filed as WSR 02-06-096 on March 4, 2002.

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: Thirty-one days after filing.

April 24, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-12-073, filed 6/4/01, effective 7/5/01)

WAC 388-478-0070 Monthly income and countable resource standards for medically needy (MN) and medically indigent (MI) programs. (1) Beginning January 1, ((2001)) 2002, the medically needy income level (MNIL) and MI monthly income standards are as follows:

(a) One person	\$(556.00) <u>571.00</u>
(b) Two persons	\$592
(c) Three persons	\$667
(d) Four persons	\$742
(e) Five persons	\$858
(f) Six persons	\$975
(g) Seven persons	\$1,125
(h) Eight persons	\$1,242
(i) Nine persons	\$1,358
(j) Ten persons and more	\$1,483

(2) The MNIL standard for a person who meets institutional status requirements is in WAC 388-513-1305(3).

(3) Countable resource standards for the MN and MI programs are:

(a) One person	\$2,000
(b) Two persons	\$3,000
(c) For each additional family member add	\$50

AMENDATORY SECTION (Amending WSR 01-12-073, filed 6/4/01, effective 7/5/01)

WAC 388-478-0080 SSI-related categorically needy income level (CNIL) and countable resource standards.

(1) The SSI-related CNIL standard is the same as the SSI monthly payment standard based upon the area of the state where the person lives. Area 1 is defined as the following counties: King, Pierce, Snohomish, Thurston, and Kitsap. Area 2 is all other counties. Beginning January 1, ((2001)) 2002, the CNIL monthly income standards are as follows:

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	Area 1	Area 2
(a) Single person	\$((555.90)) <u>570.90</u>	\$((535.45)) <u>550.45</u>
(b) A legally married couple who are both eligible	\$((815.90)) <u>836.90</u>	\$((796.00)) <u>817.00</u>
(c) Supplied shelter	\$((357.05)) <u>367.05</u>	\$((357.05)) <u>367.05</u>

(2) The countable resource standards for the SSI-related CN medical program are:

(a) One person	\$2,000
(b) A legally married couple	\$3,000

WSR 02-10-117
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
[Filed April 30, 2002, 4:34 p.m.]

Date of Adoption: April 24, 2002.

Purpose: Implements revisions of chapter 388-71 WAC requirements for staff orientation in Medicaid home care and processes for approval of instructors. New WAC 388-71-05936 as proposed in WSR 01-23-072 is being withdrawn. WAC 388-71-05936 as adopted was originally proposed as WAC 388-71-05937. Also, the department will publish a supplemental proposed rule-making notice and revised text of new WAC 388-71-05949, originally proposed as WAC 388-71-05950, which was amended as a result of public comments. The department will accept written comments and conduct a public hearing on revisions to this proposed rule.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-71-0525, 388-71-0530 and 388-71-0535; and amending WAC 388-71-0500, 388-71-0520, and 388-71-0540.

Statutory Authority for Adoption: Chapter 74.39A RCW, long-term care services options—Expansion.

Other Authority: Chapter 121, Laws of 2000.

Adopted under notice filed as WSR 01-23-072 on November 20, 2001.

Changes Other than Editing from Proposed to Adopted Version: **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 02-11 issue of the Register.

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 42, Amended 3, Repealed 3.

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 42, Amended 3, Repealed 3; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
April 24, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-11 issue of the Register.

WSR 02-10-129
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 1, 2002, 11:06 a.m., effective July 1, 2002]

Date of Adoption: May 1, 2002.

Purpose: Medical aid updates regarding rate setting for most professional health care services for injured workers. These updates impact rates for health care services provided to crime victims.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-135, 296-23-220, and 296-23-230.

Statutory Authority for Adoption: RCW 51.04.020(1) and 51.04.030.

Adopted under notice filed as WSR 02-05-076 on February 20, 2002.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: July 1, 2002.

May 1, 2002
Gary Moore
Director

AMENDATORY SECTION (Amending WSR 01-10-026, filed 4/24/01, effective 7/1/01)

WAC 296-20-135 Conversion factors. (1) Conversion factors are used to calculate payment levels for services reim-

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bursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services have a conversion factor of (~~(\$49.60)~~) \$50.51. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of (~~(\$2.70)~~) \$2.78 per minute, which is equivalent to (~~(\$40.50)~~) \$41.70 per 15 minutes. The base units and payment policies can be found in the fee schedules.

AMENDATORY SECTION (Amending WSR 01-10-026, filed 4/24/01, effective 7/1/01)

WAC 296-23-220 Physical therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. Doctors rendering physical therapy should refer to WAC 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or (~~(\$99.00)~~) \$102.65 whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diaphuse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve

treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 01-10-026, filed 4/24/01, effective 7/1/01)

WAC 296-23-230 Occupational therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ((~~\$99.00~~) \$102.65) whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

WSR 02-10-134
PERMANENT RULES
DEPARTMENT OF HEALTH

(Board of Optometry)
 [Filed May 1, 2002, 11:22 a.m.]

Date of Adoption: March 22, 2002.

Purpose: This rule is informational only, and does not impose requirements.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-851-200 Dual acceptance of continuing education credits.

Statutory Authority for Adoption: RCW 18.54.070(2).

Adopted under notice filed as WSR 02-02-048 on December 27, 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 1.

Effective Date of Rule: Thirty-one days after filing.

March 22, 2002

Ben H. Wong, Chair
 Board of Optometry

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-851-200

Dual acceptance of continuing education credits.

WSR 02-10-135
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed May 1, 2002, 11:24 a.m.]

Date of Adoption: April 15, 2002.

Purpose: Implement chapter 93, Laws of 2000. Updates rule language from "animal technician" to "veterinary technician," eliminates redundancies, changes application submission date, and clarifies language.

Citation of Existing Rules Affected by this Order: Amending WAC 246-935-010, 246-935-020, 246-935-030, 246-935-090, 246-935-100, and 246-935-120.

Statutory Authority for Adoption: RCW 18.92.030.

Adopted under notice filed as WSR 01-23-098 on November 21, 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 6, 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 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 16, 2002

Gail Zimmerman
 Executive Director

Chapter 246-935 WAC

VETERINARY ((ANIMAL)) TECHNICIANS

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-935-010 Definitions. (1) "~~((Animal))~~ Veterinary technician" ~~((shall))~~ means any person who has met the requirements of RCW 18.92.015 and who is registered as required by chapter 18.92 RCW.

(2) "Direct supervision" ~~((shall))~~ means the supervisor is on the premises, is quickly and easily available and the animal has been examined by a veterinarian at such times as acceptable veterinary medical practice requires, consistent with the particular delegated animal health care task.

(3) "Emergency" means that the animal has been placed in a life-threatening condition where immediate treatment is necessary to sustain life.

(4) "Immediate supervision" ~~((shall))~~ means the supervisor is in audible and visual range of the animal patient and the person treating the patient.

(5) "Indirect supervision" ~~((shall))~~ means the supervisor is not on the premises, but has given either written or oral instructions for treatment of the animal patient and the animal has been examined by a veterinarian at such times as acceptable veterinary medical practice requires, consistent with the particular delegated animal health care task and the animal is not anesthetized.

(6) "Supervisor" ~~((shall))~~ means a veterinarian or, if a task so provides, ~~((an animal))~~ a veterinary technician.

(7) "Unregistered assistant" ~~((shall))~~ means any individual who is not ~~((an animal))~~ a veterinary technician or veterinarian.

(8) "Veterinarian" ~~((shall))~~ means a person authorized by chapter 18.92 RCW to practice veterinary medicine in the state of Washington.

(9) "Veterinary medical facility" is as defined by WAC 246-933-310.

AMENDATORY SECTION (Amending Order 233B, filed 12/30/91, effective 1/30/92)

WAC 246-935-020 Applications—~~((Animal))~~ Veterinary technicians. Applications for registration as ~~((an animal))~~ a veterinary technician shall be made on forms prepared by the secretary of the department of health and submitted to the ~~((division of professional licensing))~~ department of health. Applications must be received at least ~~((forty five))~~ sixty days prior to the scheduled examination. The application, in addition to the required fee, ~~((shall))~~ must be accompanied by satisfactory evidence of experience and/or official transcripts or other evidence of completion of educational courses approved by the board. ~~((Said))~~ The application shall be signed by the applicant ~~((and sworn before some person authorized or [to] administer oaths))~~. When ~~((such))~~ the application and the accompanying evidence are found satisfactory, the secretary shall notify the applicant of eligibility to be scheduled for the ~~((animal))~~ veterinary technician examination.

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-935-030 Grounds for denial, suspension or revocation of registration. The board may suspend, revoke or deny the issuance or renewal of registration of any ~~((animal))~~ veterinary technician and file its decision in the secretary's office if the ~~((animal))~~ veterinary technician:

(1) Has employed fraud or misrepresentation in applying for or obtaining the registration;

(2) Has within ten years prior to the date of application been found guilty of a criminal offense relating to the practice of veterinary medicine, surgery and dentistry, including, but not limited to:

(a) Any violation of the Uniform Controlled Substances Act or the Legend Drug Act;

(b) Chronic inebriety;

(c) Cruelty to animals;

(3) Has violated or attempted to violate any provision of chapter 18.92 RCW or any rule or regulation adopted pursuant to that chapter;

(4) Has assisted, abetted or conspired with another person to violate chapter 18.92 RCW, or any rule or regulation adopted ~~((pursuant to))~~ under that chapter;

(5) Has performed any animal health care service not authorized by WAC 246-935-040 or 246-935-050.

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-935-090 Examination review procedures.

(1) Each individual who takes the examination for registration as ~~((an animal))~~ a veterinary technician and does not pass the examination may request review by the board of his or her examination results. This request ~~((shall))~~ must be in writing and shall be received by the board within thirty days of notification of the examination results. The request shall state the reason or reasons the applicant feels the results of the examination should be changed. The board shall not consider any challenges to examination scores unless the total revised score could result in the issuance of a registration. The board shall consider the following to be adequate reasons for consideration for review and possible modification of examination results:

(a) A showing of a significant procedural error in the examination process;

(b) Evidence of bias, prejudice or discrimination in the examination process;

(c) Other significant errors which result in substantial disadvantage to the applicant.

(2) Any applicant who is not satisfied with the result of the examination review may appeal the board's decision and may request a formal hearing ~~((to be held))~~ before the board ~~((pursuant to))~~ under the Administrative Procedure Act. ~~((Such))~~ The hearing shall be requested within twenty days of receipt of the result of the board's review of the examination results. ~~((The board shall not consider any challenges to examination scores unless the total revised score could result in the issuance of a registration.))~~

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-935-100 Reexamination. An applicant who has failed the ~~((animal))~~ veterinary technician examination may apply for reexamination ~~((, provided the required reexamination fee is submitted. Applicants who have failed either the written or the practical portion of the examination shall be required to be reexamined in the specific portion of the examination previously failed))~~.

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-935-120 Frequency and location of examination. (1) The examination for ~~((animal))~~ veterinary technicians shall be given at least once a year at ~~((such))~~ times and places ~~((as the director may authorize))~~ authorized by the secretary.

(2) ~~((Should an))~~ If the applicant fails to appear for examination at the designated time and place, the applicant ~~((shall))~~ will forfeit the examination fee unless the applicant has notified the ~~((division of professional licensing services))~~ department of health in writing of an inability to appear for the scheduled exam at least five days before the designated time.

PERMANENT



WSR 02-10-004
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-76—Filed April 19, 2002, 11:07 a.m.]

Date of Adoption: April 19, 2002.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100Z and 220-52-07500D; and amending WAC 220-52-051, 220-52-075, and 220-69-240.

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 2002 state/tribal Puget Sound shrimp harvest management plan requires adoption of the harvest seasons and harvest reporting areas contained in this emergency 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 3, Amended 0, Repealed 2.

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

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

Effective Date of Rule: Immediately.

April 19, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-05100A 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 Marine Fish-Shellfish Catch and Reporting Areas 23C, 23D, 29 and 23A west of a line projected 335 degrees true from the Dungeness lighthouse, are open to harvest all shrimp species from 8:00 a.m. May 1, 2002 until further notice.

(b) All waters of Crustacean Management Regions 1B, (except as provided in section 1(j)), 1C, 2, 4, and 6 and Marine Fish-Shellfish Catch and Reporting Area 25A are open to harvest of all shrimp species except spot shrimp from 8:00 a.m. May 1, 2002 until further notice.

(c) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2 or 4, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C, 23D, 29, or the southwestern 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.

(d) 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.

(e) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(f) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, 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.

(f) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores

of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, 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.

(g) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into three subareas: 23A-E (east) is those waters of Catch Area 23A east of a line projected 122.59°N longitude. 23A-W (west) is those waters of Catch Area 23A east of a line projected 335 degrees true from the Dungeness lighthouse and west of a line projected 122.59°N longitude. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(h) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26A is divided into two subareas: 26A-E (east); those waters of Catch Area 26A north and east of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore. 26A-W (west); those waters of Catch Area 26A south and west of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(i) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26B is divided into two subareas: 26B-1; those waters of Catch Area 26B westerly of a line projected from West Point to Alki Point. 26B-2; those waters easterly of a line projected from West Point to Alki Point.

(j) The following restrictions apply to shellfish pot gear harvest in Marine Fish-Shellfish Management and Catch Reporting Area 22A:

(i) Closed through June 15 in waters within line beginning at the Blakely Island Marina, then projected two nautical miles due west, then southerly paralleling the western shore line of Blakely Island to a line projected due west from Bald Bluff.

(ii) Closed through July 10 in waters of Lopez Sound south of a line projected east and west from the northern tip of Trump Island.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Area 1B - Open 8:00 a.m. on May 15 until further notice, except as provided below:

(i) Effective immediately until further notice it is unlawful to harvest shrimp for commercial purposes in Marine Fish Shellfish Catch and Reporting Areas 20B, 21A.

(ii) It is unlawful to fish for shrimp in Puget Sound with shellfish 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.

(b) Crustacean Management Region 3 - Open effective immediately 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) 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.

(e) 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) 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.

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 220-52-07500E Shellfish harvest logs and additional Puget Sound shrimp pot fishery hailing requirement. Notwithstanding the provisions of WAC 220-52-075, effective immediately until further notice:

(1) Vessel operators engaged in commercial harvest of shrimp, other than ocean pink shrimp with beam trawl or shrimp trawl gear must record the vessel identity, date, location fished, trawl width, Marine Fish-Shellfish Management and Catch Reporting Area, depth fished, latitude and longitude to the nearest hundredth of a minute at the beginning of each tow, tow speed, duration of tow and estimated weight of shrimp of each species caught for each tow before leaving the site where the catch was taken or before commencing a new tow, whichever occurs first. It shall be unlawful to fail to permanently record this information into the department-supplied harvest log before leaving each catch site. The fish receiving ticket serial number must be recorded onto the harvest log at the time of sale, or before leaving the last catch site of the day if the vessel operator holds a wholesale dealer license and is the original receiver of the catch. Harvest logs must be maintained and submitted in ascending consecutive order of harvest log serial numbers. Harvest logs must be submitted for each month in which fishing activity occurs and must be received by the department within ten days following any month in which fishing occurs.

(2) Vessel operators engaged in commercial harvest of shrimp (other than sand shrimp) using shellfish pot gear in Puget Sound must record the vessel's Washington Department of Fish and Wildlife boat registration number, number of pots pulled, pot mesh size, depth fished, soak time, Marine Fish-Shellfish Management and Catch Reporting Area, landmark, gear location (including latitude and longitude to the

nearest hundredth of a minute), and weight(s) of catch before leaving the site where catch is taken. A separate weight for each species caught and retained must be recorded. When single pots are fished an entry is required for each pot site. When two or more pots are fished on a common ground line the catch site must be recorded at the location of the last pot on the ground line that is pulled. It shall be unlawful to fail to permanently record this information into the department-supplied harvest log before leaving each catch site. The fish receiving ticket serial number must be recorded onto the harvest log at the time of sale, or before leaving the last catch site of the day if the vessel operator holds a wholesale dealer license and is the original receiver of the catch

(3) Vessel operators engaged in commercial harvest of shrimp from Puget Sound with shellfish pot gear must include the following additional information in their daily telephone harvest report:

(a) The vessel operator's first and last name, and

(b) The total number of pot pulls. The total number of pot pulls is defined as the total number of pots fished multiplied by the number of times those pots were checked.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-52-05100Z	Puget Sound shrimp pot and beam trawl fishery-Seasons and weekly trip limits. (02-75)
WAC 220-52-07500D	Shellfish harvest logs (02-71)

NEW SECTION

WAC 220-69-24000A Puget Sound shrimp dealer reporting - required information. Notwithstanding the provisions of WAC 220-69-240, effective immediately until further notice:

(1) It is unlawful for the original receiver of shrimp, other than ghost shrimp, taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday.

(2) For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice (360) 466-4345 extension 245, or facsimile (360) 466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice (360) 796-4601, extension 800, or facsimile (360) 586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket.

(4) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Marine Fish-Shellfish Management and Catch Reporting Area 23A, shall record either 23A-E, 23A-W or 23A-S on shellfish receiving

tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-05100A section (1)(g)(h).

(5) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Marine Fish-Shellfish Management and Catch Reporting Area 26A, shall record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-05100A section (1)(i).

(6) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Marine Fish-Shellfish Management and Catch Reporting Area 26B, shall record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-05100A section (1)(j).

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 02-10-012 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 02-77—Filed April 22, 2002, 8:07 a.m., effective April 26, 2002, 12:01 a.m.]

Date of Adoption: April 19, 2002.

Purpose: Amend personal use rules.

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

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: Test results show that adequate clams are available for harvest in Razor Clam Areas 1, 2 and 3. Washington Department of Health has certified clams from this beach to be safe for human consumption. 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: April 26, 2002, 12:01 a.m.
 April 19, 2002
 J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 220-56-36000P Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, or except as provided for in this section:

(1) Effective 12:01 a.m. April 26 through 11:59 a.m. May 1, 2002, razor clam digging is allowed in Razor Clam Area 1. Digging is allowed from 12:01 a.m. to 11:59 a.m. only.

(2) Effective 12:01 a.m. April 27 through 11:59 a.m. April 29, 2002, razor clam digging is allowed in Razor Clam Area 2. Digging is allowed from 12:01 a.m. to 11:59 a.m. only.

(3) Effective 12:01 a.m. April 27 through 11:59 a.m. April 28, 2002, razor clam digging is allowed in that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty and the Copalis River. Digging is allowed from 12:01 a.m. to 11:59 a.m. only.

(4) Effective 12:01 a.m. April 27 through 11:59 a.m. April 30, 2002, razor clam digging is allowed in that portion of Razor Clam Area 3 that is between Olympic National Park South Beach Campground access road (Kalaloch area, Jefferson County) and Browns Point (Kalaloch area, Jefferson County). Digging is allowed from 12:01 a.m. to 11:59 a.m. only.

(5) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 p.m. May 1, 2002:

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

WSR 02-10-017
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed April 22, 2002, 3:31 p.m.]

Date of Adoption: April 19, 2002.

Purpose: To adopt new community spouse resource standards for long-term care programs in order to comply with recent federal standards changes.

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 standards increase was required to be effective April 1, 2002, 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.

April 19, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-055, filed 8/30/01, effective 9/30/01)

WAC 388-513-1350 Defining the maximum amount of resources allowed and determining 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 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 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) 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:

(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 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.

(6) If subsection (5)(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-~~(seven)~~ nine thousand two-hundred eighty dollars effective January 1, ~~((2001))~~ 2002.

(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 388-02 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 (9)(a), (b), or (c) applies.

(9) A redetermination of the 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)(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 01-18-055, filed 8/30/01, effective 9/30/01)

WAC 388-513-1380 Determining a client's participation in the cost of care for long-term care (LTC) services.

This 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 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) 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;

(b) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan; and

(c) The amount of excess resources is limited to the following amounts:

(i) For LTC services provided under the categorically needy (CN) program, the amount described in WAC 388-513-1315(3); or

(ii) For LTC services provided under the medically needy (MN) program, the amount described in WAC 388-513-1395 (2)(a) or (b).

(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 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 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.

(6) The department allocates nonexcluded income after deducting amounts described in subsection (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, ((2001)) 2002, two thousand ((one hundred seventy-five)) two hundred thirty-two dollars, unless a greater amount is allocated as described in subsection (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 ((fifty-two)) ninety-three dollars; and

(B) Excess shelter expenses as specified under subsection (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 ((fifty-two)) ninety-three 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 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.

(7) For the purposes of this section, "excess shelter expenses" means the actual expenses under subsection (7)(b) less the standard shelter allocation under subsection (7)(a). For the purposes of this rule:

(a) The standard shelter allocation is four hundred ((thirty-six)) forty-eight dollars, effective April 1, ((2001)) 2002; 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 for four persons, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(8) The amount allocated to the community spouse may be greater than the amount in subsection (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.

(9) A client who is admitted to a medical facility 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 02-10-024
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-72—Filed April 23, 2002, 4:06 p.m., effective April 25, 2002]

Date of Adoption: April 23, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900E; and amending WAC 232-28-619.

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 2002 forecast for upriver spring chinook returning to the Snake River is 168,400, with 44,900 of that total representing wild spring chinook. There are sufficient numbers of hatchery origin fish within allowable limits for potential impacts upon wild fish to open this Snake River fishery. 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: April 25, 2002.

April 23, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900E Exceptions to statewide rules—Snake River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective April 25, 2002 through May 19, 2002 in those waters of the Snake River from the Southway Bridge crossing the Snake River at Lewiston/Clarkson upstream to the Heller Bar concrete boat ramp below the confluence of the Grande Ronde River it is lawful to fish for and possess salmon. Daily limit of one hatchery chinook salmon, minimum size 12 inches in length. Fishing is allowed 4 days per week Thursday through Sunday. Fishing hours per day are 1/2 hour before sunrise until 1 hour after sunset.

(2) Effective April 25, 2002 through May 19, 2002 in those waters of the Snake River from Texas Rapids boat launch upstream to the Corps of Engineers boat launch on the south bank of the river approximately one mile upstream of Little Goose Dam it is lawful to fish for and possess salmon. Daily limit of two hatchery chinook salmon, minimum size 12 inches in length. Fishing is allowed 4 days per week Thursday through Sunday. Fishing hours per day are 1/2 hour before sunrise until 1 hour after sunset.

(3) Anglers must use barbless hooks when fishing for chinook on the Snake River. For this fishery it shall be unlawful to use any hook larger than 5/8 inch (point of hook to shank).

REPEALER

The following section of the Washington Administrative Code is repealed effective 1 hour after official sunset on May 19, 2002:

WAC 232-28-61900E Exceptions to statewide rules—Snake River.

WSR 02-10-028

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 02-80—Filed April 24, 2002, 10:21 a.m., effective April 27, 2002, 5:00 p.m.]

Date of Adoption: April 24, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-325.

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 recreational share of spot shrimp is projected to be taken in the area and time period specified in this rule. 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: April 27, 2002, 5:00 p.m.

April 24, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-32500U Shrimp—Areas and seasons Notwithstanding the provisions of WAC 220-56-325:

(1) Effective 5:00 p.m. April 27, 2002 until further notice, it is unlawful to fish for shrimp for personal use in the Port Townsend Bay and Kilisut Harbor portion of Marine Area 9 south of a line projected from Pt. Hudson to Marrowstone Point.

(2) Effective 8:00 p.m. April 28, 2002 until further notice, it is unlawful to fish for shrimp for personal use in all waters of Marine Areas 9 and 10.

WSR 02-10-029
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-82—Filed April 24, 2002, 10:23 a.m., effective May 1, 2002, 12:01 a.m.]

Date of Adoption: April 24, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-56-35000K and 220-56-38000D; and amending WAC 220-56-350 and 220-56-380.

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 adjust seasons to accommodate national security at WINAS, and changes in resource abundance due to an unexpected clam die-off at Kayak Point. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: May 1, 2002, 12:01 a.m.

April 24, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-35000L Clams other than razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-350, effective May 1, 2002 until further notice, it is unlawful to take, dig for and possess clams, cockles, and mussels taken for personal use from the following public tidelands except during the open periods specified herein:

(1) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open until further notice.

(2) Dosewallips State Park: Open until further notice, only in area defined by boundary markers and signs posted on the beach.

(3) Duckabush: All state-owned tidelands on the west shore of Hood Canal from Quatsap Point southward to the main channel of the Duckabush River are open until further notice.

(4) Kayak Point County Park: Closed until further notice.

(5) WINAS-Maylor Point - East: Closed until further notice.

NEW SECTION

WAC 220-56-38000E Oysters—Areas and seasons. Notwithstanding the provisions of WAC 220-56-380, effective May 1, 2002 until further notice, it is unlawful to take, dig for and possess clams, cockles, and mussels taken for personal use from the following public tidelands except during the open periods specified herein:

(1) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open immediately until further notice.

(2) Dosewallips State Park: Open until further notice, only in area defined by boundary markers and signs posted on the beach.

(3) Duckabush: All state-owned tidelands on the west shore of Hood Canal from Quatsap Point southward to the main channel of the Duckabush River are open until further notice.

(4) Kopachuck State Park: Open through June 30, 2002.

REPEALER

The following sections of the Washington State Administrative Code are repealed effective 12:01 a.m. May 1, 2002:

WAC 220-56-35000K Clams other than razor clams—Areas and seasons. (02-37)

WAC 220-56-38000D Oysters—Areas and seasons. (02-37)

WSR 02-10-042
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-81—Filed April 24, 2002, 4:59 p.m., effective April 25, 2002, 6:00 a.m.]

Date of Adoption: April 24, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-32-05100P; and amending WAC 220-32-051.

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: Sets initial treaty Indian spring season commercial fishery. The fishery catches are expected to remain within the allocation and guidelines of the 2001 management agreement and will be consistent with the biological opinion. Rule is consistent with action of the Columbia River compact on April 23, 2002. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

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

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

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

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

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

Effective Date of Rule: April 25, 2002, 6:00 a.m.

April 24, 2002

Jim Lux

for Jeff Koenings

Director

NEW SECTION

WAC 220-32-05100P Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. April 25 to 6:00 p.m. April 27, 2002

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: Gill nets - No mesh restriction

2) Open Periods: 6:00 a.m. April 25 to 6:00 p.m. April 27, 2002

a) Open Areas: SMCRA 1F, 1G, 1H, Wind, White Salmon & Klickitat Rivers

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

3) Allowable sale includes: salmon, shad, and carp. Sturgeon between 4 feet and 5 feet in length may be kept for subsistence purposes. Fish caught from platforms and hook and line fisheries may be sold.

4) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

5) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

6) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread

of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. April 27, 2002:

WAC 220-32-05100P Columbia River salmon seasons above Bonneville Dam.

WSR 02-10-043
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-78—Filed April 24, 2002, 5:00 p.m.]

Date of Adoption: April 24, 2002.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100A and 220-69-24000A; and amending WAC 220-52-051 and 220-69-240.

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 2002 state/tribal Puget Sound shrimp harvest management plan requires adoption of the harvest seasons and harvest reporting areas contained in this emergency 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 2, Amended 0, Repealed 2.

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

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

Effective Date of Rule: Immediately.

April 24, 2002

Jim Lux

for Jeff Koening

Director

NEW SECTION

WAC 220-52-05100B Puget Sound shrimp pot and beam trawl fishery—Seasons and 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 Marine Fish-Shellfish Catch and Reporting Areas 23C, 23D, 29, and 23A west of a line projected 335 degrees true from the Dungeness lighthouse, are open to harvest all shrimp species from 8:00 a.m. May 1, 2002 until further notice.

(b) All waters of Crustacean Management Regions 1B, (except as provided in section 1(j)), 1C, 2, 4, and 6 and Marine Fish-Shellfish Catch and Reporting Area 25A are open to harvest of all shrimp species except spot shrimp from 8:00 a.m. May 1, 2002 until further notice.

(c) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2 or 4, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish - Shellfish Catch and Reporting Areas 23C, 23D, 29, or the southwestern 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.

(d) 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.

(e) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(d) above.

(f) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, 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.

(g) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into three subareas: 23A-E (east) is those waters of Catch Area 23A east of a line projected 122.59°N longitude. 23A-W (west) is those waters of Catch Area 23A east of a line projected 335 degrees true from the Dungeness lighthouse and west of a line projected 122.59°N longitude. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(h) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26A is divided into two subareas: 26A-E (east); those waters of Catch Area 26A north and east of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore. 26A-W (west); those waters of Catch Area 26A south and west of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(i) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26B is divided into two subareas: 26B-1; those waters of Catch Area 26B westerly of a line projected from West Point to Alki Point. 26B-2; those waters easterly of a line projected from West Point to Alki Point.

(j) The following restrictions apply to shellfish pot gear harvest in Marine Fish-Shellfish Management and Catch Reporting Area 22A:

(i) Closed through June 15 in waters within a line beginning at the Blakely Island Marina, then projected two nautical miles due west, then southerly paralleling the western shore line of Blakely Island to a line projected due west from Bald Bluff.

(ii) Closed through July 10 in waters of Lopez Sound south of a line projected east and west from the northern tip of Trump Island.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Area 1B - Open 8:00 a.m. on May 15 until further notice, except as provided below:

(i) Effective immediately until further notice it is unlawful to harvest shrimp for commercial purposes in Marine Fish Shellfish Catch and Reporting Areas 20B, 21A.

(ii) It is unlawful to fish for shrimp in Puget Sound with shellfish 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.

(b) Crustacean Management Region 3 - Open effective immediately 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) 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.

(e) 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) 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:

WAC 220-52-05100A	Puget Sound shrimp pot and beam trawl fishery—Seasons and weekly trip limits. (02-76)
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NEW SECTION

WAC 220-69-24000B Puget Sound shrimp dealer reporting -required information. Notwithstanding the provisions of WAC 220-69-240, effective immediately until further notice:

(1) It is unlawful for the original receiver of shrimp, other than ghost shrimp, taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday.

(2) For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice (360) 466-4345 extension 245, or facsimile (360) 466-

0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice (360) 796-4601, extension 800, or facsimile (360) 586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket.

(4) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Marine Fish-Shellfish Management and Catch Reporting Area 23A, shall record either 23A-E, 23A-W or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-05100A section (1)(f)(g).

(5) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Marine Fish-Shellfish Management and Catch Reporting Area 26A, shall record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-05100A section (1)(h).

(6) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Marine Fish-Shellfish Management and Catch Reporting Area 26B, shall record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-05100A section (1)(i).

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-69-24000A Puget Sound shrimp dealer reporting - required information. (02-76)

WSR 02-10-059
EMERGENCY RULES
DEPARTMENT OF TRANSPORTATION

[Filed April 25, 2002, 4:18 p.m.]

Date of Adoption: April 25, 2002.

Purpose: To bring rules regarding the movement of manufactured homes into compliance with federal rule, specifically tire loading requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-120 Transport of extra-legal manufactured housing.

Statutory Authority for Adoption: RCW 46.44.090.

Other Authority: RCW 46.44.170.

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: Amendments to federal rule 49 C.F.R. 393 have strengthened the safety requirements for moving manufactured housing by eliminating, in most cases, and reducing in the rest, the allowance to overload tire capacity. The amendment does not provide a transition period, it is effective now.

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

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

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

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

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

Effective Date of Rule: Immediately.

April 25, 2002

John F. Conrad

Assistant Secretary

Engineering and Regional Operations

AMENDATORY SECTION (Amending Order 180, filed 8/5/98, effective 9/5/98)

WAC 468-38-120 Transport of extra-legal manufactured housing. (1) **Purpose:** To supplement the provisions of chapter 468-38 WAC as they relate to the transport of extra-legal manufactured housing on state highways. Where conflicts with other sections of this chapter occur, the following rules apply.

(2) **Vehicle combination and size limits:**

(a) **Combination of vehicles** - The combination shall be limited to two vehicles composed of the towing vehicle and the semi-trailer designed housing unit.

(b) **Length** - The length of the manufactured housing unit must not exceed seventy-five feet, including tongue.

(c) **Width** - The width of the manufactured housing unit **must not exceed a box (base) width of sixteen feet.** The unit may have an eave provided it does not extend beyond either side by:

(i) More than thirty inches for units with box width less than sixteen feet; or

(ii) More than sixteen inches for units with box width of sixteen feet, however, **the overall width shall not, under any circumstance, exceed eighteen feet.**

(d) **Width exemptions** - External features, such as door-knobs, window fasteners, eave cap, clearance lights, and load securing devices, that extend no more than two inches on

each side of the unit, are exempt from the overall width measurement.

(e) **Height** - The height of the unit is limited to the actual overhead clearance of the route.

(3) **Permits for transport:** Permits to transport extra-legal manufactured housing units are issued as follows:

(a) **Annual/monthly** permits are issued only to dealers or manufacturers described in chapter 46.70 RCW or to licensed transporters described in chapter 46.76 RCW. Annual/monthly permits are restricted to units with a width less than, or equal to, a fourteen foot box plus twelve inch eave and/or a height of fifteen feet or less measured from level ground.

(b) **Single trip** permits are required for units with an overall width greater than fifteen feet or greater and/or height greater than fifteen feet measured from level ground. A single trip permit may also be issued for any unit of a lesser dimension. **Units with an overall width or height greater than sixteen feet must comply with WAC 468-38-405, superloads** prior to having a permit issued.

(c) Permits issued in accordance with the Uniform Mobile and Modular Home Transportation Regulations of WASHTO will be subject to those regulations and will be honored by the state of Washington if issued by other states.

(4) **Escort vehicles:** Escort vehicles must comply with WAC 468-38-100, except a front escort vehicle with height pole is not required until the overall height of the unit, measured from the road surface, exceeds fifteen feet. Vehicle or load width referenced in WAC 468-38-100 must be interpreted as overall width.

(5) **Insurance:**

(a) The transporter must have insurance in effect while operating under the permit in the minimum amounts of one hundred thousand/three hundred thousand dollars bodily injury and fifty thousand dollars property damage. Escort vehicle operators shall meet the insurance requirements of RCW 46.44.180.

(b) If an accident occurs while transporting a manufactured home under permit, the transporter must immediately notify the nearest state patrol office if the damage is greater than two hundred fifty dollars to the manufactured home or greater than one hundred dollars to other vehicles or structures. Permission to continue the movement must be obtained from the state patrol.

(6) **Axles, tires and brakes** for manufactured housing unit:

(a) (~~Units manufactured on or after June 15, 1976, must conform to federal HUD rules Title 24, Chapter II, Subpart J of Part 280, as in effect on September 1, 1979, and as thereafter amended.~~

(b) ~~Units manufactured prior to June 15, 1976, or not bearing the official HUD label,)~~ **Housing units manufactured after January 1, 2002, (labeled pursuant to 24 CFR 3282.362 (c)(2)(i)), and housing units with no verifiable date of manufacture, must not be transported with tire loadings in excess of the manufacturer's rating as marked on the sidewall or, in the absence of such a marking, the load rating specified in any of the publications of any organization listed in the Federal Motor Carrier Safety Standard (FMCSS) No. 119 (49 CFR 571.119, S5.1 (b)).**

(b) **Housing units manufactured on or before January 1, 2002, (labeled pursuant to 24 CFR 3282.362 (c)(2)(i)) must not be transported with tire loadings more than eighteen percent over the manufacturer's rating as marked on the sidewall or, in the absence of such a marking, the load rating specified in any of the publications of any organization listed in FMCSS No. 119 (49 CFR 571.119, S5.1 (b)). Housing units transported on tires overloaded by nine percent or more must not be moved at speeds exceeding 50 mph (80 km/hr).**

(c) **Brakes must be designed and installed to also activate if the unit accidentally breaks away from the towing vehicle. Brakes must be operational on all wheels, except for housing units manufactured prior to June 15, 1976, that must comply as follows:**

width of unit at base	number of axles required	wheels w/ brakes
> 8' 6" but < 10'	2 or more	all wheels on 2 axles (towing unit w/min. 9,000 ((GVW ⁺)) GVWR, all wheels on 1 axle)
10' to 14' (under 60' long)	2 or more (3 or more if > 60' long)	all wheels on 2 axles (tires minimum 8:00 x 14.5, 10 ply)

(⁺) ~~Gross vehicle weight rating which is assigned by the vehicle manufacturer.~~

~~(e) All units exceeding fourteen feet in width at the base must:~~

- ~~(i) Have a minimum of four axles;~~
- ~~(ii) Have operating brakes on all wheels;~~
- ~~(iii) Not exceed the manufacturer's maximum weight rating on any tire as specified on the tire side wall;~~
- ~~(iv)) (d) Each unit in transport must have sufficient axles to support enough tires to comply with (a) or (b) of this subsection, as applicable. Any unit exceeding fourteen feet~~

wide (box width) must have a minimum of four axles. Each unit must also:

- (i) Not exceed the manufacturer's rating for any wheel, axle, (~~draw bar~~) **drawbar, hitch, or other suspension component;** and
- ~~((+))~~ (ii) Carry a minimum of two spare tires, inflated and ready for use.
- ~~((d) Brakes must be designed and installed to activate if the unit accidentally breaks away from the towing vehicle.)~~
- (7) **Towing vehicle requirements:**

EMERGENCY

(a) Towing vehicles must be equipped with dual wheels on the drive axle; and

(b) If the unit exceeds fourteen feet in width, the towing vehicle must have a minimum GAWR² of thirty-two thousand (32,000) pounds.

² Gross axle weight rating which is the sum of the axle ratings assigned by the axle manufacturer.

(c) Engine horsepower must be enough to maintain speeds of 45 MPH on the interstate and 35 MPH on other highways.

(8) Signs and lights:

(a) The *oversize load* sign must be mounted on the rear of the unit, on a horizontal plane, between five and seven feet above the road surface.

(b) In addition to any other lighting requirements by law or rule, two six-inch flashing amber lights, with a minimum of thirty-five candle power, a flashing cycle of sixty to one hundred twenty times per minute during transit, must be mounted at the rear of the trailing unit, on a horizontal plane, at least ten feet above the road surface, and above the roof line of the towing vehicle. The lights at both locations must be separated as far as practical.

(9) Travel requirements:

(a) **Routes:** Extra-legal units must comply with the route restrictions published by the department. All units with an overall width or height of sixteen feet or greater must be approved for travel by the department on a case-by-case basis, see also WAC 468-38-405, superloads. In addition, **dealers selling extra-legal manufactured homes must advise the prospective purchaser in writing that not all state highways are approved for the transport of manufactured homes in excess of twelve feet wide.**

(b) **Speed** in transit is governed by WAC 468-38-340.

(c) **Open side covering:** Units with an open side must be covered with a rigid material such as plywood or hardboard. In lieu of the rigid material, plastic covering can be used, provided a grillwork of lumber or similar material is applied to prevent tears and/or billowing of the plastic material.

(d) **Rural travel** must maintain adequate spacing between units in transit of at least one-half mile. When following a truck, truck-tractor or trailer units must maintain a space of four hundred to five hundred feet to avoid impairing the visibility of an overtaking vehicle.

(e) **Travel in the right lane** is required except when passing or avoiding an obstacle. On two-lane highways, units must not pass other vehicles except when required to pass a slow moving vehicle which is hindering the safe flow of traffic.

(10) Decals:

(a) A decal issued by the county treasurer must be displayed on any manufactured home being transported on public highways in this state (RCW 46.44.170), except:

(i) When a unit is to enter the state;

(ii) When a unit is being moved from the manufacturer or distributor to a retail sales outlet;

(iii) When a unit is being moved from the manufacturer or distributor to a purchaser's designated location; or

(iv) When a unit is being moved between retail sales outlets.

(b) The county treasurer's transport decal shall be displayed on the rear of the manufactured home while in transport. It shall be issued at the same time as the tax certificate for manufactured home movement. If the tax certification is for a double-wide (or more) manufactured home, there must be a transport decal issued for each unit.

(c) The decal must meet the following requirements:

(i) Be at least eight and one-half inches square.

(ii) Be printed on Appleton Radiant Florescent Bristol (weight .010) or paper of comparable quality.

(iii) Be fluorescent orange in color.

(iv) Show the make, model and serial number of the manufactured home, the date issued, the name of the transporter, the transporter's WUTC permit number if required, the department of transportation special motor vehicle permit number, and the name of the county issuing the decal.

(v) Clearly display the expiration date of the decal, which must not be more than fifteen days after the date issued.

(d) Decals must not be transferred.

WSR 02-10-062

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 02-85—Filed April 26, 2002, 11:57 a.m., effective April 27, 2002, 12:01 a.m.]

Date of Adoption: April 26, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

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 earthen dam forming the Lewis River Power Canal breached at Swift No. 2 powerhouse draining most of the water from the canal trapping ESA-listed bull trout in isolated pools, making them vulnerable to incidental mortality. 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: April 27, 2002, 12:01 a.m.

April 26, 2002

Jim Lux
for Jeff Koenings
Director

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 3.

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

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

Effective Date of Rule: April 29, 2002, 12:01 a.m.

April 26, 2002

Jim Lux
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900G Exceptions to statewide rules—Lewis River. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. April 27, 2002 until further notice, it is unlawful to fish in those waters of The Lewis River Power Canal and Old Lewis River streambed between Swift powerhouse No. 1 and Swift No. 2.

NEW SECTION

WAC 232-28-61900H Exceptions to statewide rules - Columbia River Notwithstanding the provisions of WAC 232-28-619:

(1) Effective 12:01 a.m. April 29, 2002 until further notice, it is unlawful to fish for and possess adipose fin-clipped spring chinook in those waters of the Columbia River from Buoy 10 upstream to 600 feet below the fish ladder at Bonneville Dam.

(2) Effective 12:01 a.m. April 29, 2002 until further notice, it is lawful to fish for and possess adipose fin-clipped spring chinook in those areas listed below.

(a) The Bonneville Reservoir upstream from the Tower Island power lines. Waters upstream from the Interstate Bridge (Highway 197) to The Dalles Dam are closed except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore.

(b) The Dalles Reservoir.

(c) John Day Reservoir.

(d) Daily limit: Six chinook, no more than two of which may be adults, and all of which must be adipose fin-clipped, minimum size 12 inches in length.

(3) Effective 12:01 a.m. April 29, 2002 through 11:59 p.m. May 15, 2002 it is unlawful to fish for and possess trout in those waters of the Columbia River from the I-5 Bridge to Buoy 10.

(4) Effective 12:01 a.m. April 29, 2002 through 11:59 p.m. June 15, 2002 it is unlawful to fish for and possess trout in those waters of the Columbia River from Bonneville Dam to the I-5 Bridge.

(5) Effective immediately until further notice it is lawful to fish for and possess trout in those waters of the Columbia River of The Bonneville Reservoir upstream from the Tower Island power lines; The Dalles and John Day Pools. Waters upstream from the Interstate Bridge (Highway 197) to The Dalles Dam are closed except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore.

(a) Daily limit two trout minimum size 12 inches in length. Release wild steelhead.

Release wild cutthroat below Bonneville Dam

**WSR 02-10-063
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-86—Filed April 26, 2002, 11:59 a.m., effective April 29, 2002, 12:01 a.m.]

Date of Adoption: April 26, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900D, 232-28-61900M and 220-56-28500B; and amending WAC 232-28-619.

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 upriver spring chinook run size is less than the preseason forecast. A management agreement for spring was signed in 2001 with allowable impacts for non-Indian fisheries. Impacts are near the ESA guidelines and the closure below Bonneville Dam is necessary to maintain the preseason management objectives to provide some impacts to fisheries above Bonneville and McNary dams. 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.

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900M Exceptions to statewide rules—Columbia River. (02-11)

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. April 29, 2002:

WAC 232-28-61900D Exceptions to statewide rules—Columbia River. (02-70)

WAC 220-56-28500B Shad—Areas and seasons. (02-31)

**WSR 02-10-077
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-74—Filed April 26, 2002, 4:32 p.m., effective May 1, 2002, 12:01 a.m.]

Date of Adoption: April 26, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

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 hatchery summer steelhead that will be passed upstream of the upper hatchery for the next few years are part of a study to measure the ability of hatchery-reared steelhead (spawned from wild Kalama stock) to successfully spawn and produce viable offspring in the wild. Catch and release regulations are needed to ensure that the hatchery and wild fish passed upstream have equal opportunity to spawn. 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 Mak-

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

Effective Date of Rule: May 1, 2002, 12:01 a.m.

April 26, 2002

Jim Lux

for Jeff Koenings

Director

NEW SECTION

WAC 232-28-61900F Exceptions to statewide rules—Kalama River. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to retain hatchery steelhead in those waters listed below:

(1) Effective 12:01 a.m. May 1, 2002 until further notice, in those waters of the Kalama River from 1000' above fishway at upper salmon hatchery upstream to Summers Creek.

(2) Effective 12:01 a.m. June 1, 2002 until further notice, in those waters of the Kalama River from Summers Creek upstream to the CLOSED WATERS deadline at the 6420 Road (about 1 mile above the gate at the end of the county road).

(3) Effective 12:01 a.m. June 1, 2002 until further notice, in those waters of Gobar Creek (a tributary to the Kalama River).

(4) Effective 12:01 a.m. June 1, 2002 until further notice, in those tributaries to the Kalama River which are 1000 feet above the fishway above the upper salmon hatchery.

**WSR 02-10-078
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-84—Filed April 26, 2002, 4:36 p.m.]

Date of Adoption: April 26, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-04000B; and amending WAC 220-24-040.

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: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. 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.

EMERGENCY

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

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

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

Effective Date of Rule: Immediately.

April 26, 2002

Jim Lux

for Jeff Koenings

Director

NEW SECTION

WAC 220-24-04000B All-citizen commercial salmon troll. Notwithstanding the provisions of WAC 220-24-040, 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 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 May 1, 2002 through June 30, 2002. Unlawful to retain coho. Cape Flattery and Columbia River Control Zones closed.

(2) Minimum size for chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon.

(3) Lawful troll gear is restricted to single point, single shank barbless hooks.

(4) 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.

(6) The Cape Flattery 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.

(7) Columbia Control Zone - 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. 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.

(8) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon, and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

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. July 1, 2002:

WAC 220-24-04000B All-citizen commercial salmon troll.

WSR 02-10-091

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 29, 2002, 3:30 p.m., effective May 1, 2002]

Date of Adoption: April 25, 2002.

Purpose: Amending WAC 388-470-0075 How is my vehicle counted for food assistance? This rule explains how the department treats vehicles for food assistance. Certain vehicles can be excluded in their entirety. If a vehicle cannot be completely excluded, we must count it towards the resource limit.

Citation of Existing Rules Affected by this Order: Amending WAC 388-470-0075.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

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 current rule is incorrect and does not accurately reflect federal regulations (7 C.F.R. chapter II, Part 273). This exposes us to payment errors and could potentially result in federal sanctions.

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

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

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

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

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

Effective Date of Rule: May 1, 2002.

April 25, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-16-134, filed 7/31/01, effective 11/1/01)

WAC 388-470-0075 How is my vehicle counted for food assistance? This rule applies to food assistance only.

(1) A vehicle is a motorized device that the client can use as a regular means of transportation.

(2) If you own a licensed vehicle we (the department) ~~((exclude))~~ do not count its entire value ~~((, even when you are temporarily unemployed,))~~ if the vehicle ~~((is))~~:

(a) Has an equity value (Fair Market Value (FMV) minus what you owe on the vehicle) of one thousand five hundred dollars or less.

(b) Is used over fifty percent of the time ~~((for))~~ to make income ~~((producing purposes))~~. This includes vehicles such as a taxi, truck, or fishing boat. If you are a self-employed farmer or fisher and your self-employment ends, we ~~((continue to))~~ still exclude your vehicle for one year from the date you end your self-employment.

~~((b))~~ (c) Is used to ~~((produce))~~ make income each year that is consistent with its ~~((fair market value -))~~ FMV ~~((,))~~, even if used on a seasonal basis.

~~((c))~~ Necessary

(d) Is needed for long-distance travel, other than daily commuting, for the employment of ~~((a household member whose resources are considered available to the assistance unit (AU), such as an ineligible alien or disqualified person.~~

~~((d))~~ Needed for hunting or fishing to support the household)) an assistance unit (AU).

(e) Is used as ~~((the))~~ your AU's home.

(f) Is used to carry fuel for heating or water for home use when this is the primary source of fuel or water for ~~((the))~~ your AU.

(g) Is needed to transport a physically disabled AU member, no matter if the disability is permanent or temporary.

~~((h))~~ Likely to produce an equity value (FMV less what is owed on the vehicle) of no more than one thousand five hundred dollars.

~~((2))~~ If your

(3) For licensed ~~((vehicle is))~~ vehicles we did not ~~((excluded))~~ exclude in subsection ~~((4))~~ (2) above ~~((and the))~~, we subtract four thousand six hundred fifty dollars from the vehicle's FMV ~~((is))~~ and count the remaining amount toward the resource limit for:

(a) ~~((Less than four thousand six hundred fifty dollars, we exclude each))~~ One vehicle ~~((less than four thousand six hundred fifty dollars))~~ for each adult AU member no matter how it is used; and

~~((b))~~ ~~((Greater than four thousand six hundred fifty dollars, we count the amount in excess of four thousand six hundred fifty dollars toward the resource limit for:~~

~~((i))~~ One vehicle for each adult household member no matter how it is used; and

~~((ii))~~ Any vehicle ~~((a household))~~ an AU member under age eighteen uses to drive to work, school, training, or to look for work.

~~((3))~~ (4) If you have other licensed vehicles, we count the larger value of the following toward ~~((the))~~ your AU's resource limit:

(a) FMV greater than four thousand six hundred fifty dollars; or

(b) Equity value (FMV ~~((less))~~ minus what is owed on the vehicle).

~~((4))~~ (5) If you are a tribal member and drive an unlicensed vehicle on ~~((those reservations that don't))~~ a reservation that does not require vehicle licensing, we count or exclude your vehicle ~~((will be treated like))~~ as if it was a licensed vehicle.

~~((5))~~ (6) For all other unlicensed vehicles we count the equity value towards ~~((the))~~ your AU's resource limit unless the vehicle is:

(a) Used to ~~((produce))~~ make income each year that is consistent with its FMV, even if used on a seasonal basis; or

(b) Work-related equipment ~~((necessary))~~ needed for employment or self-employment of a ~~((household))~~ member of your AU.

~~((6))~~ When excluding vehicles due to their

(7) When we determine if we can exclude a vehicle because of the vehicle's equity value, we do not add up the values of multiple vehicles together. We look at each vehicle ~~((is evaluated))~~ separately ~~((and compared to your resource limit. For vehicles evaluated using the FMV test, we add the values of multiple vehicles together and compare the result to your resource limit))~~ to see if it is excluded.

(8) After we determine the countable value of each vehicle, we add those values to your other countable resources to see if your resources are below your resource limit.

WSR 02-10-106

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 02-87—Filed April 30, 2002, 10:57 a.m.]

Date of Adoption: April 26, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-55-001.

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.

EMERGENCY

Reasons for this Finding: This rule provides clarification of what constitutes lawful display of a fish and wildlife lands vehicle use permit as the display relates to the license number of the vehicle from which it is displayed. This rule is being promulgated as a permanent rule, but there is insufficient time to adopt this as a permanent rule before significant use of department lands begins this summer.

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

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

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

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

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

Effective Date of Rule: Immediately.

April 26, 2002
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-55-00100A Definitions. Notwithstanding the provisions of WAC 220-55-001, "display a current annual fish and wildlife lands vehicle use permit" means display the permit with the license number of the vehicle from which the permit is displayed written on the permit in permanent ink, and have the permit placed within the vehicle such that the license number can be read with an unassisted eye from outside the vehicle.

**WSR 02-10-108
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-90—Filed April 30, 2002, 1:33 p.m.]

Date of Adoption: April 30, 2002.

Purpose: Amend personal use rules.

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: Coastal yelloweye rockfish stocks are the most significantly depressed stock of rockfish, and the harvest guideline is the lowest of all rockfish stocks.

Prohibiting landing of these fish into coastal ports maintains the integrity of the Washington harvest guideline closure intended to allow a continuation of the recreational halibut fishery. This rule is interim until a permanent rule can be promulgated.

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

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

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

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

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

Effective Date of Rule: Immediately.

April 30, 2002
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-15600A Landing yelloweye rockfish. Notwithstanding the provisions of WAC 220-56-156 and WAC 220-56-235:

- (1) It is unlawful to land yelloweye rockfish taken for personal use in Canada or Oregon into Catch Areas 1 through 4.
- (2) It is unlawful to land more than one yelloweye rockfish taken from Canadian waters into Catch Areas 5 through 13.
- (3) It is unlawful to land yelloweye rockfish taken from Catch Areas 5 through 13 into Catch Areas 1 through 4.

**WSR 02-10-118
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-93—Filed April 30, 2002, 5:00 p.m.]

Date of Adoption: April 30, 2002.

Purpose: Amend fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-16-780 and 220-16-790.

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.

EMERGENCY

Reasons for this Finding: These rules are needed to adjust boundaries. These rules will be recommended for adoption by the Fish and Wildlife Commission in August 2002 as permanent rules. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: Immediately.

April 30, 2002

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-16-78000A Admiralty Head Marine Preserve. "Admiralty Head Marine Preserve" is defined as waters and bedlands inside a line beginning at the extreme low water line on the west shore of Whidbey Island at 48° 09.46' N, 122° 40.88' W, then northerly along the extreme low water line for 0.6 nautical miles, then due west 400 yards, then southerly parallel to the shore to a point due west of the point of origin, then due east to the point of origin.

[NEW SECTION]

WAC 220-16-79000A Zee's Reef Marine Preserve. "Zee's Reef Marine Preserve" is defined as waters and bedlands inside a line beginning at the extreme low water line on the northeast side of Fox Island, north of Fox Point at 47 14.56' N, 122 35.98' W, then extending 0.5 nautical miles northwesterly along the the extreme low water line to 47 14.96' N, 122 36.37' W, then northeast to the minus eighty-five foot contour (MLLW=0 ft) at 47 15.00' N, 122 36.30' W, then extending southeasterly along the minus eighty-five foot depth contour to 47 14.67' N, 122 35.81' W, then southwest back to the point of origin.

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

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

**WSR 02-10-119
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-92—Filed April 30, 2002, 5:00 p.m.]

Date of Adoption: April 30, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: 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 rule is necessary for protection of the sturgeon population that migrates within the Columbia River between Lake Roosevelt and upstream areas in British Columbia. Research indicates that no successful reproduction is occurring in this population. Angling has already been closed in British Columbia and a recovery plan is being developed. 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.

April 30, 2002

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-56-28200E Sturgeon—Areas and seasons. Notwithstanding the provisions of WAC 220-56-282, effective May 1, 2002 until further notice it is unlawful to fish for sturgeon in the following waters:

(1) Roosevelt Lake tributaries (between Grand Coulee Dam and State Highway 25 Bridge at Northport except Barnaby Creek, Nancy Creek and tributaries listed elsewhere in Special Rules).

(2) Rufus Woods Lake tributaries (Douglas/Okanogan Counties).

(3) San Poil River (Ferry County).

(4) Spokane River (Spokane County) - In those waters from the mouth to the Monroe Street Bridge.

WSR 02-10-120
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-91—Filed April 30, 2002, 5:00 p.m.]

Date of Adoption: April 30, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-04000B and 220-24-04000C; and amending WAC 220-24-040.

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: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: Immediately.

April 30, 2002

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-24-04000C All-citizen commercial salmon troll. Notwithstanding the provisions of WAC 220-24-040, 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 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 May 1, 2002 through June 30, 2002. Unlawful to retain coho. Cape Flattery and Columbia River Control Zones closed.

(2) Minimum size for chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon.

(3) Lawful troll gear is restricted to single point, single shank barbless hooks.

(4) 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.

(5) The Cape Flattery 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.

(6) 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.

(7) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon, and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(8) All wholesale dealers and trollers retailing their fish will be required to report their landing by 10:00 a.m the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279 or faxing the information to (360) 902-2949 or E-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species. The total number for each species and the total weight for each species including halibut.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-04000B All-citizen commercial salmon troll.

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 1, 2002:

WAC 220-24-04000C All-citizen commercial salmon troll.

EMERGENCY

WSR 02-10-001
POLICY STATEMENT
WASHINGTON STATE LOTTERY

[Filed April 18, 2002, 3:58 p.m.]

The Washington State Lottery has recently adopted or revised the following policies:

POL 110.028 - Releasing Retailer Information on On-Line Winning Tickets (New)

For Lotto jackpot, Quinto cashpot, Lucky for Life life-time cash, or Daily Keno 10 of 10 winners, the lottery now releases the following information: The game/drawing date; the amount of the prize; and the trade style and city (if the city population is 50,000 or more) or county (if the city population is less than 50,000) of the retailer that sold the winning ticket.

Signed January 9, 2002.

POL 220.007 - Meals at Meetings and Formal Training Sessions (Revision)

Clarifies that the lottery may pay, rather than reimburse employees, for meals under the circumstances listed in the policy. Added that vendors who receive meals at a lottery-sponsored event must reimburse the lottery using an accounts receivable invoice. Retailers or other entities attending lottery-related meetings or training sessions need to consult with accounts payable and legal to determine how the meal will be paid for or reimbursed.

Signed March 22, 2002.

POL 220.008 - Federal Income Tax Withholding from Prize Payments (Revision)

Previous quarterly calculations of prize amounts subject to withholding are now done monthly. Information services now makes their filings electronically. Made some information more generic (e.g. rather than listing the withholding rates, we withhold at the amount (percentage) required by the IRS).

Signed March 22, 2002.

POL 220.016 - State Sponsored Charge Cards (Revision)

Removed language that implied employees with a state-sponsored charge card are required to charge all travel-related expenses. Added that cards can be used for travel expenses only while in travel status. Added examples of travel expenses.

Signed February 6, 2002.

POL 230.008 - Scratch Ticket Full Pack Returns (Revision)

Added instances when the Lottery will accept returning packs in activated or settled status to received status. Those instances are:

- The retailer's DSR expects new game(s) to sell better than the older game(s) in the retailer's possession, or the retailer is reluctant to order newer games because he/she has a large stock of older tickets;

- The director or deputy director has determined that accepting returns on full packs of tickets in activated or settled status will enhance ticket sales; and
- The RSM or sales manager determines, in writing, that circumstances justify accepting the return.

RSMs and the sales manager track the trends for reasonableness.

Added that regional designees (not just customer service) can also change the status of the pack. All must verify that the reason for making the return to received status meets the criteria in the policy. In the procedure, added the possibility of the pack going to DSR inventory, rather than to the central warehouse.

Signed January 9, 2002.

POL 230.009 - Changing the Status of Scratch Ticket Packs (Revision)

Added information on "Management Discretion," for accepting returns and changing the status of the pack (refers back to POL 230.008 for changing the status of a pack). Added definition of full pack and activated status, received status, and settled status.

Signed January 9, 2002.

POL 320.001 - Closing/Auditing Scratch Games/Destroying Unsold Tickets (Revision)

Changed the term "End Validation date" to "Last Day to Redeem." Modified all definitions listed in the policy.

When a game is closing, the marketing administrative assistant will now send a 07 message to all retailers. When DSRs work with retailers to help sell tickets, they will also inform telemarketing of the plan. In addition to tickets being destroyed at the vendor location, they may also be disposed of at the on-site location.

Signed March 26, 2002.

POL 320.073 - Caesars Palace® Retailer Promotion (New)

This policy establishes guidelines for awarding prizes to retailers for purchasing (activating) packs of instant game number 386, Caesars Palace®. From 12:00 a.m. Monday, March 11, 2002, through 11:59 p.m. Sunday June 30, 2002, for each pack of tickets activated (and not returned or returned to received status) from game 386, retailers will automatically receive one entry into a drawing. One retailer in each region, plus one retailer statewide, will be chosen to receive a Caesars Palace® vacation package.

Signed February 20, 2002.

POL 320.074 - Lucky for Life Second Chance Drawing Promotion (New)

This policy establishes guidelines for entering consumers into a drawing, provided the consumer has claimed a \$5,000, \$10,000, \$20,000 or \$50,000 Lucky for Life prize from a March 10, 2002 or later drawing during one of two promotional periods. The promotional periods are: March 11-July 31, 2002, and August 1-December 31, 2002. Six finalists will be selected; one finalist will receive the promo-

tional prize of \$1,000 a week for life; the other participants will receive a consolation prize of \$5,000.

Signed February 28, 2002.

POL 320.076 - Lotto Plus Training Camp Promotion (New)

This policy establishes guidelines for awarding 10-\$500 prizes to attendees of Lotto Plus training camps. This document includes a procedure for selecting the recipients.

Signed March 18, 2002.

POL 420.005 - Safety Program (Revision)

Safety committee members are now elected rather than appointed. (The election is in December for a one-year term; units may be combined to have one representative.) Meetings are held as agreed needed by the members (rather than automatically being quarterly). All regional staff who work in the office (rather than in the field) must have a valid first-aid certificate.

Signed February 11, 2002.

To receive a copy of any of these policies, contact Becky Zopolis, Washington State Lottery, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 664-4816, fax (360) 664-4817.

April 16, 2002

Becky Zopolis

WSR 02-10-014

RULES COORDINATOR

CENTRAL WASHINGTON UNIVERSITY

[Filed April 22, 2002, 10:54 a.m.]

Barbara Hodges is the rules coordinator for Central Washington University. Her mailing address is President's Office, 400 East 8th Avenue, Ellensburg, WA 98926-7501 and her telephone number is (509) 963-2111. My executive secretary Judy B. Miller serves as assistant rules coordinator.

Jerilyn S. McIntyre

President

WSR 02-10-015

NOTICE OF PUBLIC MEETINGS

PUGET SOUND

CLEAN AIR AGENCY

[Memorandum—April 19, 2002]

PUGET SOUND CLEAN AIR AGENCY

BOARD OF DIRECTORS

MEETING DATES FOR YEAR 2002

REGULAR MONTHLY MEETINGS

January 10, 2002

February 14, 2002

March 28, 2002

April 25, 2002

May 23, 2002

June 27, 2002

July 25, 2002

August (No Meeting)

September 26, 2002

October 24, 2002

November 21, 2002

December 19, 2002

Reviser's note: The typographical error in the above material occurred in the copy filed by the Puget Sound Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-10-016

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed April 22, 2002, 3:29 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-16 MAA.

Subject: Billing for spacers and peak flow meters through point-of-sale (POS).

Effective Date: Dates of service on and after May 1, 2002.

Document Description: **Effective for claims with dates of service on or after May 1, 2002**, pharmacy providers may bill the Medical Assistance Administration (MAA) for selected spacers and peak flow meters through the POS system. This memorandum lists the specific spacers and peak flow meter NDCs that are billable through POS.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

April 17, 2002

E. A. Myers, Manager

Rules and Publications Section

WSR 02-10-026

NOTICE OF PUBLIC MEETINGS

SKAGIT VALLEY COLLEGE

[Memorandum—April 24, 2002]

NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES

COMMUNITY COLLEGE DISTRICT NO. 4

SKAGIT VALLEY COLLEGE

2405 East College Way

Mount Vernon, WA 98273

MISC.

Tuesday, April 23, 2002

4:00 p.m.

Mount Vernon Campus - Board Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for **Tuesday, April 23, 2002, at 4:00 p.m.** This meeting will convene into executive session for the purpose of discussing and interviewing a consultant to assist in the presidential search process. No action will be taken.

WSR 02-10-030

INTERPRETIVE STATEMENT

DEPARTMENT OF AGRICULTURE

[Filed April 24, 2002, 11:06 a.m.]

Interpretive Statement No. AO-02-0001

On April 22, 2002, an interpretive statement on the requirements of assent in a referendum to issue, amend, or terminate a marketing order under chapter 15.65 RCW was signed by me. A copy of the interpretive statement may be obtained by contacting Deborah Anderson, Commodity Commission Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2043.

William E. Brookreson
Acting Director

WSR 02-10-034

DEPARTMENT OF ECOLOGY

[Filed April 24, 2002, 2:10 p.m.]

Ecology to Issue Noxious Weed General Permit May 15, 2002

On May 15, 2002, ecology will issue a general National Pollutant Discharge Elimination System (NPDES) permit to cover aquatic pesticide applications made to control noxious weeds throughout the state. Ecology issued a draft general permit for public review on February 3, 2002, through a notice to the state register and a direct mailing to over four hundred recipients including potential permittees, agencies with jurisdiction or interest in aquatic pest control, tribes, environmental groups and other interested parties. Ecology held public workshops followed by hearings for the permit on March 11 at ecology's central regional in Yakima, on March 14 at the ecology headquarters building in Lacey and on March 25 at the Spokane Shadle Library. The public comment period ended on March 25 for the draft permit. Copies of the final permits and fact sheets will include a response to the comments received during the public comment period. Copies of the final permit are available on ecology's web-pages http://www.ecy.wa.gov/programs/wq/herbicides/npdes_devlp.html or by contacting Kathleen Emmett, Aquatic Pest Control Permit Lead, Department of Ecology, P.O. Box

47600, Olympia, WA 98504-7600, e-mail kemm461@ecy.wa.gov.

Questions or requests for more information can be directed to Kathleen at the above addresses or call her at (360) 407-6478.

WSR 02-10-037

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed April 24, 2002, 4:22 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-09 MAA.

Subject: Pharmacy reimbursement for Plan B emergency contraceptive pills (ECPs).

Effective Date: Effective for dates of service on and after March 1, 2002.

Document Description: Effective for claims with dates of service on and after March 1, 2002, the medical assistance administration (MAA) will reimburse pharmacy providers for Plan B emergency contraceptive pills (ECPs).

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

April 22, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-10-038

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed April 24, 2002, 4:23 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-10 MAA.

Subject: Update for wheelchairs, durable medical equipment, and supplies.

Effective Date: Effective for dates of service on and after November 1, 2001.

Document Description: The purpose of this memorandum is to remind providers that state-unique procedure code 0935E was discontinued on October 31, 2001, and replaced by HCPCS code E0935. Refer to Numbered Memorandum 01-65 MAA and accompanying page replacements.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support,

P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

April 22, 2002
E. A. Myers, Manager
Rules and Publications Section

WSR 02-10-039
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed April 24, 2002, 4:24 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-17 MAA.
Subject: MAA to discontinue supplying paper HCFA-1500 claim forms.

Effective Date: As soon as current stock runs out.

Document Description: To support electronic billing of medical assistance claims, the medical assistance administration (MAA) will cease providing paper HCFA-1500 claim forms as soon as current stock is gone. Providers who choose to use paper HCFA-1500 claim forms will need to purchase them through commercial forms manufacturers. This memorandum reminds providers of the benefits of electronic billing.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

April 22, 2002
E. A. Myers, Manager
Rules and Publications Section

WSR 02-10-044
DEPARTMENT OF ECOLOGY

[Filed April 25, 2002, 1:18 p.m.]

Ecology to Rewrite and Reissue Construction Stormwater General Permit

The Washington State Department of Ecology (ecology) is beginning a process to update and reissue the NPDES and state waste discharge general permit for stormwater discharges associated with construction activities known as the "construction stormwater general permit."

Ecology issued the current construction stormwater general permit on October 4, 2000. The permit was appealed by a coalition of environmental groups (Puget Soundkeeper Alliance, Waste Action Project, Washington Public Employees

for Environmental Responsibility, Resources for Sustainable Communities, and Citizens for a Healthy Bay). The appellants charged that the permits and fact sheets did not meet the intent of the Clean Water Act, regulations promulgated by the Environmental Protection Agency, and the Washington state water pollution control law. The Washington Department of Transportation and the Association of Washington Business later intervened on behalf of ecology.

The parties to the case have entered into a settlement agreement that stipulates that the construction stormwater general permit must be revised and reissued according to specified dates. The agreement identifies issues that must be addressed and requires ecology to form a public advisory committee for the reissuance of the construction stormwater general permit. The appellants and intervenors to the case will be invited to join the advisory committee to review and comment on the draft permit prior to public release.

A final draft construction stormwater general permit will be released for public comment no later than September 4, 2002. This will initiate the beginning of the public comment period, during which time written comments on the permit will be accepted. Several public workshops and hearings will take place around the state during October 2002. The settlement agreement requires that the final permit and fact sheet be reissued no later than December 18, 2002. When the construction stormwater general permit becomes final, the appeal will be dismissed.

Schedule for Reissued Construction Stormwater General Permit	
Form a public advisory committee	June 3, 2002
Release final draft for public comment	September 4, 2002
Conduct public workshops/hearings	October 2002
Reissue construction stormwater general permit	December 18, 2002

Additional information on the construction stormwater general permit reissue will be posted on an ecology web page, as it becomes available, http://www.ecy.wa.gov/programs/wq/stormwater/cnst_issue.html.

Questions should be directed to Jeff Killelea at (360) 407-6127, by e-mail at jkil461@ecy.wa.gov, or may be mailed to Department of Ecology, Attn: Jeff Killelea, P.O. Box 47600, Olympia, WA 98504-7600.

WSR 02-10-057
NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE

[Memorandum—April 18, 2002]

The board of trustees of Community College District Number Eleven (Pierce College) would like to announce a **change of place for their regular May board meeting**. The date and time remain the same. This meeting is open to the public.

<u>Original Meeting Date</u>	<u>Time</u>
Wednesday, May 8, 2001	12:30 p.m.

MISC.

Puyallup City Operations Facility
Puyallup, Washington 98374

WestCoast Grand Hotel at the Park
303 West North River Drive
Spokane, WA 99201

Saturday, June 1, 2002
9 a.m. - 4 p.m.

New Meeting Date Time
Wednesday, May 8, 2002 12:30 p.m.

**Room 244 - Brouillet Library/
Science Building**
Pierce College Puyallup
1601 39th Avenue S.E.
Puyallup, WA 98374

WSR 02-10-111
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed April 30, 2002, 4:32 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 219.
Subject: Judicial enforcement as a collection remedy.
Effective Date: April 5, 2002.

Document Description: The purpose of this CN is to show how DCS and the prosecutors can enhance the effectiveness of the judicial enforcement referral process through the use of two collection tools: Early enforcement and contempt.

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) 586-3274, e-mail mdickens@dshs.wa.gov.

April 29, 2002
Martha Dickens

WSR 02-10-071
OFFICE OF
COMMUNITY DEVELOPMENT
[Filed April 26, 2002, 3:27 p.m.]

Low-Income Home Energy Assistance Program (LIHEAP)
Public Hearing

The Washington State Office of Community Development (OCD) plans to hold a public hearing on the proposed Washington state abbreviated plan for the 2003 low-income home energy assistance program (LIHEAP).

The hearing will be held Tuesday, June 25, 2002, at the Department of Community, Trade and Economic Development, 906 Columbia Street S.W., 2nd Floor Conference Room, Olympia, WA 98504-8300. The hearing will begin at 10:30 a.m. and close at noon unless taking testimony requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m., June 25, 2002. Written testimony should be sent to the attention of Bruce Yasutake, Office of Community Development, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300.

The abbreviated plan is available in alternate format upon request. Meetings sponsored by Department of Community, Trade and Economic Development shall be accessible to persons with disabilities. Accommodations may be arranged with a minimum of ten working days notice, to Bruce Yasutake, or TDD 1-800-833-6388.

If you have any questions or need additional information, please contact Bruce Yasutake at (360) 725-2866 or by e-mail at brucey@cted.wa.gov.

WSR 02-10-082
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SERVICES FOR THE BLIND
[Memorandum—April 29, 2002]

The date and location for the next Washington State Department of Services for the Blind statewide rehabilitation council meeting is as follows:

WSR 02-10-122
NOTICE OF PUBLIC MEETINGS
ECONOMIC DEVELOPMENT
FINANCE AUTHORITY
[Memorandum—April 30, 2002]

The Washington Economic Development Finance Authority (WEDFA) is an independent agency (#106) within the executive branch of the state government. The authority has four board meetings a year, one each 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 meeting date of Wednesday, June 5, 2002, has been changed to Thursday, June 6, 2002. The meeting will be held in the Seattle World Trade Center (Cascadia Club), Mezzanine Level, Main Terminal Building, SeaTac International Airport, SeaTac, Washington. The meeting will begin at 10:00 a.m.

Please call (206) 587-5634 if you have any questions.

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
 - X = Expedited rule making
 - 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 #
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4-25-520	AMD	02-04-064	16-154-100	REP-P	02-04-109	16-157-255	NEW-P	02-04-109
4-25-540	AMD	02-04-064	16-154-110	REP-P	02-04-109	16-157-255	NEW	02-10-090
4-25-610	AMD	02-04-064	16-154-120	REP-P	02-04-109	16-157-260	NEW-P	02-04-109
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4-25-631	AMD	02-04-064	16-156-005	REP-P	02-04-109	16-157-275	NEW-P	02-04-109
4-25-640	AMD-W	02-04-062	16-156-010	REP-P	02-04-109	16-157-275	NEW	02-10-090
4-25-640	PREP	02-04-063	16-156-020	REP-P	02-04-109	16-157-280	NEW-P	02-04-109
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4-25-710	AMD	02-04-064	16-156-040	REP-P	02-04-109	16-157-290	NEW	02-10-090
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4-25-746	AMD	02-04-064	16-157-010	NEW	02-10-090	16-158-040	REP-P	02-04-109
4-25-750	AMD	02-04-064	16-157-020	NEW-P	02-04-109	16-158-050	REP-P	02-04-109
4-25-752	NEW	02-04-064	16-157-020	NEW	02-10-090	16-158-060	REP-P	02-04-109
4-25-756	NEW	02-04-064	16-157-030	NEW-P	02-04-109	16-158-080	REP-P	02-04-109
4-25-783	AMD	02-04-064	16-157-030	NEW	02-10-090	16-158-090	REP-P	02-04-109
4-25-790	AMD	02-04-064	16-157-100	NEW-P	02-04-109	16-158-100	REP-P	02-04-109
4-25-791	AMD	02-04-064	16-157-100	NEW	02-10-090	16-158-110	REP-P	02-04-109
4-25-792	AMD	02-04-064	16-157-110	NEW-P	02-04-109	16-158-120	REP-P	02-04-109
4-25-793	NEW	02-04-064	16-157-110	NEW	02-10-090	16-158-130	REP-P	02-04-109
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4-25-820	AMD	02-04-064	16-157-120	NEW	02-10-090	16-158-150	REP-P	02-04-109
4-25-830	AMD	02-04-064	16-157-200	NEW-P	02-04-109	16-162-010	REP-P	02-04-109
4-25-910	AMD	02-04-064	16-157-200	NEW	02-10-090	16-162-025	REP-P	02-04-109
16-104	PREP	02-06-050	16-157-210	NEW-P	02-04-109	16-162-030	REP-P	02-04-109
16-154-010	REP-P	02-04-109	16-157-210	NEW	02-10-090	16-162-034	REP-P	02-04-109
16-154-030	REP-P	02-04-109	16-157-220	NEW-P	02-04-109	16-162-036	REP-P	02-04-109
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16-154-050	REP-P	02-04-109	16-157-230	NEW-P	02-04-109	16-162-040	REP-P	02-04-109
16-154-053	REP-P	02-04-109	16-157-230	NEW	02-10-090	16-162-045	REP-P	02-04-109
16-154-060	REP-P	02-04-109	16-157-240	NEW-P	02-04-109	16-162-050	REP-P	02-04-109
16-154-070	REP-P	02-04-109	16-157-240	NEW	02-10-090	16-162-070	REP-P	02-04-109
16-154-080	REP-P	02-04-109	16-157-250	NEW-P	02-04-109	16-162-100	REP-P	02-04-109

Table of WAC Sections Affected

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16-164-020	REP-P	02-04-109	16-303-230	AMD-P	02-09-060	16-470-860	NEW	02-09-099
16-164-035	REP-P	02-04-109	16-303-250	PREP	02-03-127	16-470-870	NEW-P	02-06-131
16-164-037	REP-P	02-04-109	16-303-250	PREP	02-05-083	16-470-870	NEW-E	02-07-120
16-164-040	REP-P	02-04-109	16-303-250	AMD-P	02-09-060	16-470-870	NEW	02-09-099
16-164-050	REP-P	02-04-109	16-303-300	PREP	02-03-127	16-484-210	AMD-P	02-08-086
16-164-055	REP-P	02-04-109	16-303-300	AMD-P	02-09-060	16-484-220	AMD-P	02-08-086
16-164-060	REP-P	02-04-109	16-303-310	PREP	02-03-127	16-484-230	AMD-P	02-08-086
16-164-070	REP-P	02-04-109	16-303-310	AMD-P	02-09-060	16-484-240	AMD-P	02-08-086
16-164-080	REP-P	02-04-109	16-303-317	PREP	02-03-127	16-484-250	AMD-P	02-08-086
16-164-085	REP-P	02-04-109	16-303-317	AMD-P	02-09-060	16-484-260	AMD-P	02-08-086
16-164-090	REP-P	02-04-109	16-303-320	PREP	02-03-127	16-489-010	NEW-P	02-10-123
16-164-100	REP-P	02-04-109	16-303-320	AMD-P	02-09-060	16-489-020	NEW-P	02-10-123
16-164-110	REP-P	02-04-109	16-303-330	PREP	02-03-127	16-489-030	NEW-P	02-10-123
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16-228-1235	NEW-E	02-06-048	16-303-340	AMD	02-05-082	16-489-050	NEW-P	02-10-123
16-228-1235	NEW-P	02-07-080	16-319-041	AMD	02-05-081	16-489-060	NEW-P	02-10-123
16-228-12351	NEW-E	02-06-048	16-324	PREP	02-03-132	16-489-070	NEW-P	02-10-123
16-228-12351	NEW-P	02-07-080	16-324-361	AMD-P	02-08-087	16-532-020	AMD-P	02-06-130
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16-228-12352	NEW-P	02-07-080	16-324-398	AMD-P	02-08-087	16-532-040	AMD-P	02-06-130
16-228-1237	NEW-E	02-06-048	16-324-401	AMD-P	02-08-087	16-555-020	AMD-P	02-06-129
16-228-1237	NEW-P	02-07-080	16-324-431	AMD-P	02-08-087	16-557-010	REP-C	02-09-005
16-228-12371	NEW-E	02-06-048	16-324-720	AMD-P	02-08-087	16-557-020	REP-C	02-09-005
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16-301-045	AMD-P	02-09-059	16-400-045	AMD-X	02-09-012	16-557-060	REP-C	02-09-005
16-301-050	PREP	02-05-083	16-403-141	AMD-P	02-07-118	16-557-070	REP-C	02-09-005
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16-302-250	PREP	02-05-083	16-462-021	AMD-P	02-08-085	16-675	PREP	02-08-083
16-302-250	AMD-P	02-09-059	16-462-022	AMD-P	02-08-085	16-695-070	AMD-P	02-07-122
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16-302-330	AMD-P	02-09-059	16-462-055	AMD-P	02-08-085	36- 12-011	AMD	02-03-069
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16-302-385	AMD-P	02-09-059	16-470-800	NEW-E	02-07-120	36- 12-030	AMD	02-03-069
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36-12-285	NEW	02-03-069	132H-120-220	AMD	02-10-069	132N-150-050	NEW	02-04-068
36-12-290	AMD	02-03-069	132H-120-300	AMD-P	02-03-106	132N-150-060	NEW	02-04-068
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36-12-350	REP	02-03-069	132H-120-420	AMD-P	02-03-106	132N-150-120	NEW	02-04-068
36-12-360	AMD	02-03-069	132H-120-420	AMD	02-10-069	132N-150-130	NEW	02-04-068
36-12-363	REP	02-03-069	132H-120-440	AMD-P	02-03-106	132N-150-140	NEW	02-04-068
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44-10-110	AMD-P	02-10-060	132H-140-060	REP-P	02-09-071	132N-150-240	NEW	02-04-068
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44-10-130	AMD-P	02-10-060	132H-140-070	AMD-P	02-09-071	132N-150-260	NEW	02-04-068
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44-10-150	AMD-P	02-10-060	132H-140-085	NEW-P	02-09-071	132N-150-280	NEW	02-04-068
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44-10-210	AMD-P	02-10-060	132H-140-120	NEW-P	02-09-071	132Z-116-005	NEW-E	02-04-061
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118-65-030	AMD-P	02-09-072	132H-410-020	NEW	02-10-070	132Z-116-040	NEW-E	02-04-061
118-65-040	AMD-P	02-09-072	132H-410-030	NEW-P	02-03-107	132Z-116-050	NEW-P	02-03-089
118-65-050	AMD-P	02-09-072	132H-410-030	NEW	02-10-070	132Z-116-050	NEW-E	02-04-061
118-65-060	AMD-P	02-09-072	132H-410-040	NEW-P	02-03-107	132Z-116-060	NEW-P	02-03-089
118-65-070	AMD-P	02-09-072	132H-410-040	NEW	02-10-070	132Z-116-060	NEW-E	02-04-061
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118-65-090	AMD-P	02-09-072	132H-410-050	NEW	02-10-070	132Z-116-070	NEW-E	02-04-061
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130-14-030	AMD	02-06-043	132H-410-070	NEW	02-10-070	132Z-116-090	NEW-E	02-04-061
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130-14-050	AMD	02-06-043	132H-410-080	NEW	02-10-070	132Z-116-100	NEW-E	02-04-061
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130-14-060	AMD	02-06-043	132H-410-090	NEW	02-10-070	132Z-116-110	NEW-E	02-04-061
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132Z-116-250	NEW-E	02-04-061	173-222-080	REP-X	02-07-038	173-401-200	AMD-P	02-10-031
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132Z-116-260	NEW-E	02-04-061	173-222-080	REP-X	02-07-099	173-401-500	AMD-P	02-10-031
132Z-116-270	NEW-P	02-03-089	173-222-090	REP-X	02-07-038	173-401-530	AMD-P	02-10-031
132Z-116-270	NEW-E	02-04-061	173-222-090	REP-W	02-07-098	173-401-615	AMD-P	02-10-031
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132Z-116-300	NEW-E	02-04-061	173-222-100	REP-X	02-07-099	173-422-020	AMD-P	02-09-066
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137- 28-260	AMD-P	02-09-002	173-224-040	REP-X	02-07-038	180- 16-006	REP-E	02-08-038
137- 28-310	AMD-P	02-09-002	173-224-040	REP-W	02-07-098	180- 16-195	AMD-E	02-08-038
137- 28-350	AMD-P	02-09-002	173-224-040	REP-X	02-07-099	180- 16-220	AMD-E	02-08-038
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173-222-010	REP-X	02-07-099	173-224-100	REP-W	02-07-098	180- 24-410	AMD-P	02-10-053
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180- 50	PREP	02-06-066	180- 77A	AMD	02-04-018	180- 86-055	REP-P	02-10-052
180- 52-070	NEW-P	02-08-092	180- 77A	PREP	02-06-069	180- 86-065	AMD-P	02-10-052
180- 52-070	NEW-P	02-10-089	180- 77A-004	AMD	02-04-018	180- 86-070	AMD-P	02-10-052
180- 53	PREP	02-08-039	180- 77A-006	AMD	02-04-018	180- 86-075	AMD-P	02-10-052
180- 53-005	REP-E	02-08-038	180- 77A-025	AMD	02-04-018	180- 86-100	AMD-P	02-10-052
180- 53-010	REP-E	02-08-038	180- 77A-029	AMD	02-04-018	180- 86-116	AMD-P	02-10-052
180- 53-020	REP-E	02-08-038	180- 77A-030	AMD	02-04-018	180- 86-130	AMD-P	02-10-052
180- 53-025	REP-E	02-08-038	180- 77A-033	AMD	02-04-018	180- 86-140	AMD-P	02-10-052
180- 53-030	REP-E	02-08-038	180- 77A-037	AMD	02-04-018	180- 86-145	AMD-P	02-10-052
180- 53-035	REP-E	02-08-038	180- 77A-040	AMD	02-04-018	180- 86-160	AMD-P	02-10-052
180- 53-040	REP-E	02-08-038	180- 77A-057	AMD	02-04-018	180- 86-170	AMD-P	02-10-052
180- 53-045	REP-E	02-08-038	180- 77A-165	AMD	02-04-018	180- 86-180	AMD-P	02-10-052
180- 53-050	REP-E	02-08-038	180- 77A-180	AMD	02-04-018	180- 86-185	AMD-P	02-10-052
180- 53-055	REP-E	02-08-038	180- 77A-195	AMD	02-04-018	180- 87	PREP	02-06-077
180- 53-060	REP-E	02-08-038	180- 78A	PREP	02-06-070	180- 90	PREP	02-06-078
180- 53-070	REP-E	02-08-038	180- 78A-209	AMD	02-04-018	180- 90-105	AMD-E	02-08-037
180- 55	PREP	02-08-039	180- 78A-220	AMD	02-04-014	180- 90-105	AMD-P	02-10-088
180- 55-005	AMD-E	02-08-038	180- 78A-255	AMD	02-04-014	180- 90-110	REP-E	02-08-037
180- 55-010	REP-E	02-08-038	180- 78A-261	AMD	02-04-014	180- 90-110	REP-P	02-10-088
180- 55-015	AMD-E	02-08-038	180- 78A-264	AMD	02-04-014	180- 90-112	AMD-E	02-08-037
180- 55-020	AMD-E	02-08-038	180- 78A-270	AMD	02-04-018	180- 90-112	AMD-P	02-10-088
180- 55-025	REP-E	02-08-038	180- 78A-505	PREP	02-06-051	180- 90-115	REP-E	02-08-037
180- 55-030	REP-E	02-08-038	180- 78A-505	AMD-P	02-10-085	180- 90-115	REP-P	02-10-088
180- 55-032	NEW-E	02-08-038	180- 79A	PREP	02-06-071	180- 90-119	REP-E	02-08-037
180- 55-034	NEW-E	02-08-038	180- 79A-030	AMD	02-04-015	180- 90-119	REP-P	02-10-088
180- 55-035	REP-E	02-08-038	180- 79A-117	AMD	02-04-018	180- 90-120	REP-E	02-08-037
180- 55-050	REP-E	02-08-038	180- 79A-130	AMD	02-04-018	180- 90-120	REP-P	02-10-088
180- 55-070	REP-E	02-08-038	180- 79A-140	AMD	02-04-018	180- 90-123	REP-E	02-08-037
180- 55-075	REP-E	02-08-038	180- 79A-150	AMD	02-04-018	180- 90-123	REP-P	02-10-088
180- 55-080	REP-E	02-08-038	180- 79A-150	PREP	02-10-050	180- 90-125	REP-E	02-08-037
180- 55-085	REP-E	02-08-038	180- 79A-206	PREP	02-05-061	180- 90-125	REP-P	02-10-088
180- 55-090	REP-E	02-08-038	180- 79A-206	AMD-P	02-10-085	180- 90-130	AMD-E	02-08-037
180- 55-095	REP-E	02-08-038	180- 79A-211	AMD	02-04-018	180- 90-130	AMD-P	02-10-088
180- 55-100	REP-E	02-08-038	180- 79A-250	PREP	02-05-060	180- 90-133	REP-E	02-08-037
180- 55-105	REP-E	02-08-038	180- 79A-250	AMD-P	02-10-087	180- 90-133	REP-P	02-10-088
180- 55-110	REP-E	02-08-038	180- 81	PREP	02-06-072	180- 90-135	REP-E	02-08-037
180- 55-115	REP-E	02-08-038	180- 82	PREP	02-06-073	180- 90-135	REP-P	02-10-088
180- 55-120	REP-E	02-08-038	180- 82-105	AMD	02-04-018	180- 90-137	REP-E	02-08-037
180- 55-125	REP-E	02-08-038	180- 82-105	PREP	02-10-045	180- 90-137	REP-P	02-10-088
180- 55-130	REP-E	02-08-038	180- 82-202	AMD	02-04-018	180- 90-141	AMD-E	02-08-037
180- 55-135	REP-E	02-08-038	180- 82-322	AMD	02-04-018	180- 90-141	AMD-P	02-10-088
180- 55-150	NEW-E	02-08-038	180- 82-346	AMD	02-04-016	180- 90-160	AMD-E	02-08-037
180- 72	PREP	02-06-067	180- 82-350	AMD	02-04-018	180- 90-160	AMD-P	02-10-088
180- 77	AMD	02-04-018	180- 82A-002	NEW	02-04-013	180- 95	PREP	02-06-079
180- 77	PREP	02-06-068	180- 82A-200	NEW	02-04-013	180- 96	PREP	02-06-080
180- 77-002	AMD	02-04-018	180- 82A-202	NEW	02-04-013	180- 97	PREP	02-08-040
180- 77-003	AMD	02-04-018	180- 82A-204	NEW	02-04-013	180- 97-003	AMD-E	02-08-034
180- 77-005	AMD	02-04-018	180- 82A-206	NEW	02-04-013	180- 97-005	REP-E	02-08-034
180- 77-012	AMD	02-04-018	180- 82A-215	NEW	02-04-013	180- 97-010	AMD-E	02-08-034
180- 77-014	AMD	02-04-018	180- 83	PREP	02-06-074	180- 97-015	REP-E	02-08-034
180- 77-020	AMD	02-04-018	180- 85	PREP	02-06-075	180- 97-020	REP-E	02-08-034
180- 77-025	AMD	02-04-018	180- 85-035	AMD	02-04-017	180- 97-040	AMD-E	02-08-034
180- 77-031	AMD	02-04-018	180- 85-075	AMD	02-04-017	180- 97-050	REP-E	02-08-034
180- 77-041	AMD	02-04-018	180- 85-075	PREP	02-06-081	180- 97-060	AMD-E	02-08-034
180- 77-041	PREP	02-10-048	180- 85-075	AMD-P	02-10-086	180- 97-070	REP-E	02-08-034
180- 77-068	AMD	02-04-018	180- 86	PREP	02-06-076	180- 97-080	AMD-E	02-08-034
180- 77-070	AMD	02-04-018	180- 86-011	AMD-P	02-10-052	180- 97-090	REP-E	02-08-034
180- 77-075	AMD	02-04-018	180- 86-013	AMD-P	02-10-052	180- 97-100	REP-E	02-08-034
180- 77-080	AMD	02-04-018	180- 86-020	PREP	02-03-084	182- 12-230	NEW-P	02-05-078

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192-16-013	REP-X	02-08-071	208-472-015	AMD	02-04-094	220-24-04000B	REP-E	02-10-120
192-16-021	REP	02-08-072	208-472-020	AMD	02-04-094	220-24-04000C	NEW-E	02-10-120
192-16-033	REP-E	02-03-074	208-472-025	AMD	02-04-094	220-24-04000C	REP-E	02-10-120
192-16-033	PREP	02-07-064	208-472-030	NEW	02-04-094	220-32-05100K	REP-E	02-04-073
192-16-033	REP-E	02-07-065	208-472-035	NEW	02-04-094	220-32-05100L	NEW-E	02-04-073
192-16-036	REP-E	02-03-074	208-472-041	REP	02-04-094	220-32-05100L	REP-E	02-04-073
192-16-036	PREP	02-07-064	208-472-045	REP	02-04-094	220-32-05100M	REP-E	02-07-011
192-16-036	REP-P	02-07-065	208-472-050	REP	02-04-094	220-32-05100M	NEW-E	02-07-011
192-16-040	REP-E	02-03-074	208-472-060	REP	02-04-094	220-32-05100M	REP-E	02-07-011
192-16-040	PREP	02-07-064	208-472-065	REP	02-04-094	220-32-05100M	REP-E	02-07-044
192-16-040	REP-P	02-07-065	208-472-070	REP	02-04-094	220-32-05100N	NEW-E	02-07-044
192-16-042	REP-E	02-03-074	208-472-075	REP	02-04-094	220-32-05100N	REP-E	02-07-044
192-16-042	PREP	02-07-064	208-472-080	REP	02-04-094	220-32-05100P	NEW-E	02-10-042
192-16-042	REP-P	02-07-065	212-12-001	PREP	02-07-018	220-32-05100P	REP-E	02-10-042
192-16-045	REP-E	02-03-074	212-12-005	PREP	02-07-018	220-33-010001	NEW-E	02-04-077
192-16-045	PREP	02-07-064	212-12-010	PREP	02-07-018	220-33-010001	REP-E	02-04-077
192-16-045	REP-P	02-07-065	212-12-011	PREP	02-07-018	220-33-01000J	NEW-E	02-05-056
192-16-045	REP-P	02-07-065	212-12-015	PREP	02-07-018	220-33-01000J	REP-E	02-05-056
192-16-047	REP-E	02-03-074	212-12-020	PREP	02-07-018	220-33-01000J	REP-E	02-07-010
192-16-047	PREP	02-07-064	212-12-025	PREP	02-07-018	220-33-01000K	NEW-E	02-07-010
192-16-047	REP-P	02-07-065	212-12-030	PREP	02-07-018	220-33-01000K	REP-E	02-07-010
192-150-055	NEW-X	02-08-071	212-12-030	PREP	02-07-018	220-33-01000K	REP-E	02-07-010
192-150-060	NEW	02-08-072	212-12-035	PREP	02-07-018	220-33-01000K	REP-E	02-07-094
192-170-050	NEW	02-08-072	212-12-040	PREP	02-07-018	220-33-01000L	NEW-E	02-07-094
192-180-012	NEW	02-08-072	212-12-044	PREP	02-07-018	220-33-01000L	REP-E	02-07-094
192-240-010	NEW-E	02-03-074	212-12-200	NEW-E	02-03-060	220-33-01000L	REP-E	02-08-014
192-240-015	NEW-E	02-03-074	212-12-210	NEW-E	02-03-060	220-33-01000M	NEW-E	02-08-014
192-240-020	NEW-E	02-03-074	212-12-220	NEW-E	02-03-060	220-33-01000M	REP-E	02-08-025
192-240-025	NEW-E	02-03-074	212-12-230	NEW-E	02-03-060	220-33-01000N	NEW-E	02-08-025
192-240-030	NEW-E	02-03-074	212-12-240	NEW-E	02-03-060	220-33-01000N	REP-E	02-08-025
192-240-030	NEW-E	02-07-065	212-12-250	NEW-E	02-03-060	220-33-04000N	REP-E	02-04-072
192-240-035	NEW-E	02-03-074	212-12-260	NEW-E	02-03-060	220-33-04000P	NEW-E	02-04-072
192-240-040	NEW-E	02-03-074	212-12-270	NEW-E	02-03-060	220-33-04000P	REP-E	02-04-072
192-240-040	NEW-E	02-07-065	212-12-280	NEW-E	02-03-060	220-33-04000P	REP-E	02-04-102
192-240-045	NEW-E	02-07-065	212-12-290	NEW-E	02-03-060	220-33-04000Q	NEW-E	02-04-102
196-26-020	REP-P	02-08-075	212-12-300	NEW-E	02-03-060	220-33-04000Q	REP-E	02-04-102
196-26-030	REP-P	02-08-075	212-12-310	NEW-E	02-03-060	220-33-04000Q	REP-E	02-06-036
196-26A-010	NEW-P	02-08-075	212-12-320	NEW-E	02-03-060	220-33-04000R	NEW-E	02-06-036
196-26A-020	NEW-P	02-08-075	212-12-330	NEW-E	02-03-060	220-33-04000R	REP-E	02-06-036
196-26A-025	NEW-P	02-08-075	212-12-340	NEW-E	02-03-060	220-44-05000H	REP-E	02-04-060
196-26A-030	NEW-P	02-08-075	212-12-350	NEW-E	02-03-060	220-44-05000I	NEW-E	02-04-060
196-26A-035	NEW-P	02-08-075	212-12-360	NEW-E	02-03-060	220-44-05000I	REP-E	02-07-093
196-26A-040	NEW-P	02-08-075	212-12-370	NEW-E	02-03-060	220-44-05000J	NEW-E	02-07-093
196-26A-045	NEW-P	02-08-075	212-12-380	NEW-E	02-03-060	220-48-005	AMD	02-08-026
196-26A-045	NEW-P	02-08-075	212-12-390	NEW-E	02-03-060	220-49-013	AMD	02-08-026
196-26A-050	NEW-P	02-08-075	212-12-400	NEW-E	02-03-060	220-49-056	AMD	02-08-026
196-26A-055	NEW-P	02-08-075	212-12-410	NEW-E	02-03-060	220-52-04000F	REP-E	02-03-068
196-26A-060	NEW-P	02-08-075	212-12-420	NEW-E	02-03-060	220-52-04600A	REP-E	02-03-024
196-26A-070	NEW-P	02-08-075	220-16-028	AMD	02-08-048	220-52-04600B	NEW-E	02-03-024
204-36-030	AMD	02-07-055	220-16-410	AMD-W	02-05-035	220-52-04600B	REP-E	02-03-050
204-36-040	AMD	02-07-055	220-16-480	AMD	02-08-027	220-52-04600C	NEW-E	02-03-050
204-36-060	AMD	02-07-055	220-16-760	NEW	02-08-048	220-52-04600C	REP-E	02-04-093
204-91A-010	AMD	02-07-056	220-16-780	NEW	02-08-048	220-52-04600D	NEW-E	02-04-093
204-91A-030	AMD	02-07-056	220-16-780	NEW	02-08-048	220-52-04600D	REP-E	02-07-037
204-91A-060	AMD	02-07-056	220-16-78000A	NEW-E	02-10-118	220-52-04600D	REP-E	02-07-037
204-91A-090	AMD	02-07-056	220-16-790	NEW	02-08-048	220-52-04600E	NEW-E	02-07-037
204-91A-120	AMD	02-07-056	220-16-79000A	NEW-E	02-10-118	220-52-04600E	REP-E	02-07-075
204-91A-130	AMD	02-07-056	220-20-010	AMD	02-08-048	220-52-04600F	NEW-E	02-07-075
204-91A-140	AMD	02-07-056	220-20-016	PREP	02-06-107	220-52-04600F	REP-E	02-08-070
204-91A-170	AMD	02-07-056	220-20-025	AMD	02-08-048	220-52-04600G	NEW-E	02-08-070
204-91A-180	AMD	02-07-056	220-20-075	NEW	02-05-046	220-52-04600G	REP-E	02-08-070
208-472	AMD	02-04-094	220-20-100	NEW	02-08-048	220-52-05100A	NEW-E	02-10-004
208-472-010	AMD	02-04-094	220-24-04000B	NEW-E	02-10-078	220-52-05100A	REP-E	02-10-043

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220-52-05100B	NEW-E	02-10-043	220-56-33000D	NEW-E	02-03-051	230-02-145	REP-P	02-07-081
220-52-05100Y	NEW-E	02-09-021	220-56-33000D	REP-E	02-05-001	230-02-205	AMD-S	02-03-077
220-52-05100Y	REP-E	02-09-067	220-56-33000E	NEW-E	02-05-001	230-04-064	AMD-P	02-06-037
220-52-05100Z	NEW-E	02-09-067	220-56-33000E	REP-E	02-07-037	230-04-064	AMD	02-10-002
220-52-05100Z	REP-E	02-10-004	220-56-33000F	NEW-E	02-07-037	230-04-202	AMD-W	02-02-090
220-52-07300Q	REP-E	02-03-025	220-56-33000F	REP-E	02-07-075	230-08-255	AMD-P	02-06-037
220-52-07300R	NEW-E	02-03-025	220-56-33000G	NEW-E	02-07-075	230-08-255	AMD	02-10-002
220-52-07300R	REP-E	02-03-067	220-56-33000G	REP-E	02-08-070	230-12-045	NEW-P	02-07-081
220-52-07300S	NEW-E	02-03-067	220-56-33000H	NEW-E	02-08-070	230-12-050	AMD-P	02-07-081
220-52-07300S	REP-E	02-03-090	220-56-335	AMD	02-08-048	230-12-330	AMD-P	02-06-038
220-52-07300T	NEW-E	02-03-090	220-56-350	AMD	02-08-048	230-12-330	AMD	02-10-003
220-52-07300T	REP-E	02-04-035	220-56-35000J	REP-E	02-06-035	230-12-340	AMD-P	02-06-038
220-52-07300U	NEW-E	02-04-035	220-56-35000K	NEW-E	02-06-035	230-12-340	AMD	02-10-003
220-52-07300U	REP-E	02-04-078	220-56-35000K	REP-E	02-10-029	230-20-111	REP-P	02-07-081
220-52-07300V	NEW-E	02-04-078	220-56-35000L	NEW-E	02-10-029	230-20-125	REP-P	02-07-081
220-52-07300V	REP-E	02-07-046	220-56-355	AMD	02-08-048	230-20-230	REP-P	02-07-081
220-52-07300W	NEW-E	02-07-092	220-56-35500B	NEW-E	02-07-076	230-20-244	AMD	02-06-006
220-52-07300W	REP-E	02-07-092	220-56-36000L	NEW-E	02-03-053	230-20-246	AMD	02-06-006
220-52-07500D	NEW-E	02-09-021	220-56-36000L	REP-E	02-03-053	230-20-249	AMD	02-06-006
220-52-07500D	REP-E	02-10-004	220-56-36000L	REP-E	02-04-039	230-30-033	AMD	02-06-007
220-52-07500E	NEW-E	02-10-004	220-56-36000M	NEW-E	02-04-039	230-30-045	AMD	02-06-007
220-55-00100A	NEW-E	02-10-106	220-56-36000M	REP-E	02-04-039	230-30-072	AMD	02-06-007
220-56-100	AMD	02-08-048	220-56-36000N	NEW-E	02-07-012	230-30-106	AMD-P	02-06-038
220-56-105	AMD	02-08-048	220-56-36000N	REP-E	02-07-012	230-30-106	AMD	02-10-003
220-56-115	AMD	02-09-001	220-56-36000P	NEW-E	02-10-012	230-40-800	AMD-P	02-07-081
220-56-116	AMD	02-08-048	220-56-36000P	REP-E	02-10-012	230-40-897	REP-P	02-07-081
220-56-124	AMD-X	02-10-127	220-56-380	AMD	02-08-048	232-12-011	AMD-P	02-06-122
220-56-128	AMD	02-08-048	220-56-38000C	REP-E	02-06-035	232-12-011	AMD	02-08-048
220-56-15600A	NEW-E	02-10-108	220-56-38000D	NEW-E	02-06-035	232-12-014	AMD-P	02-06-122
220-56-193	NEW-P	02-10-124	220-56-38000D	REP-E	02-10-029	232-12-019	AMD	02-08-048
220-56-194	NEW-P	02-10-124	220-56-38000E	NEW-E	02-10-029	232-12-147	REP	02-08-048
220-56-195	AMD-X	02-10-127	220-69	PREP	02-10-105	232-12-151	REP	02-08-048
220-56-210	AMD	02-08-048	220-69-24000A	NEW-E	02-10-004	232-12-168	AMD	02-08-048
220-56-235	AMD	02-09-001	220-69-24000A	REP-E	02-10-043	232-12-16800B	NEW-E	02-07-095
220-56-23500L	NEW-E	02-03-002	220-69-24000B	NEW-E	02-10-043	232-12-16800B	REP-E	02-07-095
220-56-23500L	REP-E	02-07-004	220-74-020	AMD-P	02-06-109	232-12-253	NEW	02-05-021
220-56-23500M	NEW-E	02-07-004	220-74-020	AMD	02-10-023	232-12-253	AMD-P	02-10-125
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220-56-25000D	REP-E	02-07-025	220-77-040	AMD	02-06-018	232-12-272	NEW	02-08-048
220-56-25500X	NEW-E	02-09-045	220-77-09000A	NEW-E	02-04-069	232-12-619	AMD	02-08-048
220-56-265	AMD	02-08-048	220-77-09000A	REP-E	02-04-089	232-28-02220	AMD-P	02-06-124
220-56-270	AMD	02-08-048	220-77-09000B	NEW-E	02-04-089	232-28-02240	AMD-P	02-06-124
220-56-27000L	REP-E	02-06-036	220-130-040	AMD-W	02-02-089	232-28-248	AMD-P	02-06-124
220-56-27000M	NEW-E	02-06-036	222-10-040	AMD-P	02-05-087	232-28-266	AMD-P	02-06-121
220-56-27000M	REP-E	02-06-036	222-10-041	AMD-P	02-05-087	232-28-273	AMD-P	02-06-121
220-56-282	AMD	02-08-048	222-16-050	AMD-E	02-05-086	232-28-276	AMD-P	02-10-128
220-56-28200D	NEW-E	02-06-017	222-16-050	PREP	02-07-023	232-28-277	AMD-P	02-06-125
220-56-28200D	REP-E	02-06-017	222-21-010	AMD	02-05-084	232-28-277	REP-P	02-10-128
220-56-28200E	NEW-E	02-10-119	222-21-020	AMD	02-05-084	232-28-278	AMD-P	02-06-126
220-56-285	AMD	02-08-048	222-21-045	AMD	02-05-084	232-28-279	AMD-P	02-06-123
220-56-28500B	NEW-E	02-05-010	222-21-050	AMD	02-05-084	232-28-282	NEW-P	02-10-128
220-56-28500B	REP-E	02-10-063	222-21-061	NEW	02-05-084	232-28-299	AMD-P	02-10-128
220-56-307	REP	02-08-048	226-01-040	AMD-X	02-03-038	232-28-42500C	NEW-E	02-03-052
220-56-310	AMD	02-08-048	226-01-040	AMD	02-08-076	232-28-42500C	REP-E	02-03-052
220-56-31000U	NEW-E	02-09-003	226-01-050	AMD-X	02-03-038	232-28-619	AMD	02-08-048
220-56-31000U	REP-E	02-09-003	226-01-050	AMD	02-08-076	232-28-619	AMD-X	02-10-127
220-56-315	AMD	02-08-048	226-12-080	AMD-X	02-03-038	232-28-61900A	NEW-E	02-08-022
220-56-31500A	NEW-E	02-09-003	226-12-080	AMD	02-08-076	232-28-61900B	NEW-E	02-08-004
220-56-31500A	REP-E	02-09-003	226-16-160	AMD-X	02-03-038	232-28-61900B	REP-E	02-08-004
220-56-32500T	NEW-E	02-08-028	226-16-160	AMD	02-08-076	232-28-61900C	NEW-E	02-09-023
220-56-32500T	REP-E	02-09-003	226-20-010	AMD-X	02-03-038	232-28-61900C	REP-E	02-09-023
220-56-32500U	NEW-E	02-10-028	226-20-010	AMD	02-08-076	232-28-61900D	REP-E	02-05-075

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232- 28-61900D	NEW-E	02-09-009	246-224-010	REP-P	02-07-021	246-790-100	AMD-P	02-07-020
232- 28-61900D	REP-E	02-10-063	246-224-0100	NEW-P	02-07-021	246-790-120	AMD-P	02-07-020
232- 28-61900E	NEW-E	02-10-024	246-224-0110	NEW-P	02-07-021	246-790-130	AMD-P	02-07-020
232- 28-61900E	REP-E	02-10-024	246-224-0120	NEW-P	02-07-021	246-810-320	REP	02-09-041
232- 28-61900F	NEW-E	02-10-077	246-224-020	REP-P	02-07-021	246-810-321	REP	02-09-041
232- 28-61900G	NEW-E	02-10-062	246-224-050	REP-P	02-07-021	246-810-332	REP	02-09-041
232- 28-61900H	REP-E	02-03-014	246-224-060	REP-P	02-07-021	246-810-340	REP	02-09-041
232- 28-61900H	NEW-E	02-10-063	246-224-070	REP-P	02-07-021	246-810-520	REP	02-09-041
232- 28-61900I	NEW-E	02-03-022	246-224-090	REP-P	02-07-021	246-810-521	REP	02-09-041
232- 28-61900I	REP-E	02-03-022	246-224-100	REP-P	02-07-021	246-810-532	REP	02-09-041
232- 28-61900J	NEW-E	02-03-023	246-229-0001	NEW-P	02-07-021	246-810-540	REP	02-09-041
232- 28-61900K	NEW-E	02-03-014	246-229-001	REP-P	02-07-021	246-810-720	REP	02-09-041
232- 28-61900L	NEW-E	02-03-015	246-229-0010	NEW-P	02-07-021	246-810-721	REP	02-09-041
232- 28-61900L	REP-E	02-03-015	246-229-0020	NEW-P	02-07-021	246-810-732	REP	02-09-041
232- 28-61900M	NEW-E	02-03-066	246-229-0030	NEW-P	02-07-021	246-810-740	REP	02-09-041
232- 28-61900M	REP-E	02-10-063	246-229-0040	NEW-P	02-07-021	246-811-081	NEW	02-07-083
232- 28-61900N	NEW-E	02-04-019	246-229-0050	NEW-P	02-07-021	246-811-082	NEW	02-07-083
232- 28-61900N	REP-E	02-04-019	246-229-0060	NEW-P	02-07-021	246-811-200	NEW	02-07-084
232- 28-61900P	NEW-E	02-04-103	246-229-0070	NEW-P	02-07-021	246-811-210	NEW	02-07-084
232- 28-61900Q	NEW-E	02-05-007	246-229-0080	NEW-P	02-07-021	246-811-220	NEW	02-07-084
232- 28-61900R	NEW-E	02-05-008	246-229-0090	NEW-P	02-07-021	246-811-230	NEW	02-07-084
232- 28-61900R	REP-E	02-05-008	246-229-0100	NEW-P	02-07-021	246-811-240	NEW	02-07-084
232- 28-61900S	NEW-E	02-05-010	246-229-020	REP-P	02-07-021	246-811-250	NEW	02-07-084
232- 28-61900S	REP-E	02-09-009	246-229-030	REP-P	02-07-021	246-811-260	NEW	02-07-084
232- 28-61900T	NEW-E	02-05-075	246-229-050	REP-P	02-07-021	246-811-270	NEW	02-07-084
232- 28-61900T	REP-E	02-07-096	246-229-060	REP-P	02-07-021	246-811-990	AMD	02-07-083
232- 28-61900U	REP-E	02-03-022	246-229-070	REP-P	02-07-021	246-826-100	AMD	02-06-115
232- 28-61900U	NEW-E	02-06-100	246-229-080	REP-P	02-07-021	246-826-300	NEW	02-06-115
232- 28-61900U	REP-E	02-06-100	246-229-090	REP-P	02-07-021	246-826-301	NEW	02-06-115
232- 28-61900V	NEW-E	02-06-099	246-229-100	REP-P	02-07-021	246-826-302	NEW	02-06-115
232- 28-61900V	REP-E	02-06-099	246-229-110	REP-P	02-07-021	246-826-303	NEW	02-06-115
232- 28-61900W	NEW-E	02-07-061	246-254-053	AMD-P	02-04-034	246-840-020	PREP	02-04-033
232- 28-61900W	REP-E	02-07-061	246-254-053	AMD	02-07-085	246-840-030	PREP	02-04-033
232- 28-61900X	NEW-E	02-07-019	246-254-070	AMD	02-04-025	246-840-040	PREP	02-04-033
232- 28-61900X	REP-E	02-07-019	246-254-080	AMD	02-04-025	246-840-050	PREP	02-04-033
232- 28-61900Y	NEW-E	02-07-066	246-254-090	AMD	02-04-025	246-840-060	PREP	02-04-033
232- 28-61900Y	REP-E	02-07-066	246-254-100	AMD	02-04-025	246-840-070	PREP	02-04-033
232- 28-61900Z	NEW-E	02-07-096	246-254-120	AMD	02-04-025	246-840-080	PREP	02-04-031
232- 28-61900Z	REP-E	02-07-096	246-272	PREP	02-03-137	246-840-090	PREP	02-04-031
232- 28-620	AMD-X	02-10-127	246-310-990	AMD-P	02-10-064	246-840-700	AMD	02-06-117
232- 28-621	AMD	02-08-048	246-320-990	AMD-P	02-10-131	246-840-705	AMD	02-06-117
232- 28-621	AMD-X	02-10-127	246-322-990	AMD-P	02-10-131	246-840-710	AMD	02-06-117
246- 12-040	AMD-X	02-09-042	246-324-990	AMD-P	02-10-131	246-840-715	REP	02-06-117
246- 50	PREP-W	02-09-027	246-329-990	AMD-P	02-10-131	246-843-015	REP-X	02-06-116
246-100-166	PREP	02-10-066	246-333-010	REP-X	02-10-132	246-851-150	AMD-C	02-04-090
246-100-206	AMD-P	02-08-018	246-333-020	REP-X	02-10-132	246-851-150	AMD	02-10-065
246-100-207	AMD-P	02-08-018	246-333-030	REP-X	02-10-132	246-851-160	AMD-C	02-04-090
246-100-208	AMD-P	02-08-018	246-333-040	REP-X	02-10-132	246-851-160	AMD	02-10-065
246-215-150	AMD-P	02-04-091	246-338-020	PREP	02-03-138	246-851-200	REP	02-10-134
246-215-150	AMD	02-09-028	246-338-020	AMD-P	02-09-026	246-851-250	AMD-C	02-04-090
246-224	AMD-P	02-07-021	246-338-990	PREP	02-03-138	246-851-250	AMD	02-10-065
246-224-0001	NEW-P	02-07-021	246-338-990	AMD-P	02-09-026	246-851-300	AMD-C	02-04-090
246-224-001	REP-P	02-07-021	246-388	PREP	02-08-017	246-851-300	AMD	02-10-065
246-224-0010	NEW-P	02-07-021	246-650	PREP	02-03-136	246-851-310	AMD-C	02-04-090
246-224-0020	NEW-P	02-07-021	246-650	PREP-W	02-04-024	246-851-310	AMD	02-10-065
246-224-0030	NEW-P	02-07-021	246-790-010	AMD-P	02-07-020	246-851-330	AMD-C	02-04-090
246-224-0040	NEW-P	02-07-021	246-790-050	AMD-P	02-07-020	246-851-330	AMD	02-10-065
246-224-0050	NEW-P	02-07-021	246-790-065	AMD-P	02-07-020	246-851-520	AMD-C	02-04-090
246-224-0060	NEW-P	02-07-021	246-790-070	AMD-P	02-07-020	246-851-520	AMD	02-10-065
246-224-0070	NEW-P	02-07-021	246-790-080	AMD-P	02-07-020	246-883-020	AMD-X	02-07-086
246-224-0080	NEW-P	02-07-021	246-790-085	AMD-P	02-07-020	246-918-990	AMD	02-05-009
246-224-0090	NEW-P	02-07-021	246-790-090	AMD-P	02-07-020	246-919-990	AMD	02-05-009

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246-935-010	AMD	02-10-135	296- 150R	PREP	02-04-106	296- 401B	PREP	02-04-106
246-935-020	AMD	02-10-135	296- 150V	PREP	02-04-106	296- 45	AMD-S	02-10-025
246-935-030	AMD	02-10-135	296- 17	PREP	02-07-102	296- 45-52530	AMD-P	02-05-080
246-935-090	AMD	02-10-135	296- 17-35203	AMD-P	02-03-123	296- 46A	PREP	02-04-106
246-935-100	AMD	02-10-135	296- 17-35203	AMD	02-09-093	296- 46A-910	AMD-P	02-09-095
246-935-120	AMD	02-10-135	296- 17-52140	AMD-P	02-03-123	296- 46A-915	AMD-P	02-09-095
246-976-031	AMD-P	02-10-133	296- 17-52140	AMD	02-09-093	296- 52	AMD	02-03-125
246-976-500	AMD-P	02-09-043	296- 17-52141	AMD-P	02-03-123	296- 52-401	REP	02-03-125
246-976-510	AMD-P	02-09-043	296- 17-52141	AMD	02-09-093	296- 52-405	REP	02-03-125
246-976-550	AMD-P	02-09-043	296- 17-52150	AMD-P	02-03-123	296- 52-409	REP	02-03-125
246-976-560	AMD-P	02-09-043	296- 17-52150	AMD	02-09-093	296- 52-413	REP	02-03-125
246-976-600	AMD-P	02-09-043	296- 17-52151	AMD-P	02-03-123	296- 52-417	REP	02-03-125
246-976-610	AMD-P	02-09-043	296- 17-52151	AMD	02-09-093	296- 52-419	REP	02-03-125
246-976-650	AMD-P	02-09-043	296- 200A	PREP	02-04-106	296- 52-421	REP	02-03-125
246-976-720	AMD-P	02-09-043	296- 20-135	AMD-P	02-05-076	296- 52-423	REP	02-03-125
246-976-730	AMD-P	02-09-043	296- 20-135	AMD	02-10-129	296- 52-425	REP	02-03-125
246-976-770	AMD-P	02-09-043	296- 23-220	AMD-P	02-05-076	296- 52-429	REP	02-03-125
246-976-780	AMD-P	02-09-043	296- 23-220	AMD	02-10-129	296- 52-433	REP	02-03-125
246-976-810	AMD-P	02-09-043	296- 23-230	AMD-P	02-05-076	296- 52-437	REP	02-03-125
246-976-820	AMD-P	02-09-043	296- 23-230	AMD	02-10-129	296- 52-441	REP	02-03-125
246-976-886	NEW-P	02-09-043	296- 24	PREP	02-04-107	296- 52-445	REP	02-03-125
246-976-887	NEW-P	02-09-043	296- 24	PREP	02-04-108	296- 52-449	REP	02-03-125
246-976-935	AMD	02-04-045	296- 24	PREP	02-09-091	296- 52-453	REP	02-03-125
246-976-960	AMD-P	02-10-133	296- 24-012	AMD-X	02-05-077	296- 52-457	REP	02-03-125
246-976-970	AMD-P	02-10-133	296- 24-102	REP-X	02-08-080	296- 52-461	REP	02-03-125
250- 66-030	AMD	02-05-006	296- 24-10203	REP-X	02-08-080	296- 52-465	REP	02-03-125
251- 01-240	AMD-P	02-04-081	296- 24-14001	AMD-X	02-05-077	296- 52-469	REP	02-03-125
251- 01-240	AMD	02-07-051	296- 24-145	PREP	02-09-088	296- 52-477	REP	02-03-125
251- 12-073	REP-P	02-04-079	296- 24-23003	AMD-X	02-05-077	296- 52-481	REP	02-03-125
251- 12-073	REP	02-07-048	296- 24-405	REP-P	02-07-100	296- 52-485	REP	02-03-125
251- 17-200	AMD-P	02-04-080	296- 24-40501	REP-P	02-07-100	296- 52-487	REP	02-03-125
251- 17-200	AMD	02-07-050	296- 24-40503	REP-P	02-07-100	296- 52-489	REP	02-03-125
251- 19-120	AMD-P	02-04-081	296- 24-40505	REP-P	02-07-100	296- 52-493	REP	02-03-125
251- 19-120	AMD	02-07-051	296- 24-40507	REP-P	02-07-100	296- 52-497	REP	02-03-125
259- 04-010	AMD	02-06-014	296- 24-40509	REP-P	02-07-100	296- 52-501	REP	02-03-125
259- 04-050	AMD	02-06-014	296- 24-40511	REP-P	02-07-100	296- 52-505	REP	02-03-125
259- 04-070	AMD	02-06-014	296- 24-40513	REP-P	02-07-100	296- 52-509	REP	02-03-125
260- 36-040	AMD-P	02-05-029	296- 24-40515	REP-P	02-07-100	296- 52-510	REP	02-03-125
260- 36-040	AMD	02-10-101	296- 24-51009	AMD-X	02-05-077	296- 52-550	REP	02-03-125
260- 48-930	NEW-P	02-05-028	296- 24-51011	AMD-X	02-05-077	296- 52-552	REP	02-03-125
260- 48-930	NEW-W	02-05-033	296- 24-51015	AMD-X	02-05-077	296- 52-555	REP	02-03-125
260- 48-930	NEW	02-10-100	296- 24-60205	AMD-X	02-05-077	296- 52-600	NEW-W	02-06-102
260- 70-650	AMD-P	02-05-030	296- 24-63499	AMD-X	02-05-077	296- 52-60005	NEW	02-03-125
260- 70-650	AMD	02-10-102	296- 24-67513	AMD-X	02-05-077	296- 52-60010	NEW	02-03-125
260- 70-660	PREP	02-05-027	296- 24-67515	AMD-X	02-05-077	296- 52-60015	NEW	02-03-125
284- 04-120	AMD	02-08-019	296- 28-001	REP-P	02-07-101	296- 52-60020	NEW	02-03-125
292-110-010	AMD	02-07-074	296- 28-005	REP-P	02-07-101	296- 52-60025	NEW-W	02-06-102
292-110-010	AMD-W	02-09-069	296- 28-010	REP-P	02-07-101	296- 52-60030	NEW	02-03-125
292-120-030	AMD	02-04-003	296- 28-015	REP-P	02-07-101	296- 52-60035	NEW	02-03-125
292-120-035	NEW	02-04-003	296- 28-020	REP-P	02-07-101	296- 52-60040	NEW-W	02-06-102
296- 05-007	AMD-X	02-04-004	296- 28-025	REP-P	02-07-101	296- 52-60045	NEW	02-03-125
296- 05-007	AMD	02-10-083	296- 28-030	REP-P	02-07-101	296- 52-60050	NEW	02-03-125
296- 05-300	AMD-X	02-04-004	296- 28-035	REP-P	02-07-101	296- 52-60055	NEW	02-03-125
296- 05-300	AMD	02-10-083	296- 28-040	REP-P	02-07-101	296- 52-60060	NEW	02-03-125
296- 05-316	AMD-X	02-04-004	296- 28-045	REP-P	02-07-101	296- 52-60065	NEW	02-03-125
296- 05-316	AMD	02-10-083	296- 28-050	REP-P	02-07-101	296- 52-60070	NEW-W	02-06-102
296- 05-402	AMD-X	02-04-004	296- 32	AMD-S	02-10-025	296- 52-60075	NEW	02-03-125
296- 05-402	AMD	02-10-083	296- 32-240	AMD-P	02-05-080	296- 52-60080	NEW	02-03-125
296- 150C	PREP	02-04-106	296- 32-250	AMD-X	02-05-077	296- 52-60085	NEW	02-03-125
296- 150F	PREP	02-04-106	296- 32-280	AMD-X	02-05-077	296- 52-60090	NEW	02-03-125
296- 150M	PREP	02-04-106	296- 33-010	NEW	02-06-024	296- 52-60095	NEW	02-03-125

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296-52-60105	NEW	02-03-125	296-52-66025	NEW-W	02-06-102	296-52-68025	NEW	02-03-125
296-52-60110	NEW-W	02-06-102	296-52-66030	NEW	02-03-125	296-52-68030	NEW	02-03-125
296-52-60115	NEW	02-03-125	296-52-66035	NEW	02-03-125	296-52-68035	NEW-W	02-06-102
296-52-60120	NEW	02-03-125	296-52-66040	NEW	02-03-125	296-52-68040	NEW	02-03-125
296-52-60125	NEW	02-03-125	296-52-66045	NEW	02-03-125	296-52-68045	NEW	02-03-125
296-52-60130	NEW	02-03-125	296-52-66050	NEW	02-03-125	296-52-68050	NEW	02-03-125
296-52-61005	NEW	02-03-125	296-52-66055	NEW	02-03-125	296-52-68055	NEW	02-03-125
296-52-61010	NEW	02-03-125	296-52-66060	NEW	02-03-125	296-52-68060	NEW	02-03-125
296-52-61015	NEW	02-03-125	296-52-67005	NEW-W	02-06-102	296-52-68065	NEW	02-03-125
296-52-61020	NEW	02-03-125	296-52-67010	NEW	02-03-125	296-52-68070	NEW-W	02-06-102
296-52-61025	NEW	02-03-125	296-52-67015	NEW-W	02-06-102	296-52-68075	NEW	02-03-125
296-52-61030	NEW	02-03-125	296-52-67020	NEW	02-03-125	296-52-68080	NEW	02-03-125
296-52-61035	NEW	02-03-125	296-52-67025	NEW	02-03-125	296-52-68085	NEW	02-03-125
296-52-61040	NEW	02-03-125	296-52-67030	NEW	02-03-125	296-52-69005	NEW	02-03-125
296-52-61045	NEW	02-03-125	296-52-67035	NEW	02-03-125	296-52-69010	NEW	02-03-125
296-52-61050	NEW	02-03-125	296-52-67040	NEW	02-03-125	296-52-69015	NEW	02-03-125
296-52-62005	NEW	02-03-125	296-52-67045	NEW	02-03-125	296-52-69020	NEW	02-03-125
296-52-62010	NEW	02-03-125	296-52-67050	NEW	02-03-125	296-52-69025	NEW	02-03-125
296-52-62020	NEW-W	02-06-102	296-52-67055	NEW	02-03-125	296-52-69030	NEW	02-03-125
296-52-62025	NEW	02-03-125	296-52-67060	NEW	02-03-125	296-52-69035	NEW	02-03-125
296-52-62030	NEW	02-03-125	296-52-67065	NEW	02-03-125	296-52-69040	NEW	02-03-125
296-52-62035	NEW	02-03-125	296-52-67070	NEW	02-03-125	296-52-69045	NEW	02-03-125
296-52-62040	NEW	02-03-125	296-52-67075	NEW	02-03-125	296-52-69050	NEW	02-03-125
296-52-62045	NEW	02-03-125	296-52-67080	NEW	02-03-125	296-52-69055	NEW	02-03-125
296-52-63005	NEW	02-03-125	296-52-67085	NEW	02-03-125	296-52-69060	NEW	02-03-125
296-52-63010	NEW	02-03-125	296-52-67090	NEW	02-03-125	296-52-69065	NEW	02-03-125
296-52-63015	NEW-W	02-06-102	296-52-67095	NEW	02-03-125	296-52-69070	NEW	02-03-125
296-52-63020	NEW	02-03-125	296-52-67100	NEW	02-03-125	296-52-69075	NEW-W	02-06-102
296-52-63025	NEW	02-03-125	296-52-67105	NEW	02-03-125	296-52-69080	NEW	02-03-125
296-52-63030	NEW	02-03-125	296-52-67110	NEW	02-03-125	296-52-69085	NEW	02-03-125
296-52-64005	NEW	02-03-125	296-52-67115	NEW	02-03-125	296-52-69090	NEW	02-03-125
296-52-64010	NEW-W	02-06-102	296-52-67120	NEW-W	02-06-102	296-52-69095	NEW	02-03-125
296-52-64015	NEW-W	02-06-102	296-52-67125	NEW	02-03-125	296-52-69100	NEW-W	02-06-102
296-52-64020	NEW	02-03-125	296-52-67130	NEW	02-03-125	296-52-69105	NEW	02-03-125
296-52-64025	NEW-W	02-06-102	296-52-67135	NEW	02-03-125	296-52-69110	NEW	02-03-125
296-52-64030	NEW	02-03-125	296-52-67140	NEW	02-03-125	296-52-69115	NEW	02-03-125
296-52-64035	NEW	02-03-125	296-52-67145	NEW	02-03-125	296-52-69120	NEW	02-03-125
296-52-64040	NEW	02-03-125	296-52-67150	NEW-W	02-06-102	296-52-69125	NEW	02-03-125
296-52-64045	NEW	02-03-125	296-52-67155	NEW-W	02-06-102	296-52-700	NEW	02-03-125
296-52-64050	NEW	02-03-125	296-52-67160	NEW	02-03-125	296-52-70005	NEW	02-03-125
296-52-64055	NEW	02-03-125	296-52-67165	NEW	02-03-125	296-52-70010	NEW	02-03-125
296-52-64060	NEW-W	02-06-102	296-52-67170	NEW	02-03-125	296-52-70015	NEW	02-03-125
296-52-64065	NEW	02-03-125	296-52-67175	NEW-W	02-06-102	296-52-70020	NEW	02-03-125
296-52-64070	NEW-W	02-06-102	296-52-67180	NEW	02-03-125	296-52-70025	NEW	02-03-125
296-52-64075	NEW	02-03-125	296-52-67185	NEW	02-03-125	296-52-70030	NEW	02-03-125
296-52-64080	NEW	02-03-125	296-52-67190	NEW	02-03-125	296-52-70035	NEW	02-03-125
296-52-64085	NEW	02-03-125	296-52-67195	NEW	02-03-125	296-52-70040	NEW	02-03-125
296-52-64090	NEW	02-03-125	296-52-67200	NEW	02-03-125	296-52-70045	NEW	02-03-125
296-52-64095	NEW	02-03-125	296-52-67205	NEW-W	02-06-102	296-52-70050	NEW	02-03-125
296-52-64100	NEW	02-03-125	296-52-67210	NEW	02-03-125	296-52-70055	NEW	02-03-125
296-52-650	NEW	02-03-125	296-52-67215	NEW	02-03-125	296-52-70060	NEW	02-03-125
296-52-65005	NEW	02-03-125	296-52-67220	NEW	02-03-125	296-52-70065	NEW	02-03-125
296-52-65010	NEW	02-03-125	296-52-67225	NEW	02-03-125	296-52-70070	NEW	02-03-125
296-52-65015	NEW	02-03-125	296-52-67230	NEW	02-03-125	296-52-70075	NEW-W	02-06-102
296-52-65020	NEW	02-03-125	296-52-67235	NEW	02-03-125	296-52-70080	NEW	02-03-125
296-52-65025	NEW	02-03-125	296-52-67240	NEW	02-03-125	296-52-70085	NEW	02-03-125
296-52-65030	NEW	02-03-125	296-52-67245	NEW	02-03-125	296-52-710	NEW	02-03-125
296-52-660	NEW	02-03-125	296-52-67250	NEW-W	02-06-102	296-52-71005	NEW-W	02-06-102
296-52-66005	NEW	02-03-125	296-52-68005	NEW-W	02-06-102	296-52-71010	NEW-W	02-06-102
296-52-66010	NEW	02-03-125	296-52-68010	NEW	02-03-125	296-52-71015	NEW	02-03-125
296-52-66015	NEW	02-03-125	296-52-68015	NEW	02-03-125	296-52-71020	NEW	02-03-125

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-52-71025	NEW	02-03-125	296-96-01030	AMD-P	02-09-095	296-155-714	NEW-P	02-06-114
296-52-71030	NEW-W	02-06-102	296-96-01035	AMD-P	02-09-095	296-155-715	REP-P	02-06-114
296-52-71035	NEW	02-03-125	296-96-01040	AMD-P	02-09-095	296-155-716	NEW-P	02-06-114
296-52-71040	NEW	02-03-125	296-96-01045	AMD-P	02-09-095	296-155-717	NEW-P	02-06-114
296-52-71045	NEW	02-03-125	296-96-01050	AMD-P	02-09-095	296-155-720	REP-P	02-06-114
296-52-71050	NEW-W	02-06-102	296-96-01055	AMD-P	02-09-095	296-155-72401	NEW-P	02-06-114
296-52-71055	NEW	02-03-125	296-96-01060	AMD-P	02-09-095	296-155-72402	NEW-P	02-06-114
296-52-71060	NEW	02-03-125	296-96-01065	AMD-P	02-09-095	296-155-72403	NEW-P	02-06-114
296-52-71065	NEW	02-03-125	296-104	PREP	02-04-105	296-155-72404	NEW-P	02-06-114
296-52-71070	NEW-W	02-06-102	296-104	PREP	02-08-090	296-155-72405	NEW-P	02-06-114
296-52-71075	NEW	02-03-125	296-104-055	AMD-P	02-09-094	296-155-72406	NEW-P	02-06-114
296-52-71080	NEW	02-03-125	296-104-060	AMD-P	02-09-094	296-155-960	AMD-X	02-05-077
296-52-71085	NEW-W	02-06-102	296-104-700	AMD-P	02-09-094	296-200A-080	AMD-P	02-09-095
296-52-71090	NEW	02-03-125	296-150C-0800	AMD-P	02-09-095	296-200A-900	AMD-P	02-09-095
296-52-71095	NEW	02-03-125	296-150C-3000	AMD-P	02-09-095	296-305-04001	AMD-X	02-05-077
296-52-71100	NEW	02-03-125	296-150M-0020	AMD	02-03-048	296-305-05003	AMD-X	02-05-077
296-52-71105	NEW	02-03-125	296-150M-0049	NEW	02-03-048	296-307	PREP	02-04-107
296-52-720	NEW	02-03-125	296-150M-0140	AMD	02-03-048	296-307-039	AMD-X	02-05-077
296-52-725	NEW	02-03-125	296-150M-0302	NEW	02-03-048	296-307-08009	AMD-X	02-05-077
296-62	PREP	02-04-107	296-150M-0304	NEW-W	02-09-070	296-307-14520	PREP	02-07-103
296-62	PREP	02-10-130	296-150P-3000	AMD-P	02-09-095	296-400A	PREP	02-09-089
296-62-060	AMD-P	02-09-092	296-150R-3000	AMD-P	02-09-095	296-400A	AMD-P	02-09-096
296-62-070	AMD-P	02-09-092	296-150T-3000	AMD-P	02-09-095	296-400A-005	AMD-P	02-09-096
296-62-07302	AMD-X	02-05-077	296-150V-0800	AMD-P	02-09-095	296-400A-020	AMD-P	02-09-096
296-62-07304	AMD-X	02-05-077	296-150V-3000	AMD-P	02-09-095	296-400A-025	AMD-P	02-09-096
296-62-07312	AMD-X	02-05-077	296-155	PREP	02-09-091	296-400A-026	AMD-P	02-09-096
296-62-07314	AMD-X	02-05-077	296-155	AMD-S	02-10-025	296-400A-030	AMD-P	02-09-096
296-62-07421	AMD-X	02-05-077	296-155-110	AMD-P	02-05-080	296-400A-031	AMD-P	02-09-096
296-62-07501	AMD-X	02-05-077	296-155-165	AMD-P	02-05-080	296-400A-035	AMD-P	02-09-096
296-62-07527	AMD-X	02-05-077	296-155-200	AMD-P	02-05-080	296-400A-045	AMD-P	02-09-096
296-62-07540	AMD-X	02-05-077	296-155-24525	AMD-X	02-05-077	296-400A-070	AMD-P	02-09-096
296-62-080	AMD-P	02-09-092	296-155-441	AMD-X	02-05-077	296-400A-100	AMD-P	02-09-096
296-62-11021	AMD-P	02-07-100	296-155-525	AMD-X	02-05-077	296-400A-120	AMD-P	02-09-096
296-62-130	AMD-P	02-09-092	296-155-530	AMD-X	02-05-077	296-400A-121	AMD-P	02-09-096
296-62-14105	AMD-X	02-05-077	296-155-601	NEW-P	02-05-080	296-400A-122	NEW-P	02-09-096
296-62-14110	AMD-X	02-05-077	296-155-602	NEW-P	02-05-080	296-400A-130	AMD-P	02-09-096
296-62-14155	AMD-X	02-05-077	296-155-603	NEW-P	02-05-080	296-400A-140	AMD-P	02-09-096
296-62-14171	AMD-X	02-05-077	296-155-604	NEW-P	02-05-080	296-400A-430	NEW-P	02-09-096
296-78-56501	AMD	02-03-124	296-155-605	AMD-P	02-05-080	296-401B-700	AMD-P	02-09-095
296-78-56505	AMD	02-03-124	296-155-606	NEW-P	02-05-080	296-402A-040	AMD-P	02-09-097
296-78-71015	AMD-P	02-07-100	296-155-607	NEW-P	02-05-080	296-402A-410	AMD-P	02-09-097
296-79-140	AMD-X	02-05-077	296-155-608	NEW-P	02-05-080	296-402A-630	AMD-P	02-09-097
296-86A-010	REP-P	02-09-095	296-155-609	NEW-P	02-05-080	296-403-010	REP-P	02-09-097
296-86A-020	REP-P	02-09-095	296-155-610	AMD-P	02-05-080	296-403-020	REP-P	02-09-097
296-86A-025	REP-P	02-09-095	296-155-611	NEW-P	02-05-080	296-403-030	REP-P	02-09-097
296-86A-028	REP-P	02-09-095	296-155-612	NEW-P	02-05-080	296-403-040	REP-P	02-09-097
296-86A-030	REP-P	02-09-095	296-155-615	AMD-P	02-05-080	296-403-050	REP-P	02-09-097
296-86A-040	REP-P	02-09-095	296-155-655	AMD-P	02-05-080	296-403-060	REP-P	02-09-097
296-86A-060	REP-P	02-09-095	296-155-66405	AMD-X	02-05-077	296-403-070	REP-P	02-09-097
296-86A-065	REP-P	02-09-095	296-155-66411	AMD-X	02-05-077	296-403-080	REP-P	02-09-097
296-86A-070	REP-P	02-09-095	296-155-700	REP-P	02-06-114	296-403-090	REP-P	02-09-097
296-86A-073	REP-P	02-09-095	296-155-701	NEW-P	02-06-114	296-403-100	REP-P	02-09-097
296-86A-074	REP-P	02-09-095	296-155-702	NEW-P	02-06-114	296-403-110	REP-P	02-09-097
296-86A-075	REP-P	02-09-095	296-155-703	NEW-P	02-06-114	296-403-120	REP-P	02-09-097
296-86A-080	REP-P	02-09-095	296-155-704	NEW-P	02-06-114	296-403-130	REP-P	02-09-097
296-96	PREP	02-04-106	296-155-705	REP-P	02-06-114	296-403-140	REP-P	02-09-097
296-96	PREP	02-09-090	296-155-706	NEW-P	02-06-114	296-403-150	REP-P	02-09-097
296-96-01010	AMD-P	02-09-095	296-155-707	NEW-P	02-06-114	296-403-160	REP-P	02-09-097
296-96-01012	NEW-P	02-09-095	296-155-708	NEW-P	02-06-114	296-403A-100	NEW-P	02-09-097
296-96-01015	REP-P	02-09-095	296-155-709	NEW-P	02-06-114	296-403A-110	NEW-P	02-09-097
296-96-01025	AMD-P	02-09-095	296-155-710	REP-P	02-06-114	296-403A-120	NEW-P	02-09-097
296-96-01027	AMD-P	02-09-095	296-155-711	NEW-P	02-06-114	296-403A-130	NEW-P	02-09-097

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-403A-140	NEW-P	02-09-097	296-835-11030	NEW-P	02-07-100	308- 13-036	NEW-P	02-04-113
296-403A-150	NEW-P	02-09-097	296-835-11035	NEW-P	02-07-100	308- 13-036	NEW	02-07-047
296-403A-160	NEW-P	02-09-097	296-835-11040	NEW-P	02-07-100	308- 13-050	AMD-P	02-04-113
296-403A-170	NEW-P	02-09-097	296-835-11045	NEW-P	02-07-100	308- 13-050	AMD	02-07-047
296-403A-180	NEW-P	02-09-097	296-835-11050	NEW-P	02-07-100	308- 13-100	AMD-P	02-04-113
296-403A-190	NEW-P	02-09-097	296-835-120	NEW-P	02-07-100	308- 13-100	AMD	02-07-047
296-403A-195	NEW-P	02-09-097	296-835-12005	NEW-P	02-07-100	308- 13-150	PREP	02-08-033
296-403A-200	NEW-P	02-09-097	296-835-12010	NEW-P	02-07-100	308- 14-085	AMD-P	02-08-074
296-403A-210	NEW-P	02-09-097	296-835-12015	NEW-P	02-07-100	308- 14-090	REP-P	02-08-074
296-403A-220	NEW-P	02-09-097	296-835-12020	NEW-P	02-07-100	308- 14-100	AMD-P	02-08-074
296-403A-230	NEW-P	02-09-097	296-835-12025	NEW-P	02-07-100	308- 14-120	AMD-P	02-08-074
296-403A-240	NEW-P	02-09-097	296-835-12030	NEW-P	02-07-100	308- 14-130	AMD-P	02-08-074
296-800	PREP	02-04-107	296-835-12035	NEW-P	02-07-100	308- 14-135	AMD-P	02-08-074
296-800-110	AMD-P	02-09-092	296-835-12040	NEW-P	02-07-100	308- 14-210	AMD-P	02-08-074
296-800-11040	NEW-P	02-09-092	296-835-12045	NEW-P	02-07-100	308- 15-040	PREP	02-05-079
296-800-11045	NEW-P	02-09-092	296-835-12050	NEW-P	02-07-100	308- 15-040	AMD-P	02-09-011
296-800-130	AMD-P	02-09-092	296-835-12055	NEW-P	02-07-100	308- 15-140	PREP	02-05-079
296-800-13005	REP-P	02-09-092	296-835-12060	NEW-P	02-07-100	308- 15-140	NEW-P	02-09-011
296-800-13010	REP-P	02-09-092	296-835-12065	NEW-P	02-07-100	308- 17-150	AMD-P	02-03-130
296-800-13015	REP-P	02-09-092	296-835-130	NEW-P	02-07-100	308- 17-310	PREP	02-07-069
296-800-13020	NEW-P	02-09-092	296-835-13005	NEW-P	02-07-100	308- 17-320	PREP	02-07-069
296-800-13025	NEW-P	02-09-092	296-835-13010	NEW-P	02-07-100	308- 18-150	AMD-P	02-02-096
296-800-13030	NEW-P	02-09-092	296-835-13015	NEW-P	02-07-100	308- 18-150	AMD	02-07-068
296-800-13035	NEW-P	02-09-092	296-835-13020	NEW-P	02-07-100	308- 19-130	AMD-P	02-02-095
296-800-13040	NEW-P	02-09-092	296-835-13025	NEW-P	02-07-100	308- 19-130	AMD	02-07-067
296-800-150	AMD-P	02-09-092	296-835-13030	NEW-P	02-07-100	308- 19-240	AMD-P	02-02-095
296-800-15030	NEW-P	02-09-092	296-835-140	NEW-P	02-07-100	308- 19-240	AMD	02-07-067
296-800-15035	NEW-P	02-09-092	296-860-100	NEW-P	02-07-101	308- 20-010	AMD	02-04-012
296-800-15040	NEW-P	02-09-092	296-860-10005	NEW-P	02-07-101	308- 20-030	REP	02-04-012
296-800-16050	AMD-P	02-09-092	296-860-10010	NEW-P	02-07-101	308- 20-040	AMD	02-04-012
296-800-16070	AMD-P	02-09-092	296-860-10020	NEW-P	02-07-101	308- 20-045	REP	02-04-012
296-800-170	AMD-P	02-09-092	296-860-10025	NEW-P	02-07-101	308- 20-080	AMD	02-04-012
296-800-17020	AMD-P	02-09-092	296-860-10030	NEW-P	02-07-101	308- 20-090	AMD	02-04-012
296-800-17025	AMD-P	02-09-092	296-860-10040	NEW-P	02-07-101	308- 20-105	AMD	02-04-012
296-800-17030	AMD-P	02-09-092	296-860-10050	NEW-P	02-07-101	308- 20-107	AMD	02-04-012
296-800-18010	AMD-P	02-09-092	296-860-10060	NEW-P	02-07-101	308- 20-110	AMD	02-04-012
296-800-18015	AMD-P	02-09-092	296-860-10070	NEW-P	02-07-101	308- 20-120	AMD	02-04-012
296-800-20005	AMD-P	02-09-092	296-860-10100	NEW-P	02-07-101	308- 20-122	NEW	02-04-012
296-800-23010	AMD-P	02-09-092	308- 12-010	AMD-P	02-04-114	308- 20-130	REP	02-04-012
296-800-23020	AMD-P	02-09-092	308- 12-031	AMD-P	02-04-114	308- 20-150	REP	02-04-012
296-800-25015	AMD-P	02-09-092	308- 12-050	AMD-P	02-04-114	308- 20-155	REP	02-04-012
296-800-28040	AMD-P	02-09-092	308- 12-081	AMD-P	02-04-114	308- 20-171	REP	02-04-012
296-800-28045	AMD-P	02-09-092	308- 12-085	AMD-P	02-04-114	308- 20-172	REP	02-04-012
296-800-32025	AMD-P	02-09-092	308- 12-115	AMD-P	02-04-114	308- 20-210	AMD-P	02-04-088
296-800-35030	AMD-P	02-09-092	308- 12-150	AMD-P	02-04-114	308- 20-210	AMD	02-09-040
296-800-35040	AMD-P	02-09-092	308- 12-210	AMD-P	02-04-114	308- 20-310	REP	02-04-012
296-800-35056	AMD-P	02-09-092	308- 12-220	AMD-P	02-04-114	308- 20-590	REP	02-04-012
296-800-35076	AMD-P	02-09-092	308- 12-230	AMD-P	02-04-114	308- 56A-030	PREP	02-05-019
296-800-370	AMD-P	02-09-092	308- 12-240	AMD-P	02-04-114	308- 56A-040	PREP	02-05-019
296-832-10000	NEW-X	02-08-080	308- 12-320	AMD-P	02-04-114	308- 56A-056	PREP	02-05-019
296-832-10005	NEW-X	02-08-080	308- 12-321	REP-P	02-04-114	308- 56A-060	PREP	02-05-019
296-832-10010	NEW-X	02-08-080	308- 12-322	REP-P	02-04-114	308- 56A-070	PREP	02-05-015
296-832-10015	NEW-X	02-08-080	308- 12-323	REP-P	02-04-114	308- 56A-075	PREP	02-05-015
296-832-10020	NEW-X	02-08-080	308- 12-324	REP-P	02-04-114	308- 56A-110	PREP	02-05-019
296-832-10025	NEW-X	02-08-080	308- 12-325	REP-P	02-04-114	308- 56A-115	PREP	02-05-019
296-835-100	NEW-P	02-07-100	308- 12-330	NEW-P	02-04-114	308- 56A-140	PREP	02-05-018
296-835-110	NEW-P	02-07-100	308- 13-005	AMD-P	02-04-113	308- 56A-150	PREP	02-05-018
296-835-11005	NEW-P	02-07-100	308- 13-005	AMD	02-07-047	308- 56A-160	PREP	02-05-018
296-835-11010	NEW-P	02-07-100	308- 13-020	AMD-P	02-04-113	308- 56A-200	PREP	02-05-018
296-835-11015	NEW-P	02-07-100	308- 13-020	AMD	02-07-047	308- 56A-210	PREP	02-05-019
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308- 56A-275	PREP	02-05-016	308- 96A-101	PREP	02-03-086	314- 11-030	AMD-P	02-04-110
308- 56A-295	PREP	02-05-019	308- 96A-101	AMD-P	02-08-036	314- 11-035	AMD-P	02-04-110
308- 56A-300	PREP	02-05-014	308- 96A-110	PREP	02-03-086	314- 11-040	AMD-P	02-04-110
308- 56A-305	PREP	02-05-014	308- 96A-110	AMD-P	02-08-036	314- 11-045	AMD-P	02-04-110
308- 56A-310	PREP	02-05-014	308- 96A-136	PREP	02-03-086	314- 11-060	AMD-P	02-04-110
308- 56A-315	PREP	02-05-014	308- 96A-136	AMD-P	02-08-036	314- 11-065	AMD-P	02-04-110
308- 56A-320	PREP	02-05-014	308- 96A-161	AMD-P	02-07-014	314- 11-070	AMD-P	02-04-110
308- 56A-325	PREP	02-05-014	308- 96A-201	AMD-P	02-05-057	314- 11-072	NEW-P	02-04-110
308- 56A-330	PREP	02-05-014	308- 96A-201	AMD	02-10-013	314- 11-095	AMD-P	02-04-110
308- 56A-460	PREP	02-08-005	308- 96A-205	AMD-P	02-07-036	314- 16-190	REP-P	02-04-115
308- 56A-500	AMD-P	02-07-035	308- 96A-206	AMD-P	02-07-036	314- 16-196	REP-P	02-04-115
308- 56A-530	NEW-P	02-07-035	308- 96A-207	AMD-P	02-05-057	314- 21-005	NEW-P	02-04-112
308- 56A-640	PREP	02-05-013	308- 96A-207	AMD	02-10-013	314- 21-015	NEW-P	02-04-112
308- 56A-640	PREP	02-05-017	308- 96A-208	AMD-P	02-05-057	314- 21-025	NEW-P	02-04-112
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308- 66-110	AMD-P	02-09-057	308- 96A-220	AMD-P	02-07-036	314- 60-040	AMD	02-10-006
308- 66-120	AMD-P	02-09-057	308- 96A-275	AMD-P	02-07-014	315- 06-040	AMD-P	02-07-072
308- 90-040	AMD	02-05-073	308- 96A-306	AMD	02-04-002	315- 06-123	PREP	02-09-081
308- 90-070	AMD	02-05-073	308- 96A-311	AMD	02-04-002	315- 10	PREP	02-05-048
308- 90-080	AMD	02-05-073	308- 96A-312	AMD	02-04-002	315- 20-010	AMD-C	02-03-108
308- 90-090	AMD	02-05-073	308- 96A-313	AMD	02-04-002	315- 20-010	AMD	02-08-001
308- 90-100	AMD	02-05-073	308- 96A-314	AMD	02-04-002	315- 37-010	NEW-P	02-03-109
308- 90-110	AMD	02-05-073	308- 96A-316	AMD	02-04-002	315- 37-010	NEW	02-07-073
308- 90-130	AMD	02-05-073	308- 96A-530	PREP	02-05-002	315- 37-020	NEW-P	02-03-109
308- 90-140	AMD	02-05-073	308- 99-040	PREP	02-10-079	315- 37-020	NEW	02-07-073
308- 90-150	AMD	02-05-073	308-100-140	AMD	02-04-076	315- 37-030	NEW-P	02-03-109
308- 90-160	AMD	02-05-073	308-124A-110	AMD-P	02-03-058	315- 37-030	NEW	02-07-073
308- 93-230	AMD	02-04-001	308-124A-110	AMD	02-07-060	315- 37-040	NEW-P	02-03-109
308- 93-241	PREP	02-08-006	308-124A-460	AMD	02-03-057	315- 37-040	NEW	02-07-073
308- 93-242	PREP	02-08-006	308-124A-600	AMD	02-03-080	315- 37-050	NEW-P	02-03-109
308- 93-243	PREP	02-08-006	308-124A-605	NEW	02-03-080	315- 37-050	NEW	02-07-073
308- 93-244	PREP	02-08-006	308-124B-150	AMD	02-03-054	315- 37-060	NEW-P	02-03-109
308- 93-250	REP	02-04-001	308-124H-014	NEW	02-03-055	315- 37-060	NEW	02-07-073
308- 93-270	AMD	02-04-001	308-124H-025	AMD	02-03-055	315- 37-070	NEW-P	02-03-109
308- 93-275	NEW	02-04-001	308-124H-061	AMD	02-03-056	315- 37-070	NEW	02-07-073
308- 93-280	AMD	02-04-001	308-124H-062	AMD	02-03-056	315- 37-080	NEW-P	02-03-109
308- 93-520	AMD	02-05-059	308-125-085	AMD-P	02-04-083	315- 37-080	NEW	02-07-073
308- 93-530	AMD	02-05-059	308-125-085	AMD	02-10-022	315- 37-090	NEW-P	02-03-109
308- 93-540	AMD	02-05-059	308-125-120	AMD	02-03-011	315- 37-090	NEW	02-07-073
308- 93-700	AMD	02-05-058	308-125-200	AMD	02-03-012	315- 37-100	NEW-P	02-03-109
308- 93-710	AMD	02-05-058	308-330-305	AMD	02-04-075	315- 37-100	NEW	02-07-073
308- 93-720	AMD	02-05-058	308-330-307	AMD	02-04-075	315- 37-110	NEW-P	02-03-109
308- 93-730	AMD	02-05-058	308-330-320	AMD	02-04-075	315- 37-110	NEW	02-07-073
308- 93-740	AMD	02-05-058	308-330-464	AMD	02-04-075	315- 37-120	NEW-P	02-03-109
308- 93-750	AMD	02-05-058	308-330-481	AMD	02-04-075	315- 37-120	NEW	02-07-073
308- 93-760	AMD	02-05-058	308-330-705	AMD	02-04-075	316- 02-001	AMD-X	02-08-029
308- 93-770	AMD	02-05-058	314- 02-010	AMD-P	02-04-115	316- 02-135	AMD-X	02-08-029
308- 94-050	AMD-P	02-07-024	314- 02-015	AMD-P	02-04-115	316- 02-150	AMD-X	02-08-029
308- 96A-005	PREP	02-09-004	314- 02-020	AMD-P	02-04-115	316- 02-170	AMD-X	02-08-029
308- 96A-046	PREP	02-05-002	314- 02-025	AMD-P	02-04-115	316- 02-300	AMD-X	02-08-029
308- 96A-050	PREP	02-05-002	314- 02-030	AMD-P	02-04-115	316- 02-310	REP-X	02-08-029
308- 96A-056	PREP	02-05-002	314- 02-033	NEW-P	02-04-115	316- 02-340	REP-X	02-08-029
308- 96A-057	PREP	02-05-002	314- 02-035	AMD-P	02-04-115	316- 02-350	REP-X	02-08-029
308- 96A-062	PREP	02-09-004	314- 02-045	AMD-P	02-04-115	316- 02-360	REP-X	02-08-029
308- 96A-064	PREP	02-09-004	314- 02-050	REP-P	02-04-115	316- 02-370	REP-X	02-08-029
308- 96A-073	PREP	02-05-002	314- 02-055	AMD-P	02-04-115	316- 02-600	AMD-X	02-08-029
308- 96A-074	PREP	02-05-002	314- 02-115	AMD-P	02-04-115	316- 02-610	AMD-X	02-08-029
308- 96A-080	PREP	02-05-020	314- 02-125	AMD-P	02-04-115	316- 02-620	AMD-X	02-08-029
308- 96A-085	PREP	02-05-020	314- 02-130	AMD-P	02-04-115	316- 02-630	AMD-X	02-08-029
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316-02-820	AMD-X	02-08-029	365-220-120	NEW	02-07-026	388-15-033	NEW-P	02-03-118
316-65-005	AMD-X	02-08-029	365-220-125	NEW	02-07-026	388-15-037	NEW-P	02-03-118
332-30-106	AMD-P	02-03-111	365-220-130	NEW	02-07-026	388-15-041	NEW-P	02-03-118
332-30-115	AMD-P	02-03-111	365-220-135	NEW	02-07-026	388-15-045	NEW-P	02-03-118
332-30-139	AMD-P	02-03-111	365-220-140	NEW	02-07-026	388-15-049	NEW-P	02-03-118
332-30-144	AMD-P	02-03-111	365-220-145	NEW	02-07-026	388-15-053	NEW-P	02-03-118
332-30-148	AMD-P	02-03-111	365-220-150	NEW	02-07-026	388-15-057	NEW-P	02-03-118
332-30-171	NEW-P	02-03-111	365-220-155	NEW	02-07-026	388-15-061	NEW-P	02-03-118
332-150-030	AMD-X	02-09-046	365-220-160	NEW	02-07-026	388-15-065	NEW-P	02-03-118
356-05-389	NEW	02-03-063	365-220-165	NEW	02-07-026	388-15-069	NEW-P	02-03-118
356-05-415	AMD-S	02-04-082	365-220-170	NEW	02-07-026	388-15-073	NEW-P	02-03-118
356-05-415	AMD	02-07-049	365-220-175	NEW	02-07-026	388-15-077	NEW-P	02-03-118
356-06-065	NEW-E	02-07-054	365-220-180	NEW	02-07-026	388-15-081	NEW-P	02-03-118
356-15-090	AMD-E	02-07-052	365-220-185	NEW	02-07-026	388-15-085	NEW-P	02-03-118
356-15-100	AMD-E	02-07-052	365-220-190	NEW	02-07-026	388-15-089	NEW-P	02-03-118
356-15-110	AMD-E	02-07-052	371-08-320	AMD	02-06-011	388-15-093	NEW-P	02-03-118
356-18-100	AMD	02-03-061	371-08-450	AMD	02-06-012	388-15-097	NEW-P	02-03-118
356-18-112	AMD-S	02-04-082	371-08-485	AMD	02-06-013	388-15-101	NEW-P	02-03-118
356-18-112	AMD	02-07-049	388-01-015	NEW-P	02-03-119	388-15-105	NEW-P	02-03-118
356-18-120	AMD-E	02-07-052	388-14A-2000	PREP	02-03-010	388-15-109	NEW-P	02-03-118
356-26-040	AMD	02-03-062	388-14A-2025	PREP	02-03-010	388-15-113	NEW-P	02-03-118
356-26-130	AMD	02-03-063	388-14A-2080	PREP	02-03-010	388-15-117	NEW-P	02-03-118
356-26-140	AMD-P	02-04-080	388-14A-2105	AMD	02-07-091	388-15-121	NEW-P	02-03-118
356-26-140	AMD	02-07-050	388-14A-2107	NEW	02-07-091	388-15-125	NEW-P	02-03-118
356-30-025	AMD-S	02-04-082	388-14A-2110	AMD	02-07-091	388-15-129	NEW-P	02-03-118
356-30-025	AMD	02-07-049	388-14A-2112	NEW	02-07-091	388-15-130	REP-P	02-03-118
356-30-065	AMD-S	02-04-082	388-14A-2114	NEW	02-07-091	388-15-131	REP-P	02-03-118
356-30-065	AMD	02-07-049	388-14A-2115	AMD	02-07-091	388-15-132	REP-P	02-03-118
356-30-067	AMD-S	02-04-082	388-14A-2116	NEW	02-07-091	388-15-133	NEW-P	02-03-118
356-30-067	AMD	02-07-049	388-14A-2120	AMD	02-07-091	388-15-134	REP-P	02-03-118
356-30-140	AMD-S	02-04-082	388-14A-2125	AMD	02-07-091	388-15-135	NEW-P	02-03-118
356-30-140	AMD	02-07-049	388-14A-2130	NEW	02-07-091	388-15-141	NEW-P	02-03-118
356-30-331	AMD-P	02-04-080	388-14A-2135	NEW	02-07-091	388-15-141	NEW-P	02-03-118
356-30-331	AMD	02-07-050	388-14A-2140	NEW	02-07-091	388-15-141	NEW-P	02-03-118
356-56-070	NEW-E	02-07-053	388-14A-2140	NEW	02-07-091	388-15-194	PREP-W	02-05-066
363-116-185	AMD-E	02-06-001	388-14A-3130	AMD-P	02-03-096	388-15-202	PREP	02-04-096
363-116-185	AMD-P	02-10-081	388-14A-3130	AMD	02-06-098	388-15-202	PREP-W	02-05-064
363-116-300	AMD-P	02-08-053	388-14A-3800	PREP	02-03-010	388-15-202	PREP-W	02-05-065
365-120-080	AMD	02-05-012	388-14A-3810	PREP	02-03-010	388-15-202	PREP-W	02-05-066
365-220-005	NEW	02-07-026	388-14A-3810	PREP	02-03-010	388-15-203	PREP	02-04-096
365-220-010	NEW	02-07-026	388-14A-3925	AMD-P	02-03-096	388-15-203	PREP-W	02-05-065
365-220-015	NEW	02-07-026	388-14A-3925	AMD	02-06-098	388-15-203	PREP-W	02-05-066
365-220-020	NEW	02-07-026	388-14A-3925	AMD	02-06-098	388-15-203	PREP-W	02-05-066
365-220-025	NEW	02-07-026	388-14A-4000	PREP	02-03-010	388-15-204	PREP	02-04-096
365-220-030	NEW	02-07-026	388-14A-4300	PREP	02-03-010	388-15-204	PREP-W	02-05-066
365-220-035	NEW	02-07-026	388-14A-4300	PREP	02-03-010	388-15-204	PREP-W	02-05-066
365-220-040	NEW	02-07-026	388-14A-4301	PREP	02-03-010	388-15-205	PREP-W	02-05-065
365-220-045	NEW	02-07-026	388-14A-4302	PREP	02-03-010	388-15-205	PREP-W	02-05-066
365-220-050	NEW	02-07-026	388-14A-4302	PREP	02-03-010	388-15-205	PREP-W	02-05-066
365-220-055	NEW	02-07-026	388-14A-4303	PREP	02-03-010	388-15-207	PREP-W	02-05-064
365-220-060	NEW	02-07-026	388-14A-4304	PREP	02-03-010	388-15-214	PREP-W	02-05-064
365-220-065	NEW	02-07-026	388-14A-5520	AMD-P	02-03-096	388-15-215	PREP-W	02-05-064
365-220-070	NEW	02-07-026	388-14A-5520	AMD	02-06-098	388-15-219	PREP-W	02-05-064
365-220-075	NEW	02-07-026	388-14A-5525	AMD-P	02-03-096	388-15-600	PREP-W	02-05-064
365-220-080	NEW	02-07-026	388-14A-5525	AMD	02-06-098	388-15-620	PREP-W	02-05-064
365-220-085	NEW	02-07-026	388-14A-5525	AMD	02-06-098	388-15-630	PREP-W	02-05-064
365-220-090	NEW	02-07-026	388-14A-5530	AMD-P	02-03-096	388-15-880	PREP-W	02-05-064
365-220-095	NEW	02-07-026	388-14A-5530	AMD	02-06-098	388-15-890	PREP-W	02-05-064
365-220-100	NEW	02-07-026	388-15	AMD-P	02-03-118	388-71-0410	PREP	02-04-096
365-220-105	NEW	02-07-026	388-15-001	NEW-P	02-03-118	388-71-0410	PREP-W	02-05-066
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			388-15-009	NEW-P	02-03-118	388-71-0435	PREP	02-04-096
			388-15-011	NEW-P	02-03-118	388-71-0440	PREP	02-04-096
			388-15-013	NEW-P	02-03-118	388-71-0440	PREP-W	02-05-066
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			388-15-021	NEW-P	02-03-118			

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388-71-0450	PREP	02-04-096	388-76-64025	NEW-P	02-03-117	388-98-890	REP-P	02-07-116
388-71-0500	PREP	02-04-096	388-76-64030	NEW-P	02-03-117	388-110-020	PREP	02-04-096
388-71-0500	AMD	02-10-117	388-76-64035	NEW-P	02-03-117	388-110-210	PREP	02-04-096
388-71-0515	PREP	02-04-096	388-76-710	AMD-P	02-03-117	388-110-230	PREP	02-04-096
388-71-0520	AMD	02-10-117	388-78A-265	PREP	02-09-047	388-148	PREP	02-06-083
388-71-0525	REP	02-10-117	388-96-713	AMD-E	02-04-011	388-148-0040	PREP	02-06-083
388-71-0530	REP	02-10-117	388-96-901	AMD-E	02-04-011	388-148-0045	PREP	02-06-083
388-71-0535	REP	02-10-117	388-97-005	AMD-P	02-07-116	388-148-0050	PREP	02-06-083
388-71-0540	AMD	02-10-117	388-97-043	AMD-P	02-07-116	388-148-0060	PREP	02-06-083
388-71-05910	NEW	02-10-117	388-97-07005	AMD-P	02-07-116	388-148-0065	PREP	02-06-083
388-71-05911	NEW	02-10-117	388-97-07040	AMD-P	02-07-116	388-148-0120	PREP	02-06-083
388-71-05912	NEW	02-10-117	388-97-07050	AMD-P	02-07-116	388-148-0125	PREP	02-06-083
388-71-05913	NEW	02-10-117	388-97-076	AMD-P	02-07-116	388-148-0220	PREP	02-06-083
388-71-05914	NEW	02-10-117	388-97-160	AMD-P	02-07-116	388-148-0260	PREP	02-06-083
388-71-05915	NEW	02-10-117	388-97-162	AMD-P	02-07-116	388-148-0345	PREP	02-06-083
388-71-05916	NEW	02-10-117	388-97-180	AMD-P	02-07-116	388-148-0350	PREP	02-06-083
388-71-05917	NEW	02-10-117	388-97-202	AMD-P	02-07-116	388-148-0462	PREP	02-06-083
388-71-05918	NEW	02-10-117	388-97-203	NEW-P	02-07-116	388-148-0520	PREP	02-06-083
388-71-05919	NEW	02-10-117	388-97-204	NEW-P	02-07-116	388-148-0542	PREP	02-06-083
388-71-05920	NEW	02-10-117	388-97-205	AMD-P	02-07-116	388-148-0560	PREP	02-06-083
388-71-05921	NEW	02-10-117	388-97-260	AMD-P	02-07-116	388-148-0585	PREP	02-06-083
388-71-05922	NEW	02-10-117	388-97-285	AMD-P	02-07-116	388-148-0630	PREP	02-06-083
388-71-05923	NEW	02-10-117	388-97-35040	AMD-P	02-07-116	388-148-0700	PREP	02-06-083
388-71-05924	NEW	02-10-117	388-97-565	AMD-P	02-07-116	388-148-0720	PREP	02-06-083
388-71-05925	NEW	02-10-117	388-97-570	AMD-P	02-07-116	388-148-0722	PREP	02-06-083
388-71-05926	NEW	02-10-117	388-97-575	AMD-P	02-07-116	388-148-0725	PREP	02-06-083
388-71-05927	NEW	02-10-117	388-97-580	AMD-P	02-07-116	388-148-0785	PREP	02-06-083
388-71-05928	NEW	02-10-117	388-97-585	AMD-P	02-07-116	388-148-0880	PREP	02-06-083
388-71-05929	NEW	02-10-117	388-97-595	AMD-P	02-07-116	388-148-0892	PREP	02-06-083
388-71-05930	NEW	02-10-117	388-97-605	NEW-P	02-07-116	388-148-0995	PREP	02-06-083
388-71-05931	NEW	02-10-117	388-97-610	NEW-P	02-07-116	388-148-1020	PREP	02-06-083
388-71-05932	NEW	02-10-117	388-97-615	NEW-P	02-07-116	388-148-1070	PREP	02-06-083
388-71-05933	NEW	02-10-117	388-97-620	NEW-P	02-07-116	388-148-1076	PREP	02-06-083
388-71-05934	NEW	02-10-117	388-97-625	NEW-P	02-07-116	388-148-1077	PREP	02-06-083
388-71-05935	NEW	02-10-117	388-97-630	NEW-P	02-07-116	388-148-1078	PREP	02-06-083
388-71-05936	NEW	02-10-117	388-97-635	NEW-P	02-07-116	388-148-1079	PREP	02-06-083
388-71-05937	NEW	02-10-117	388-97-640	NEW-P	02-07-116	388-148-1115	PREP	02-06-083
388-71-05938	NEW	02-10-117	388-97-645	NEW-P	02-07-116	388-148-1120	PREP	02-06-083
388-71-05939	NEW	02-10-117	388-97-650	NEW-P	02-07-116	388-148-1205	NEW-E	02-08-031
388-71-05940	NEW	02-10-117	388-97-655	NEW-P	02-07-116	388-148-1210	NEW-E	02-08-031
388-71-05941	NEW	02-10-117	388-97-660	NEW-P	02-07-116	388-148-1215	NEW-E	02-08-031
388-71-05942	NEW	02-10-117	388-97-665	NEW-P	02-07-116	388-148-1220	NEW-E	02-08-031
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388-71-05950	NEW	02-10-117	388-98-001	REP-P	02-07-116	388-148-1255	NEW-E	02-08-031
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388-523-0110	NEW	02-10-018	388-551-2100	AMD-P	02-08-089	388-825-244	PREP	02-07-107
388-523-0120	NEW-P	02-06-097	388-551-2110	AMD-P	02-08-089	388-825-246	PREP	02-07-107
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388-535-1230	AMD-P	02-08-088	388-825-030	PREP	02-05-088	390-17-011	REP-P	02-09-080
388-535-1240	AMD-P	02-08-088	388-825-030	PREP-W	02-07-087	390-17-030	AMD-P	02-09-080
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388-535-1260	REP-P	02-08-088	388-825-035	PREP	02-05-088	390-17-060	AMD-P	02-09-080
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392-140-973	NEW-S	02-10-007	415-108-491	AMD	02-03-120	415-112-0163	PREP	02-06-041
392-140-974	NEW-S	02-10-007	415-108-570	AMD	02-03-120	415-112-0165	PREP	02-05-025
392-141-200	AMD	02-04-023	415-108-640	AMD	02-03-120	415-112-0165	PREP	02-06-041
392-300-015	AMD	02-06-044	415-108-679	AMD	02-03-120	415-112-0167	PREP	02-05-025
392-300-050	AMD	02-06-044	415-108-690	AMD	02-03-120	415-112-0167	PREP	02-06-041
392-300-055	AMD	02-06-044	415-108-720	AMD	02-03-120	415-112-050	NEW-P	02-10-098
392-300-060	AMD	02-06-044	415-108-727	NEW	02-03-120	415-112-060	NEW-P	02-10-098
415- 02	PREP	02-08-063	415-108-815	NEW	02-03-120	415-112-070	NEW-P	02-10-098
415- 02-130	AMD	02-03-120	415-108-830	AMD	02-03-120	415-112-250	AMD	02-03-120
415- 04-017	AMD-P	02-09-055	415-108-980	NEW	02-03-120	415-112-400	AMD	02-03-120
415- 08-015	AMD-P	02-09-055	415-108-980	AMD-P	02-09-056	415-112-412	AMD	02-03-120
415- 08-420	AMD-P	02-09-055	415-110-010	PREP	02-05-025	415-112-413	AMD	02-03-120
415- 10-010	AMD	02-03-120	415-110-010	PREP	02-06-041	415-112-725	AMD	02-03-120
415- 10-020	AMD	02-03-120	415-110-0102	PREP	02-05-025	415-113-030	PREP	02-06-041
415- 10-030	AMD	02-03-120	415-110-0102	PREP	02-06-041	415-113-0301	PREP	02-06-041
415- 10-080	AMD	02-03-120	415-110-0103	PREP	02-05-025	415-113-0302	PREP	02-06-041
415- 10-100	AMD	02-03-120	415-110-0103	PREP	02-06-041	415-113-0303	AMD	02-03-120
415- 10-110	REP	02-03-120	415-110-0104	PREP	02-05-025	415-113-0303	PREP	02-06-041
415-103	PREP	02-06-092	415-110-0104	PREP	02-06-041	415-113-0304	PREP	02-06-041
415-104-011	PREP	02-05-025	415-110-0108	PREP	02-05-025	415-113-0305	PREP	02-06-041
415-104-011	PREP	02-06-041	415-110-0108	PREP	02-06-041	415-113-0306	PREP	02-06-041
415-104-0111	PREP	02-05-025	415-110-0109	PREP	02-05-025	415-113-0307	PREP	02-06-041
415-104-0111	PREP	02-06-041	415-110-0109	PREP	02-06-041	415-113-0308	PREP	02-06-041
415-104-0112	PREP	02-05-025	415-110-0110	PREP	02-05-025	415-113-0309	PREP	02-06-041
415-104-0112	PREP	02-06-041	415-110-0110	PREP	02-06-041	415-113-0310	REP	02-03-120
415-104-0113	PREP	02-05-025	415-110-0111	PREP	02-05-025	415-113-041	AMD	02-03-120
415-104-0113	PREP	02-06-041	415-110-0111	PREP	02-06-041	415-113-042	AMD	02-03-120
415-104-0114	PREP	02-05-025	415-110-050	NEW-P	02-10-098	415-113-065	AMD	02-03-120
415-104-0114	PREP	02-06-041	415-110-060	NEW-P	02-10-098	415-113-070	AMD	02-03-120
415-104-0115	PREP	02-05-025	415-110-070	NEW-P	02-10-098	415-113-090	AMD	02-03-120
415-104-0115	PREP	02-06-041	415-110-815	NEW	02-03-120	415-113-200	AMD	02-03-120
415-104-0117	PREP	02-05-025	415-110-910	AMD	02-03-120	415-200-030	AMD	02-03-120
415-104-0117	PREP	02-06-041	415-111-100	AMD	02-03-120	415-501-495	AMD-P	02-09-055
415-104-0118	PREP	02-05-025	415-111-110	AMD	02-03-120	420- 12-060	AMD	02-05-050
415-104-0118	PREP	02-06-041	415-111-220	PREP	02-08-063	434-215-005	RECOD	02-09-007
415-104-0120	PREP	02-05-025	415-111-310	AMD	02-03-120	434-215-012	RECOD	02-09-007
415-104-0120	PREP	02-06-041	415-111-400	NEW	02-03-120	434-215-020	RECOD	02-09-007
415-104-0121	PREP	02-05-025	415-111-410	NEW	02-03-120	434-215-050	RECOD	02-09-007
415-104-0121	PREP	02-06-041	415-111-440	NEW	02-03-120	434-215-060	RECOD	02-09-007
415-104-0122	PREP	02-05-025	415-111-450	NEW	02-03-120	434-228-005	DECOD	02-09-007
415-104-0122	PREP	02-06-041	415-111-450	AMD-P	02-09-055	434-228-012	DECOD	02-09-007
415-104-0125	PREP	02-05-025	415-112-015	PREP	02-05-025	434-228-020	DECOD	02-09-007
415-104-0125	PREP	02-06-041	415-112-015	PREP	02-06-041	434-228-050	DECOD	02-09-007
415-104-111	AMD-P	02-10-099	415-112-0151	PREP	02-05-025	434-228-060	DECOD	02-09-007
415-108-010	PREP	02-06-041	415-112-0151	PREP	02-06-041	434-230-140	NEW-P	02-03-134
415-108-040	REP-P	02-09-055	415-112-0154	PREP	02-05-025	434-230-140	NEW	02-07-029
415-108-181	NEW-P	02-10-098	415-112-0154	PREP	02-06-041	434-236-010	DECOD	02-09-007
415-108-182	NEW-P	02-10-098	415-112-0156	PREP	02-05-025	434-236-020	DECOD	02-09-007
415-108-183	NEW-P	02-10-098	415-112-0156	PREP	02-06-041	434-236-025	NEW-P	02-03-133
415-108-315	AMD	02-03-120	415-112-0157	PREP	02-05-025	434-236-025	NEW	02-07-028
415-108-324	AMD	02-03-120	415-112-0157	PREP	02-06-041	434-236-025	DECOD	02-09-007
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434-236-030	DECOD	02-09-007	434-240-027	NEW	02-07-028	434-333-060	RECOD	02-09-007
434-236-040	REP-P	02-03-133	434-240-060	AMD-P	02-03-133	434-333-063	RECOD	02-09-007
434-236-040	REP	02-07-028	434-240-060	AMD	02-07-028	434-333-065	RECOD	02-09-007
434-236-050	REP-P	02-03-133	434-240-080	NEW-P	02-03-133	434-333-070	RECOD	02-09-007
434-236-050	REP	02-07-028	434-240-080	NEW	02-07-028	434-333-075	RECOD	02-09-007
434-236-055	NEW-P	02-03-133	434-240-090	AMD-P	02-03-133	434-333-082	RECOD	02-09-007
434-236-055	NEW	02-07-028	434-240-090	AMD	02-07-028	434-333-085	RECOD	02-09-007
434-236-055	DECOD	02-09-007	434-240-120	AMD-P	02-03-133	434-333-090	RECOD	02-09-007
434-236-060	AMD-P	02-03-133	434-240-120	AMD	02-07-028	434-333-095	RECOD	02-09-007
434-236-060	AMD	02-07-028	434-240-130	AMD-P	02-03-133	434-333-100	RECOD	02-09-007
434-236-060	DECOD	02-09-007	434-240-130	AMD	02-07-028	434-333-105	RECOD	02-09-007
434-236-070	AMD-P	02-03-133	434-240-150	AMD-P	02-03-133	434-333-110	RECOD	02-09-007
434-236-070	AMD	02-07-028	434-240-150	AMD	02-07-028	434-333-120	RECOD	02-09-007
434-236-070	DECOD	02-09-007	434-240-160	REP-P	02-03-133	434-333-125	RECOD	02-09-007
434-236-080	AMD-P	02-03-133	434-240-160	REP	02-07-028	434-333-127	RECOD	02-09-007
434-236-080	AMD	02-07-028	434-240-190	AMD-P	02-03-133	434-333-130	RECOD	02-09-007
434-236-080	DECOD	02-09-007	434-240-190	AMD	02-07-028	434-333-135	RECOD	02-09-007
434-236-090	AMD-P	02-03-134	434-240-200	AMD-P	02-03-134	434-333-140	RECOD	02-09-007
434-236-090	AMD	02-07-029	434-240-200	AMD	02-07-029	434-333-145	RECOD	02-09-007
434-236-090	DECOD	02-09-007	434-240-205	AMD-P	02-03-133	434-333-150	RECOD	02-09-007
434-236-100	AMD-P	02-03-133	434-240-205	AMD	02-07-028	434-333-155	RECOD	02-09-007
434-236-100	AMD	02-07-028	434-240-230	AMD-P	02-03-133	434-333-160	RECOD	02-09-007
434-236-100	DECOD	02-09-007	434-240-230	AMD	02-07-028	434-333-165	RECOD	02-09-007
434-236-110	AMD-P	02-03-133	434-240-235	AMD-P	02-03-133	434-333-170	RECOD	02-09-007
434-236-110	AMD	02-07-028	434-240-235	AMD	02-07-028	434-333-175	RECOD	02-09-007
434-236-110	DECOD	02-09-007	434-240-240	AMD-P	02-03-134	434-334-010	DECOD	02-09-007
434-236-120	DECOD	02-09-007	434-240-240	AMD	02-07-029	434-334-015	DECOD	02-09-007
434-236-140	AMD-P	02-03-133	434-240-250	AMD-P	02-03-133	434-334-020	DECOD	02-09-007
434-236-140	AMD	02-07-028	434-240-250	AMD	02-07-028	434-334-025	DECOD	02-09-007
434-236-140	DECOD	02-09-007	434-240-320	AMD-P	02-03-133	434-334-030	DECOD	02-09-007
434-236-140	DECOD	02-09-007	434-240-320	AMD	02-07-028	434-334-035	DECOD	02-09-007
434-236-160	DECOD	02-09-007	434-253-043	NEW-P	02-03-134	434-334-040	DECOD	02-09-007
434-236-170	DECOD	02-09-007	434-253-043	NEW	02-07-029	434-334-045	DECOD	02-09-007
434-236-180	AMD-P	02-03-133	434-253-045	NEW-P	02-03-134	434-334-050	DECOD	02-09-007
434-236-180	AMD	02-07-028	434-253-045	NEW	02-07-029	434-334-055	DECOD	02-09-007
434-236-180	DECOD	02-09-007	434-253-047	NEW-P	02-03-134	434-334-060	DECOD	02-09-007
434-236-200	DECOD	02-09-007	434-253-047	NEW	02-07-029	434-334-063	DECOD	02-09-007
434-236-210	REP-P	02-03-133	434-253-049	NEW-P	02-03-134	434-334-065	DECOD	02-09-007
434-236-210	REP	02-07-028	434-253-049	NEW	02-07-029	434-334-070	DECOD	02-09-007
434-238-010	RECOD	02-09-007	434-261-005	AMD-P	02-03-134	434-334-075	DECOD	02-09-007
434-238-020	RECOD	02-09-007	434-261-005	AMD	02-07-029	434-334-082	DECOD	02-09-007
434-238-025	RECOD	02-09-007	434-261-070	AMD-P	02-03-134	434-334-085	DECOD	02-09-007
434-238-030	RECOD	02-09-007	434-261-070	AMD	02-07-029	434-334-090	DECOD	02-09-007
434-238-055	RECOD	02-09-007	434-261-075	NEW-P	02-03-134	434-334-095	DECOD	02-09-007
434-238-060	RECOD	02-09-007	434-261-075	NEW	02-07-029	434-334-100	DECOD	02-09-007
434-238-070	RECOD	02-09-007	434-261-085	NEW-P	02-03-134	434-334-105	DECOD	02-09-007
434-238-080	RECOD	02-09-007	434-261-085	NEW	02-07-029	434-334-110	DECOD	02-09-007
434-238-090	RECOD	02-09-007	434-262-020	AMD-P	02-03-133	434-334-120	DECOD	02-09-007
434-238-100	RECOD	02-09-007	434-262-020	AMD	02-07-028	434-334-125	DECOD	02-09-007
434-238-110	RECOD	02-09-007	434-262-150	AMD-P	02-03-134	434-334-127	DECOD	02-09-007
434-238-120	RECOD	02-09-007	434-262-150	AMD	02-07-029	434-334-130	DECOD	02-09-007
434-238-140	RECOD	02-09-007	434-332-010	REP-X	02-09-008	434-334-135	DECOD	02-09-007
434-238-160	RECOD	02-09-007	434-333-010	RECOD	02-09-007	434-334-140	DECOD	02-09-007
434-238-170	RECOD	02-09-007	434-333-015	RECOD	02-09-007	434-334-145	DECOD	02-09-007
434-238-180	RECOD	02-09-007	434-333-020	RECOD	02-09-007	434-334-150	DECOD	02-09-007
434-238-200	RECOD	02-09-007	434-333-025	RECOD	02-09-007	434-334-155	DECOD	02-09-007
434-240-010	AMD-P	02-03-133	434-333-030	RECOD	02-09-007	434-334-160	DECOD	02-09-007
434-240-010	AMD	02-07-028	434-333-035	RECOD	02-09-007	434-334-165	DECOD	02-09-007
434-240-020	AMD-P	02-03-133	434-333-040	RECOD	02-09-007	434-334-170	DECOD	02-09-007
434-240-020	AMD	02-07-028	434-333-045	RECOD	02-09-007	434-334-175	DECOD	02-09-007
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458- 12-090	REP-P	02-09-020	468-300-010	AMD-P	02-05-062	478-117-210	NEW-E	02-04-087
458- 12-135	REP-X	02-09-018	468-300-010	AMD	02-09-010	478-117-210	NEW	02-08-023
458- 12-140	AMD-P	02-09-019	468-300-020	AMD-P	02-05-062	478-117-220	NEW-P	02-03-085
458- 12-270	REP-P	02-09-020	468-300-020	AMD	02-09-010	478-117-220	NEW-E	02-04-087
458- 12-275	REP-P	02-09-020	468-300-040	AMD-P	02-05-062	478-117-220	NEW	02-08-023
458- 12-280	REP-P	02-09-020	468-300-040	AMD	02-09-010	478-117-230	NEW-P	02-03-085
458- 16-115	AMD-P	02-09-020	468-300-220	AMD-P	02-05-062	478-117-230	NEW-E	02-04-087
458- 16-560	PREP	02-07-077	468-300-220	AMD	02-09-010	478-117-230	NEW	02-08-023
458- 18-220	AMD	02-03-039	468-550	PREP	02-06-004	478-117-240	NEW-P	02-03-085
458- 19-005	PREP	02-10-110	468-550-030	AMD-P	02-10-020	478-117-240	NEW-E	02-04-087
458- 19-010	PREP	02-10-110	468-550-040	AMD-P	02-10-020	478-117-240	NEW	02-08-023
458- 19-015	PREP	02-10-110	468-550-050	AMD-P	02-10-020	478-117-250	NEW-P	02-03-085
458- 19-020	PREP	02-10-110	468-550-060	AMD-P	02-10-020	478-117-250	NEW-E	02-04-087
458- 19-025	PREP	02-10-110	468-550-070	AMD-P	02-10-020	478-117-250	NEW	02-08-023
458- 19-030	PREP	02-10-110	468-550-080	AMD-P	02-10-020	478-117-260	NEW-P	02-03-085
458- 19-035	PREP	02-10-110	478-108-010	AMD-P	02-03-085	478-117-260	NEW-E	02-04-087
458- 19-040	PREP	02-10-110	478-108-010	AMD-E	02-04-087	478-117-260	NEW	02-08-023
458- 19-045	PREP	02-10-110	478-108-010	AMD-E	02-06-042	478-117-270	NEW-P	02-03-085
458- 19-050	PREP	02-10-110	478-108-010	AMD	02-08-023	478-117-270	NEW-E	02-04-087
458- 19-055	PREP	02-10-110	478-108-010	AMD-P	02-08-066	478-117-270	NEW	02-08-023
458- 19-060	PREP	02-10-110	478-116-131	PREP	02-06-045	478-117-280	NEW-P	02-03-085
458- 19-065	PREP	02-10-110	478-116-131	AMD-P	02-10-080	478-117-280	NEW-E	02-04-087
458- 19-070	PREP	02-10-110	478-117-005	NEW-P	02-03-085	478-117-280	NEW	02-08-023
458- 19-075	PREP	02-10-110	478-117-005	NEW-E	02-04-087	478-117-300	NEW-P	02-03-085
458- 19-080	PREP	02-10-110	478-117-005	NEW	02-08-023	478-117-300	NEW-E	02-04-087
458- 19-085	PREP	02-10-110	478-117-010	NEW-P	02-03-085	478-117-300	NEW	02-08-023
458- 19-550	PREP	02-10-110	478-117-010	NEW-E	02-04-087	478-117-310	NEW-P	02-03-085
458- 20-151	PREP	02-04-054	478-117-010	NEW	02-08-023	478-117-310	NEW-E	02-04-087
458- 20-192	AMD-X	02-10-033	478-117-020	NEW-P	02-03-085	478-117-310	NEW	02-08-023
458- 20-208	PREP	02-09-068	478-117-020	NEW-E	02-04-087	478-117-320	NEW-P	02-03-085
458- 20-252	PREP	02-06-030	478-117-020	NEW	02-08-023	478-117-320	NEW-E	02-04-087
458- 20-260	AMD-W	02-02-088	478-117-030	NEW-P	02-03-085	478-117-320	NEW	02-08-023
458- 20-260	AMD-P	02-06-032	478-117-030	NEW-E	02-04-087	478-117-400	NEW-P	02-03-085
458- 20-265	PREP	02-06-030	478-117-030	NEW	02-08-023	478-117-400	NEW-E	02-04-087
458- 29A-400	PREP	02-08-067	478-117-040	NEW-P	02-03-085	478-117-400	NEW	02-08-023
458- 30-262	AMD	02-03-040	478-117-040	NEW-E	02-04-087	478-117-410	NEW-P	02-03-085
458- 30-590	AMD	02-03-041	478-117-040	NEW	02-08-023	478-117-410	NEW-E	02-04-087
458- 30-700	NEW	02-05-043	478-117-050	NEW-P	02-03-085	478-117-410	NEW	02-08-023
458- 40-610	PREP	02-08-068	478-117-050	NEW-E	02-04-087	478-118	PREP	02-04-037
458- 40-660	PREP	02-06-031	478-117-050	NEW	02-08-023	478-118-010	NEW-E	02-06-042
458- 40-660	AMD-P	02-10-136	478-117-060	NEW-P	02-03-085	478-118-010	NEW-P	02-08-066
458- 53-030	PREP	02-06-108	478-117-060	NEW-E	02-04-087	478-118-020	NEW-E	02-06-042
458- 53-030	AMD-P	02-10-032	478-117-060	NEW	02-08-023	478-118-020	NEW-P	02-08-066
458- 53-050	PREP	02-06-108	478-117-070	NEW-P	02-03-085	478-118-030	NEW-E	02-06-042
458- 53-050	AMD-P	02-10-032	478-117-070	NEW-E	02-04-087	478-118-030	NEW-P	02-08-066
458- 53-090	PREP	02-06-108	478-117-070	NEW	02-08-023	478-118-040	NEW-E	02-06-042
458- 53-090	REP-P	02-10-032	478-117-080	NEW-P	02-03-085	478-118-040	NEW-P	02-08-066
458- 53-140	PREP	02-06-108	478-117-080	NEW-E	02-04-087	478-118-050	NEW-E	02-06-042
458- 53-140	AMD-P	02-10-032	478-117-080	NEW	02-08-023	478-118-050	NEW-P	02-08-066
460- 12A-010	NEW-P	02-07-027	478-117-090	NEW-P	02-03-085	478-118-060	NEW-E	02-06-042
460- 12A-010	NEW	02-10-103	478-117-090	NEW-E	02-04-087	478-118-060	NEW-P	02-08-066
461- 08-320	AMD	02-06-008	478-117-090	NEW	02-08-023	478-118-070	NEW-E	02-06-042
461- 08-355	AMD	02-06-009	478-117-100	NEW-P	02-03-085	478-118-070	NEW-P	02-08-066
461- 08-500	AMD	02-06-010	478-117-100	NEW-E	02-04-087	478-118-080	NEW-E	02-06-042
461- 08-505	AMD	02-06-010	478-117-100	NEW	02-08-023	478-118-080	NEW-P	02-08-066
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